Coping or Hoping Mechanisms

Evaluating The Effectiveness of National Human Rights Institutions

Trym Nohr Fjørtoft

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Department of Political Science

Faculty of Social Sciences

University of Oslo

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Abstract

National human rights institutions (NHRIs) have proliferated over the last few decades. Today, they are regarded as part of a domestic infrastructure to facilitate the realization of human rights. Yet we know relatively little about whether NHRIs actually lead to the improvement of human rights. This thesis critically examines the NHRI phenomenon, by asking two questions: Do NHRIs improve states' respect for international human rights? And if yes, through which mechanisms?

Theoretically, I draw a distinction between optimist and skeptic views of human rights institutions. The skeptical expectation is that NHRIs are adopted as *window-dressing*. Here, NHRIs are institutions of cheap talk with no means of power to back their rhetoric, and are therefore unable to bring about change. Within the optimist view, I spell out two possible mechanisms. A *monitoring* NHRI may improve human rights conditions in a state by making it more costly for the state to violate human rights. An NHRI working through *socialization* is part of a global process of norm diffusion. Here, states change their behavior not because of cost-benefit analyses, but because they adopt new norms of appropriate behavior.

The empirical approach of this thesis consists of two parts. A time-series–cross-section statistical analysis maps global patterns of NHRI adoption, institutional characteristics, and human rights practices. A case study of the Norwegian NHRI from 1999 to 2015 picks up some central puzzles of the statistical analysis. Together, the analysis gives rise to three main conclusions.

First, no evidence suggests that NHRIs have a global average positive impact on human rights practices. Second, where there nevertheless is a positive association between NHRI adoption and human rights, the patterns tentatively match the mechanism of socialization. Third, this effect seems to be strongest where a state has an A-accredited institution. The case of Norway shows how window-dressing can be a dominant mechanism, but where the concern with the NHRI's accreditation entered into a social dynamic of naming, shaming, and reputation—which ultimately led to to the creation of a new and independent NHRI in 2015.

In summary, there is no place for unrestrained optimism towards the effectiveness of NHRIs. Adoption or accreditation of an NHRI may not lead to much alone. But this is not a call for cynical skepticism. On the contrary, it is a call for a careful, focused attention to what it actually takes to make NHRIs succeed in diverse contexts around the world.

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Abbreviations

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
GANHRI	Global Alliance of National Human Rights Institutions (formerly ICC)
HRC	UN Human Rights Council
ICC	International Coordinating Committee for NHRIs (now GANHRI)
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
NCHR	Norwegian Centre for Human Rights
NHRI	National Human Rights Institution
NPM	National Preventive mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
SCA	Sub-committee on Accreditation (part of GANHRI)
UN	United Nations

Chapter 1

Introduction

The notion of rights, which was launched into the world in 1789, has proved unable, because of its intrinsic inadequacy, to fulfill the role assigned to it.

—Simone Weil, *Human Personality*

Have human rights failed? Simone Weil wrote her essay against the notion of rights already in 1943, before the United Nations and its international human rights treaties even existed. Since the end of the Second World War, international human rights have gained an ever increasing significance, but skepticism was evident already from the start. Human rights amount to nothing when faced with conflicting interests of powerful states, goes one argument. Human rights are no more than western values disguised as universal, goes another. They are the latest iteration of colonialism. They look good on paper, but do not work in practice.

Yet global human rights is a legal system, a discourse, and a normative framework impossible to overlook. It carries political and legal force—human rights are ubiquitous in foreign policy papers, foundational documents, development policies and trade agreements all over the world. Human rights have given the individual a means of power against the state. Against absolute sovereignty, the violation of human rights justifies states' intervention in other states' affairs, through words, money, or force, on no other basis than our common humanity.

With the rise of international human rights commitments and norms, we have witnessed in recent decades the diffusion of so-called National Human Rights Institutions (NHRIs). They can take various forms, but are commonly understood as some form of government-sponsored but independent institutions with a specific human rights mandate (Koo and Ramirez 2009, 1324). These institutions are today considered to be part of a domestic infrastructure that can facilitate the realization of human rights. Nevertheless, we know relatively

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little about whether NHRIs actually lead to the improvement of human rights. This leads me to ask:

1. Do NHRIs improve states' respect for international human rights?
2. If yes, through which mechanisms?

The tension between skepticism and optimism permeates contemporary debates about human rights. The core question in this literature is: Do human rights institutions make a difference? Seen from the realist position, there is no reason to expect that a set of international treaties or other institutions with no means of power to back them up should influence states' behavior (see Mearsheimer 1994). Yet other theoretical views are less pessimistic.

Simmons (2009) shows that whether a treaty has an effect in a given country is determined by domestic traits of the country itself, not traits of the international system. She is representative of a movement to bring the domestic back into human rights research. In addition to Simmons' social mobilization, other domestic factors suggested by researchers are for instance judicial effectiveness (Powell and Staton 2009), information of domestic courts (Lupu 2013a), and the strength of civil society (Neumayer 2005). It is natural, therefore, to extend this reasoning to National Human Rights Institutions (NHRIs). Seen from the perspective of treaty ratification, NHRIs are yet another candidate for the role of "domestic factors" worth investigating.

The literature on NHRIs so far has to a large extent been concerned with the emergence and proliferation of these institutions, and only recently turned to their impact or effectiveness. Linda Reif (2000) provides an early analysis of the NHRI phenomenon. She presents a typology of NHRIs as well as a range of case studies of NHRIs around the world, arguing that NHRIs "have roles to play both in democratizing states and established democracies" (68). Koo and Ramirez (2009) analyze the global diffusion of NHRIs in an analysis of why a state adopts an NHRI, finding support for both neorealist and "world polity" perspectives. Kim (2013) grapples with the same question, and finds that a country's population of international NGOs have a significant impact on NHRI adoption. Cardenas (2014) presents a thorough global study of NHRIs, tackling questions of both the diffusion, institutional design, and impact of National Human Rights Institutions. Goodman and Pegram (2012b) contribute theoretical groundwork as well as empirical case studies from various parts of the world. In these recent studies, the task of *evaluating* NHRIs has come increasingly to the fore. Still, beyond the contributions mentioned here relatively little research has been done on NHRIs, especially from a political science perspective.

In particular, few attempts have been made at analyzing the effectiveness of NHRIs through large-N statistical analysis. To my knowledge only two such contributions exist. One is a recent article by Welch (2015), which analyzes whether adopting an NHRI makes

a state's ratification of the Convention against torture (CAT) more constraining.[1] Another
is a study by Cole and Ramirez (2013), which finds that NHRI adoption is associated with
better government respect for physical integrity rights, but not civil liberties.

This thesis adds to this recent literature. Theoretically, I attempt to mediate between
the rationalist theoretical foundations of Welch (2015) and the sociological "world polity"
approach of Cole and Ramirez (2013). Empirically, I broaden the scope of these analyses by
focusing on new categories of human rights. I furthermore give a theoretical and empirical
account of how international NHRI *accreditation* matters to the institutions' effectiveness.
This is a question both under-theorized and under-studied in the existing literature. Finally,
I provide a principled defense and demonstration of the value of mixed methods in human
rights research.

The empirical core of this thesis is a time-series–cross-section multivariate analysis,
which examines global patterns of the effect of NHRI adoption, accreditation and institu-
tional characteristics on three different rights areas: Physical integrity rights, civil liberties
and women's rights. The statistical analysis is complemented by a case study of the NHRI
in Norway, allowing me to explore two tentative findings of the statistical analysis in
more depth. The Norwegian institutional landscape is already saturated with other liberal
democratic institutions such as ombudsmen and NGOs. In addition, Norway had a solid
record of human rights compliance before it adopted an NHRI. Why did it nonetheless
adopt an NHRI, and what difference, if any, has it made?

Theoretically, this thesis is structured around three main mechanisms. NHRIs can po-
tentially have an effect through *monitoring* and *socialization*. However, I first consider the
possibility that NHRIs are set up as *window-dressing*: that they do not make any difference
towards states' respect for human rights. To a realist, the impotence of national human rights
institutions would be entirely unsurprising. These are weak institutions of cheap moral talk,
with limited or no means of power or influence. The monitoring and socialization mecha-
nisms depart from this view in various ways.

The *monitoring* mechanism shares the rationalist-realist assumption that a state's cost-
benefit calculations is a central explanatory factor. But it disagrees with the view that an
NHRI is unable to impose *costs* on state agents. An NHRI can for instance make human
rights violations costly by providing information about violations that the executive would
otherwise have kept hidden, or through individual complaints procedures.

The *socialization* mechanism departs from both previous accounts in that it does not
assume states' cost-benefit calculations to be the most important explanatory factor. Here,
NHRIs are rather seen as actors (and structures, see Cardenas 2014) in a global process

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[1] Welch finds a statistically significant effect of the interaction between NHRI adoption and CAT ratification,
suggesting that CAT ratifiers tend to torture less often when they have adopted an NHRI.

of norm diffusion. Socialization is the "mechanism through which new states are induced to change their behavior by adopting those norms preferred by an international society of states" (Finnemore and Sikkink 1998, 902n62). National human rights institutions might for instance function as a "receptor site" for the transmission of norms, or a "knowledge broker" translating the global human rights discourse into a local vernacular (Goodman and Pegram 2012b; Merry 2006; Szulecki 2011).

In brief, nothing in the following analysis suggests that the adoption of a national human rights institution on average leads to great improvements in respect for human rights. The findings are in general statistically null or substantially weak. Taken together, the findings give a reasonable amount of support to the window-dressing hypothesis. Moreover, the case study shows that even in a liberal, human rights-respecting state like Norway, window-dressing is a dominant mechanism.

Yet the lack of overall global effects does not imply that NHRIs are ineffective everywhere and always. There is a global difference between women's rights and other rights areas that might tentatively suggest that the socialization mechanism is relevant—while the analysis finds little support for the hypothesis that NHRIs work primarily as a monitoring agent. The analysis suggests that accreditation makes a difference towards women's rights, and women's rights only: here, countries with A-accredited institutions have slightly higher human rights scores than countries with B-, C-, unaccredited or no NHRIs. The case study goes one step further and explores how the dynamics of socialization might work in a state like Norway, even against the backdrop of window-dressing. Particularly, it shows how the social dynamics of embarrassment, "keeping one's house in order," and international reputation made accreditation a powerful device in Norway. In turn, this led to a more proactive institution, and ultimately to the creation of a new, independent NHRI. In Norway talking led to walking—if only baby steps.

In summary, I argue that there is no reason for unrestrained optimism towards the positive contribution of NHRIs. The simple adoption of an NHRI may not lead to much—what we need is rather a focused attention to what makes an NHRI work effectively in diverse contexts around the world. Accreditation is furthermore no guarantee of effectiveness. Rather, accreditation may *lead to* an institution's effectiveness when it is employed in a dynamic of reputation, naming, and shaming.

1.1   The way forward

Chapter two presents the phenomenon of national human rights institutions in more detail. It also introduces the different rights areas that will be central to my theoretical and empirical argument: Physical integrity-, civil liberty- and women's rights. I argue that the different

rights areas face differents degrees of cultural contestation. This has implications for the hypothesized role of NHRIs towards each rights area. Chapter three builds on the elements introduced in the preceding chapter and introduces the theoretical framework through an elaboration of the mechanisms presented above. Chapter four introduces this thesis' empirical approach and data. In chapter five I present the findings of the multivariate analysis, and in chapter six I approach the research question through a case study of the Norwegian NHRI. Chapter seven concludes.

Chapter 2

Background

This background chapter deals first with the question of how to define national human rights institutions. Next, I devote some attention to the most important foundational document for modern NHRIs—the Paris Principles—and the international system of NHRI accreditation. I then give an account of the global diffusion of NHRIs and present some global descriptive patterns. Finally, I link the discussion of the development of this novel institution to the issue at stake: Human rights. I introduce the three human rights areas of interest for this thesis: *physical integrity rights*, *civil liberties*, and *women's rights*.

2.1   What is an NHRI?

A national human rights institution is a specific type of institution; the term does not refer to just any human rights institution on the national level. While there has been some scholarly debate around the exact definition of the institution (see Reif 2012), Cardenas' (2014, 7) definition may serve as a useful starting point. She defines an NHRI as "an administrative body responsible for protecting and promoting human rights domestically". This definition highlights an NHRI's unique position as a permanent state entity with an explicit mandate to *promote and protect* human rights. This makes an NHRI a somewhat unique type of institution. It is at the same time government-sponsored and formally independent.

More specifically, this thesis is concerned with institutions that have applied for and/or been given an accreditation grade by the GANHRI's Subcommittee on Accreditation (SCA).[2] This is the *de facto* global standard for assessing NHRIs today.[3] Some would argue that the

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[2]GANHRI: The *Global Alliance of National Human Rights Institutions*, formerly called the International Coordinating Committee for NHRIs (ICC).

[3]I do not argue that institutions only become NHRIs the moment they are accredited. Institutions that are part of the global accreditation system are defined as NHRIs from the year they were established. Differences between accredited and unaccredited institutions (over time and across countries) is rather subject to empirical analysis.

category of NHRIs should not be limited to GANHRI accredited institutions (e.g., Mertus 2012). Yet this delimitation provides a transparent and precise definitional boundary, based on the most important foundational text for modern NHRIs: the so-called "Paris Principles". Before I move on to describe the global diffusion of NHRIs, it is therefore necessary to devote some attention to the Paris principles and the corresponding accreditation procedure.

2.2 The Paris Principles and accreditation

The Paris Principles is the single most important international document for NHRIs. In 1991, the *United Nations International Workshop on National institutions for the Promotion and Protection of Human Rights* drafted and formalized these guiding principles. The workshop participants were NHRI representatives, representatives of governments, UN agencies, NGOs and regional human rights mechanisms. Subsequently, the principles were endorsed by the UN General Assembly in 1993. It is unusual that the UN endorses standards that are not drafted through the UN's own processes (Sidoti 2012, 96). Yet the fact that the principles were drafted by NHRIs themselves gives them legitimacy and relevance in the NHRI community (De Beco and Murray 2015, 3). The Paris principles codify standards for the status, powers, and functioning of NHRIs (Mertus 2012, 76), along four dimensions: "Competence and Responsibilities", "Composition and guarantees of independence and pluralism", "Methods and operation", and "Additional principles regarding the status of commissions with quasi-jurisdictional competence."[4]

The Principles first state that an NHRI should be vested with the competence to promote and protect human rights. It should be given as broad a mandate as possible, set forth in a legislative or constitutional text. The principles also specify a range of responsibilities an NHRI shall have—from drafting reports and ensuring legal harmonization to assisting in human rights education and increasing public awareness of human rights. The next section sets forth criteria of independence and pluralism. In terms of independence, the most important provisions are adequate funding and a stable mandate. The members should be elected by an official act which establishes the specific duration of the mandate. To ensure pluralism, the Principles require the cooperation with—or presence of—representatives of NGOs, "trends in philosophical or religious thought", qualified experts, parliament, and government. Then follows a list specifying the functioning of the NHRI, and lastly the optional principles regarding quasi-judicial competence—that is, hearing individual complaints. Importantly, the Paris principles do not provide a *definition* of NHRIs, nor do they provide a standard model for the design of such institutions. States have considerable leeway to

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[4]Note that the naming of this final section is mistaken—the correct term should be "quasi-judicial competence". Sidoti (2012, 96) points out that "Quasi-jurisdictional competence" is a meaningless term.

choose the institutional design that is best suited to their particular needs or characteristics. This means that NHRIs can (and do) vary significantly in design, role, and operation across different states (De Beco and Murray 2015, 5–6).

In the decade after the Paris principles were adopted, a procedure of accreditation in accordance with the principles emerged. The International Coordinating Committee of NHRIs (ICC; as of 2016 called GANHRI) established a Sub-Committee on Accreditation (SCA) in 2002—while the ICC itself had already started to accredit NHRIs a few years earlier (De Beco and Murray 2015, 12–13). An institution is granted A-status if it is deemed to be in full compliance with the Paris Principles. NHRIs in partial compliance are given B-status, while those that fail to comply receive C-status. The most important formal advantage of an A-status is that only A-accredited institutions can be voting members of the GANHRI. A-status institutions can also participate in sessions of the Human Rights Council (HRC). B-status institutions are granted observer status in the GANHRI, while C-status institutions have no privileges. (see De Beco and Murray 2015, 13–14). Table 2.1 summarizes the accreditation levels.

Table 2.1: GANHRI accreditation levels (adapted from Conrad et al. 2013)

Level	Definition	GANHRI Privileges
A	Fully compliant with Paris Principles	Full voting members. Can also participate in HRC sessions.
A(R)[5]	Accreditation Reserve (insufficient documentation)	—
B	Not fully compliant or insufficient information	Observer status
C	Non-compliant with Paris Principles	No privileges. May be invited to participate as observers.

In summary: NHRIs are their own gatekeepers. The institutions have themselves shaped their criteria for evaluation and international credibility, and are themselves in control of the "peer-review" process of accreditation. Yet this is a structure that only emerged during the 1990s. The next section will discuss the historical and geographical developments before and after the emergence of the Paris principles.

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[5]The A(R) category is no longer in use by the GANHRI.

2.3   The global diffusion of NHRIs

The roots of modern NHRIs can be traced back to the Scandinavian Ombudsman institutions, which first emerged in Sweden in the nineteenth century. They are usually centered around a single individual—the Ombudsman (Reif 2000, 8–9). The classical Ombudsman is an archetypal institution of *horizontal accountability* established to prevent government misconduct by allowing individual citizens to register complaints (see Schedler, Diamond, and Plattner 1999, 3). Institutions such as the classical ombudsmen were tasked with this self-restraining function—and so were, later, NHRIs.

Classical ombudsmen are not explicitly or uniquely concerned with human rights—rather, they deal with "administrative grievances of any nature" (Cardenas 2014, 20). Yet these institutions have served as models for NHRIs. The most prominent similarity is that both are state institutions situated between different branches of the state, and between state and civil society. Furthermore, the classical ombudsman is a complaints-handling body. As we will see, so are most NHRIs. Some classical ombudsmen developed a stronger human rights focus over time, and specialized Human Rights Ombudsmen have developed in a number of countries from the 1990s onwards (see Koo and Ramirez 2009). This is one main form of NHRI. The other main form of NHRI that has developed in the past 20 or 30 years is the Human Rights Commission. These institutions are also explicitly mandated with the promotion and protection of human rights, but as the name implies, they are not centered around one single person. Furthermore, while all human rights ombudsmen handle individual complaints, this is not a necessary feature of human rights commissions.

This means that classical ombudsmen without an explicit human rights mandate, while sharing many features of NHRIs, are left out of my working definition of NHRIs. This approach departs from the studies of Koo and Ramirez (2009) and Cole and Ramirez (2013), that both include classical ombudsmen as part of their analyses. Human rights abuse by a state is definitely a case of maladministration that gives rise to "administrative grievances"—the domain of classical ombudsmen. But some human rights abuses are not results of maladministration, and not all cases of maladministration are human rights abuses. That is, there is only a partial overlap between the mandates of the two types of institutions. They should therefore be treated as separate categories. However, in the cases where classical ombudsmen have been accredited by the SCA, they are included in my analysis.

A recent data collection project provides institutional data on the national human rights institutions as they are defined above (Conrad et al. 2013). The dataset is the core of this thesis' quantitative analysis, giving us data not only on the presence and establishment of NHRIs, but also on *de jure* institutional characteristics of the institutions. Figure 2.1 shows the global pattern of countries with NHRIs as of 2011, where darker colors indicate older

institutions.

Decade established

■ < 1970s ■ 1970s ■ 1980s ■ 1990s ■ 2000s ■ 2010s
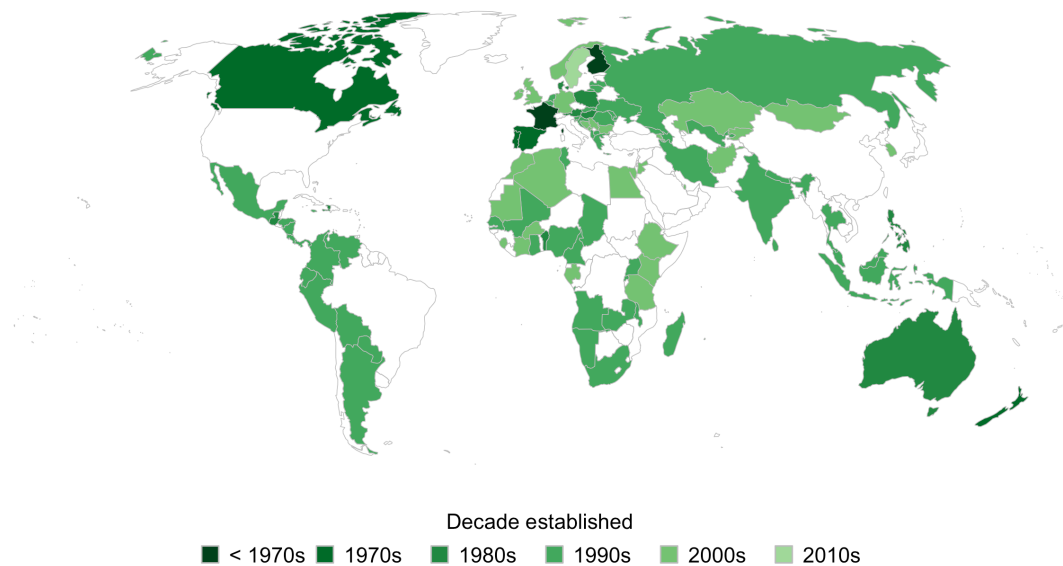
Figure 2.1: NHRIs established per 2011, colored by decade of establishment

We see that NHRIs today are present in all regions of the world. Nonetheless, some large and influential states are still without an NHRI: for instance USA, China, Japan, and Brazil. The Finnish institution is an illustrative example of the interplay between classical ombudsmen and modern NRHIs. It is by far the oldest institution in this dataset. It was established as a parliamentary ombudsman in 1919, long before the concept of "NHRI" existed. In 2012, a human rights center under the auspices of the ombudsman was established by a legislative act. This joint structure, consisting of the new center, the ombudsman, and a so-called Human Rights Delegation, together form Finland's national human rights institution. This joint institution was accredited with A-status in 2014 (Finnish Human Rights Centre 2016). The Finnish case is thus an example of an old classical ombudsman institution which has evolved into a modern NHRI over time—along with a significant institutional restructuring. As evident in the map, however, most institutions are much newer. Figure 2.2 shows the development of the two main types of NHRIs over time. Since around 2000, human rights commissions have become the more widespread type of institution. Meanwhile, the ombudsperson model is still popular—and recall that the classical ombudsman institutions without accreditation or an explicit human rights mandate are left out of this dataset.

As Cardenas (2014) has observed, the global rise of NHRIs over time follows a typical S-curve. Some early trendsetters emerged before and during the 1980s, followed by a rapid increase in the number of institutions during the 1990s and early 2000s. In recent years,
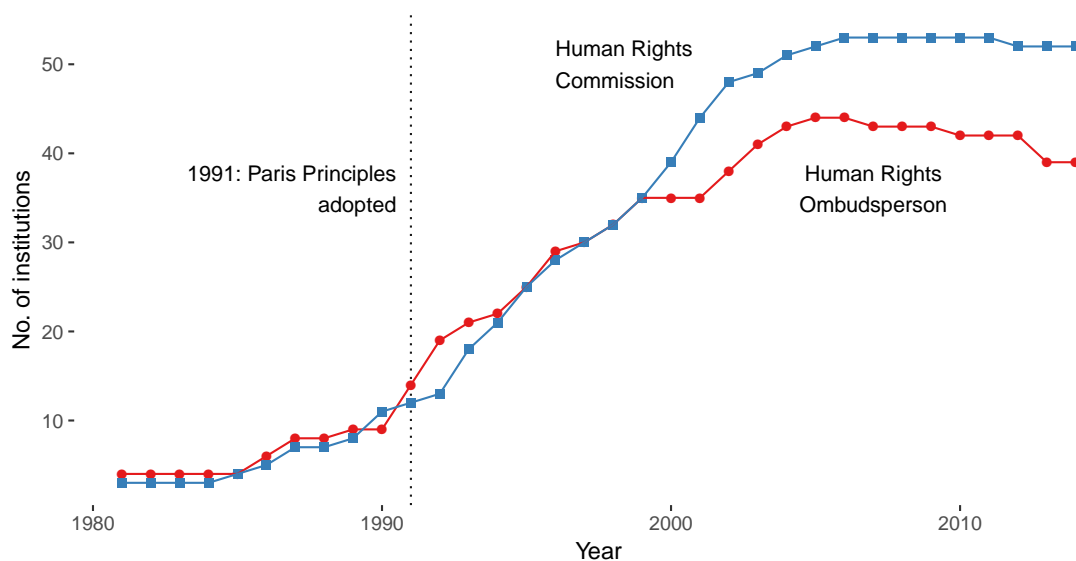
Figure 2.2: The two main NHRI types: Human Rights Ombudspersons and -Commissions

the global proliferation of institutions has leveled off. The top panel in figure 2.3 shows the rise in the number of NHRIs, broken down by accreditation status. As mentioned above, the Sub-committee on Accreditation (SCA) was formally established in 2002. The surge in accreditations, however, began already in 1999.

As evident in the middle panel, almost all NHRIs have some form of individual complaints procedure. The main exception is institutions modeled after the Danish "institute" model—found in Norway, Germany, and Denmark. These institutions are research centers, often more oriented towards human rights in *other* countries than its own (Cardenas 2014, 94). France and Greece's commissions are the only other institutions lacking a complaints-handling procedure (both are human rights commissions). Taking this into account, it might seem surprising that the provisions about complaints-handling in the Paris principles are only optional. But this may serve to show the Paris principles' historical contingency. They were drafted in Paris by a small group of NHRIs—including the French host NHRI. The French NHRI was reluctant to support a set of criteria that it itself would fail to meet. A reasonable compromise was to make individual complaints optional (Goodman and Pegram 2012a, 7; Carver 2016, 142).

The bottom panel shows yearly counts of NHRIs grouped by legal foundation. Even if the Paris principles specify that an institution's mandate "shall be clearly set forth in a constitutional or legislative text" (*Competence and Responsibilities*, art. 2), we see that foundation by executive decree is still fairly widespread. Afghanistan in 2001 and 2002 is the only country that has seen an NHRI founded by an international treaty.[6] The B- and C-accredited

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[6]Established as part of the Bonn agreement (art. C(6)) See: Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions, 5 December 2001,
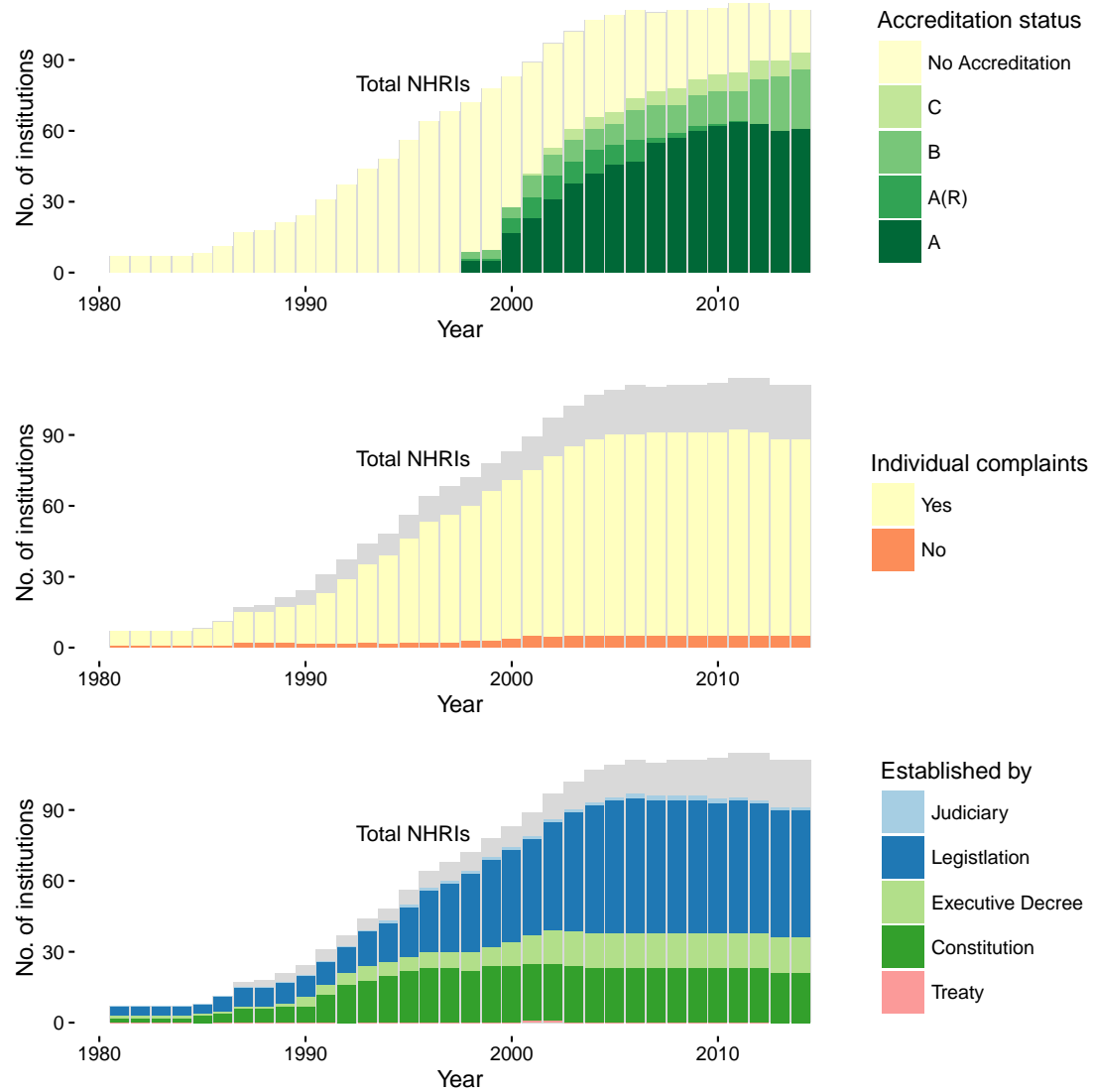
Figure 2.3: Global developments of NHRIs over time

institutions of Mauritania and Iran, respectively, are the only ones established by the judiciary. Mauritania's institution changed its legal foundation to a law in 2011, and received A-status the same year.

In summary: NHRIs are a diverse bunch. The Paris principles give individual countries a great deal of discretion regarding how to design their particular institution. Even so, NHRIs in one form or another have emerged in every corner of the world since the 1990s. The core mandate of all NHRIs is the protection and promotion of human rights. How does the present thesis deal with this complex term?

2.4 Human rights

The notion of individual rights was set out in foundational declarations such as the US *Declaration of Independence* (1776) and the French *Declaration of the Rights of Man and Citizen* (1789). The United Nations' *Universal Declaration of Human Rights* (UDHR, 1948) introduced the concept of *human* rights, and marks the start of the modern human rights paradigm. The UDHR is not legally binding, but during the last fifty years, the field of human rights has both broadened in scope and deepened in commitment. States across the globe have developed and joined legally binding treaties in great numbers. The 1960s gave us a general distinction between civil and political rights on the one hand, and economic, social and cultural rights on the other, with the twin Covenants ICCPR (International Covenant on Civil and Political Rights) and ICESCR (International Covenant on Economic, Social and Cultural Rights). In the same decade, the elimination of racial discrimination was codified in its own treaty (the International Convention on the Elimination of All Forms of Racial Discrimination, ICERD). The Convention on the Elimination of All Forms of Discrimination against Women was codified in 1979 (CEDAW), while both the Convention Against Torture (CAT) and the Convention on the Rights of the Child (CRC) opened for signature in the eighties. In 1990, the rights of migrant workers received a separate treaty (ICMW), while the latest additions to the pantheon of international core treaties came in 2006 with the Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the Convention on the Rights of Persons with Disabilities (CRPD; see Office of the High Commisioner of Human Rights 2016 for an overview of the core treaties).

In principle, "all human rights are universal, indivisible, interdependent and interrelated."[7] However, while one may in principle be interested in the *general* condition of human

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S/2001/1154, http://peacemaker.un.org/afghanistan-bonnagreement2001.

[7] *Vienna Declaration and Programme of Action*, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993. http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx (A note on citations: Legal and public documents, as well as newspaper articles, will be cited in footnotes throughout the thesis. These will not be listed in the bibliography.)

rights in a country, this is hard to examine in practice. The core treaties give rise to different categories of rights, and a feasible research strategy needs to limit its attention to selected categories. I restrict my attention to two treaties covering three rights areas. The treaties are the Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). They give rise to three distinct rights areas: *physical integrity rights*, *civil liberties*, and *women's rights*.

2.4.1   Civil and political rights

The Covenant on Civil and Political Rights (ICCPR) is perceived as among the most fundamental of the core human rights treaties; civil and political rights are often labeled as "first-generation" human rights. This category concerns rights of the individual against the state, that is, "negative rights" that require the government to abstain from violating citizens' rights as opposed to actively promoting or protecting them (Simmons 2009, 162).

The provisions of the ICCPR can coarsely be divided into two categories: Physical integrity rights and what I choose to call civil liberties (see Davenport 2007 for a similar categorization). The former category regards the bodily integrity of persons, while the latter regards the person's rights to participation, movement, political assembly—a person's rights as a citizen in society. While they are part of the same covenant, the categories are different enough to justify separate treatment.

Physical integrity

Physical integrity rights refer to the inviolability of the physical body—the right to one's own person and to be free from arbitrary physical harm. They are closely linked to the fundamental ideas about personal autonomy and dignity. Thus it is the area where the assumed universality of human rights seems least problematic. It is difficult to imagine a culture where torture, killing, political imprisonment, and kidnapping is seen as anything other than an a grave violation of a person's dignity and rights. We know that these rights are rather often violated, but it is rarely because the violations are seen to be *right*. Actors may accept the inviolable nature of such rights in principle, while violating them in practice. They may justify such violations through appeal to a higher-order principle, for instance a utilitarian calculation. There is however no *legal* justification for violations of these rights according to international human rights conventions, given the non-derogable status of these provisions. We sometimes see actors trying to "get away with" violations by defining acts as outside the definition of violation, as was the case with George W. Bush's insistence that waterboarding did not count as torture. Rarely, however, do we see anyone argue that acts such as torture are intrinsically unproblematic.

It is also the category of human rights that has received by far the most attention from researchers (Cingranelli and Richards 1999, 407). Taken together, these factors suggest that physical integrity rights are a reasonable starting point for this analysis. But it is not the end point. The field of quantitative human rights research has in the recent two decades opened up to a wider landscape of rights, in part as a result of a fruitful data collection effort. We now have measures of theoretically interesting categories of rights beyond the physical integrity baseline.

Civil liberties

As stated above, the second main category of civil and political rights is what I label *civil liberties*.[8] Civil liberties consists of the largely negative rights of a person against arbitrary interference from the state. It includes classical liberal rights such as freedom of speech, foreign and domestic movement, freedom of religion, and freedom of assembly. The reason I include civil liberties in this analysis is twofold. First, physical integrity rights are a relatively narrow subset of the rights embodied in the ICCPR. The wider picture should include civil liberties. Second, there might be interesting differences between physical integrity rights and civil liberties in terms of theoretical expectations. This has to do with the cultural and political standing of the different rights.

Cole and Ramirez (2013) agree that physical integrity rights are widely seen as fundamental and uncontested: "few countries regard torture and other physical integrity violations as justifiable on cultural or religious grounds" (2013, 7). Civil liberties are on the other hand often resisted on cultural grounds, often criticized for being "Western" in character. The debate in the 1990s around "Asian values" might serve as an example. The central claim was that Asian cultures valued order, stability, discipline—not political freedom. Thus the attitude towards democracy and civil liberties in general should inevitably be more skeptical in these countries, or so goes the argument (see Sen 1999). The "Asian values" thesis was most often put forward by leaders and elites in the Asian countries—such as Lee Kuan Yew, the former president of Singapore (Sen 1999, 6). Cole and Ramirez (2013) show that such tensions were also present in the 1993 World Conference on Human Rights. In the preparatory meetings, many Asian and African governments sought to exclude civil liberties from *human rights*, arguing that liberty and democracy were simply Western values—the non-Western values being community, order, deference to authority (2013, 7).

While scholars such as Sen have forcefully rebutted the normative foundations of such a claim, there is at least a practical element to it that is more difficult to refute. There was a *political* will to define civil liberties out of the definition of inviolable human rights. This

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[8]Some researchers simply use the term "civil and political rights" for this category. I reserve that term for the more overarching category, that also includes physical integrity rights.

might have practical and theoretical implications. I would nonetheless argue the contestation of this category of rights is quite shallow. It is closer to an elite "domination technique" than deep cultural differences. Sen (1999) argues that there is in fact no monolithic support for "Asian values" in Asian culture. With reference to among others the third century B.C. emperor Ashoka, Confucius, and Islamic emperors, he shows how tolerance and skepticism towards authority has always been an important part of Asian traditions. And conversely, that the authoritarian streaks in Western culture are plentiful. In this reading, Asian Values were claimed and strategically employed by elites, while not really managing "to dent democracy's claim to be a universal value" (Sen 1999, 16). Sen is concerned with democracy, but the point is valid also for civil liberties. In the words of Jack Donnelly:

> And once we realize that Asian values need not be sacrificed in the name of human rights, many of the arguments (…) appear in their true light, namely, as efforts by rapacious ruling elites to manipulate public fear and understandable resentment against an often arrogant and overbearing West in order to shore up their predatory rule and to deflect attention from their own responsibility for the sufferings of their own citizens. (2003, 122–3)

2.4.2   Women's rights

The third category of rights I examine is women's rights. As previously mentioned, the protection of women's rights is encoded in the CEDAW of 1979. If physical integrity rights are regarded as the most fundamental category of rights, women's rights are at the other end of the spectrum. We know that there are cultures and political systems where women are systematically discriminated, both in law and in practice. And in contrast to physical integrity rights, much of this discrimination is rooted in a genuine belief that the discrimination is natural or in some sense *right*.

This means that women's rights are culturally contested in a way that physical integrity rights and civil liberties are not. This is even embedded in the CEDAW itself, which requires states to take measures

> (…) to modify the *social and cultural patterns of conduct* of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes. (CEDAW art. 5(a), my emphasis)

In *The Idea of Human Rights*, Charles Beitz (2011, 187) supports the claim that women's rights as encoded in the CEDAW are more culturally contested than the rights areas I have

discussed earlier: "what is most striking about the expression of women's rights in contemporary human rights doctrine is the radicalism of its aspirations considered in relation to social norms as these actually existed and continue to exist in much of the world." He continues, "To take [the human rights of women] seriously (…) is to contemplate not only large-scale changes in policy and social practice but also in prevailing social norms in some of the world's societies" (190). The radical nature of the CEDAW has implications for how to think theoretically about these rights.

Furthermore, the women's rights movement has historically only partially been framed in terms of human rights. This is in contrast with physical integrity rights, which has traditionally had status as *the* human rights issue. At the Beijing World Conference on Women in 1995, the then first lady of the US, Hillary Clinton, asserted: "Women's rights are human rights and human rights are women's rights, once and for all" (Nussbaum 2016, 602). That is: Just over twenty years ago, there was a need to assert both that women's rights are in fact a human rights issue, and that human rights apply to all humans—not just men.

Beyond the normative importance, what does the analysis of women's rights contribute to this thesis? Partly, one could always aspire to cover more ground in terms of human rights areas. But furthermore, the cultural contestation argument leads to theoretical expectations that differ in an interesting way from the case of both physical integrity rights and civil liberties. As Martha Nussbaum contends, "in the larger struggle for women's equality, movements and interest groups play a huge role, international law a small one. But international law plays a reasonably substantial role in the formation of movements and interest groups (…)" (2016, 622). This quote hints not only at the complexity of the issue—just how hard it is to establish any one-way causality in this field—but also at what kinds of mechanisms and dynamics this dependent variable allows us to examine.

Beitz underscores that cultural and normative change is necessary for the CEDAW to succeed, while Nussbaum points to the importance of social mobilization. As we will see, NHRIs may well be part of this dynamic. This is a central issue in the following theory chapter.

Chapter 3

Theoretical Framework

> Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner.
>
> UN Secretary-General (2005, 5)

Among researchers and practitioners alike, national human rights institutions are routinely said to constitute a "bridge" between international treaty obligations and domestic practice. There has been considerable optimism towards the role of NHRIs as a solution to the so-called compliance gap—the discrepancy between a state's international obligations and their domestic implementation (Carver 2010). The above quote by the UN Secretary-General is an example of this view. Carver (2010) claims that within the UN system, the bridging role of NHRIs "has been so axiomatic and self-evident that the Office of the High Commissioner for Human Rights has invested a large portion of its resources in the creation and sustenance of NHRIs (…)." (2010, 2). But should we really treat the effectiveness of NHRIs as a self-evident axiom? Do NHRIs really have an effect on human rights, and if so, why? To answer these questions, I first look at what previous research has to say about the effect of human rights institutions generally. Then I introduce NHRIs into this framework. I set out theoretical expectations towards (1) *if* NHRIs matter, and if yes, (2) *why* they matter.

Along with the rise of an international human rights regime, a significant research agenda has developed. Human rights research is no longer the exclusive domain of philosophers and lawyers—political science, sociology, anthropology and related fields have all made important contributions to our understanding of human rights. Taken together, this movement constitutes an *empirical turn* in human rights scholarship (Shaffer and Ginsburg 2012). One of the core questions in empirical human rights research is: Do human rights institutions "work"?[9] That is, does the establishment and adoption of human

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[9]But see Reus-Smit (2013), who delivers a thought-provoking demonstration of how to go deeper than this

rights institutions lead to better human rights conditions in a state? I understand human rights institutions here broadly, as treaties, treaty bodies, human rights courts and similar institutions—and central to this thesis, national human rights institutions.

Thus the debate between skeptics and optimists is no longer a purely conceptual or theoretical debate—it is now a debate *with data*, and empirical scholarship has produced findings to support both the optimist and skeptic views of human rights.[10] Before I spell out the optimist and skeptic arguments in more detail, some meta-theoretical clarifications are in order. This thesis' theoretical proposals come in form of mechanisms. But what kind of theoretical proposal is a mechanism?

3.1   About causal mechanisms

In an illustration of explanation by mechanisms, Jon Elster writes about the children of alcoholics: "We cannot tell ahead of time what will become of the child of an alcoholic, but if he or she turns out either a teetotaler or an alcoholic, we may suspect we know why" (Elster 1998, 45). Doing what your parents do and doing the opposite of what they do are both cognitive mechanisms; both the teetotaler and the alcoholic's alcohol consumption (the outcome) is in this example *caused* by their upbringing (the "input"). That is, mechanisms allow us to explain after the fact, but not predict. One does not have to subscribe to Elster's entire scientific program to agree that this particular point has much to it. Core to this argument is the notion of "causal mechanisms". Bennett and Checkel (2014, 12) define mechanisms as "ultimately unobservable physical, social or psychological processes through which agents with causal capacities operate, but only in specific contexts or conditions."

Mechanisms are, according to this view, ontological entities and processes in the world, about which we make theories in our heads. Accepting explanation by mechanisms implies a departure from Humean empiricism, away from the notion that the only legitimate inferences are about what we can directly observe: You can only observe correlation—"constant conjunction"—not causality itself. A mechanismic explanation framework agrees that causal mechanisms are unobservable, but accepts that these ultimately unobservable processes are

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research agenda:

> Scholarship to date has focused on the regulatory and constitutive effects of international human rights norms; on their cascading proliferation over time, and on their impact on national human rights practices (…). Nothing in this book questions the importance or veracity of this research. What it does, however, is point to a deeper, structural effect of rights politics; to the impact of struggles for individual rights on the globalization of the system of sovereign states. (Reus-Smit 2013, 193)

[10]The attention of this thesis is constrained to questions of the impact of human rights institutions. I have to set aside important and interesting debates on the normative foundations or legitimacy of human rights themselves.

legitimate explanatory entities (see Wendt 1999, 79).

For the purposes of this chapter, one question arises. And it is no small question: What is the role of theory in the social sciences? The question is obviously too big to tackle here in its entirety. For now I aim only to make one point. While falsifiable hypotheses are a staple of the scientific practice, not all theory reduces to sets of law-like general statements from which to deduce testable hypotheses. Especially not in the social sciences. If we subscribe to a mechanismic understanding, law-like generalizations are eschewed completely, as the example by Elster (1998) illustrates. Yet in a statistical framework, one is often limited to testing hypotheses about *outcomes*, and making "as-if" assumptions about the mechanism leading to a given outcome. Developing falsifiable hypotheses about *different* pathways to a given outcome to be tested against each other is often difficult or impossible. In Elster's words: "If *p*, then *sometimes q*" is a near-useless insight (1998, 52).

Some might argue that statistical analysis is incompatible with this view of causality and explanation—that we should all be process-tracers. I do not agree, but multivariate analysis needs to be understood a little differently from the deductive-nomological ideal type. The role of multivariate quantitative analysis is no longer to offer tests of law-like statements, but to explore the data in a way that brings forth evidence of an otherwise hidden mechanism (Ron 2002). This means that I will propose hypotheses that are meant, if supported in the statistical analysis, to corroborate a claim that a given mechanism has been in play. These hypotheses admittedly lean heavily on untestable theoretical assumptions about the nature of human rights as well as of mechanisms. Change one assumption, and the conclusion may change. The mechanism-specific hypotheses should therefore be taken as probes and starting points more than decisive tests. In practice, however, I believe that this turn away from "naïve falsificationism" (Parsons 2015, 4) towards mechanisms and abductive inference is not that radical. It is close to the everyday practice of many researchers today—even those without an explicit allegiance to a philosophical program of scientific realism, pragmatism or the like (see Ron 2002; Wendt 1999, 79ff; Sil and Katzenstein 2010; Parsons 2015, 18).

The clearest and perhaps most useful role of quantitative analysis will however be to take one step back and look for patterns of *outcomes*. Are NHRIs on average associated with better human rights practices? Does accreditation make a difference? These questions are in one sense less dependent on theoretical assumptions to make sense—either an NHRI "works", or it does not.[11] More generally, the question is *whether* human rights institutions make a difference. The answer to this comes in a skeptic and an optimist version.

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[11] In another sense, theory is inescapable. Theory guides what to look for in the first place, what to control for, how to operationalize what one sets out to measure—and, surely, how to make sense of what one finds.

3.2 The skeptic view

One possible answer to the question of whether human rights institutions work is simply: No. The first generation of quantitative human rights studies found no, or even adverse, effects of the ratification of human rights treaties (e.g., Hathaway 2002; Hafner-Burton and Tsutsui 2005). The theoretical perspective of these studies is often a variant of realism, where the ratification of treaties is seen as costless *window-dressing*. There are no strong mechanisms to monitor and enforce states' treaty commitments in the international human rights regime, so we cannot expect them to have much of an effect (see Hafner-Burton and Tsutsui 2005, 1378).[12] Oona Hathaway did one of the first comprehensive quantitative analyses of the association between treaty ratification and states' human rights practice in 2002. She finds that "treaty ratification is not infrequently associated with worse human rights ratings than otherwise expected" (Hathaway 2002, 1940). Theoretically, she argues that international human rights treaties "offer countries rewards for positions rather than effects", which means that treaties can serve to deflect international criticism and "offset pressure for real change in practices" (2002, 2013). Her study is an example of the realist, or skeptic, view that permeated much of the early research on the effect of human rights institutions.

While the first-generation literature was dominantly concerned with treaty ratification, the window-dressing mechanism can be applied to other institutions as well. NHRIs, just like treaties, can be adopted as costless window-dressing. We have seen that the international society, including the UN General Assembly, encourages all states to adopt an NHRI. States could therefore have an interest in setting up toothless institutions that have no actual human rights impact, in hope of gaining rewards from external actors. This hypothesis expects NHRIs to be ineffective regardless of accreditation status and across all rights areas:

> H_1 : There are no systematic differences in respect for human rights between countries that have and have not adopted an NHRI.

The seminal study by Hathaway has been an influential contribution to the literature. But the theoretical assumptions underlying her and many other skeptical contributions have received some critique. Goodman and Jinks point out a paradox in her argument, which can be summed up as follows. Hathaway's starting assumption is that the ratification of a human rights treaty is virtually costless (Goodman and Jinks 2003, 10). At the same time, treaties are seen as signaling devices—as a way to show a country's commitment to an international normative ideal that can in turn attract rewards from other states. This leads to countries being rewarded for positions (treaty ratification) rather than effects (human rights respect).

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[12]The regional level is a different story. Much of Europe, for instance, is part of a human rights regime with stronger mechanisms of enforcement—like the European Court of Human Rights (ECtHR).

On the one hand, this theoretical argument fails to explain why some states would choose *not* to ratify a treaty. After all, ratification is costless and associated with positive rewards. On the other hand, her notion of signaling entails a paradox of its own. We would expect international legal commitments to be plausible "signals" only if they are seen as somehow meaningful commitments—as more than words. In Hathaway's theoretical argument, the *signaling* states understand that ratification is virtually costless, and can ratify with no intention of complying with the treaty provisions. But the *signaled* states and international actors "apparently do not understand that ratification is meaningless; and, as a consequence, reward ratifying states for the very act of ratification" (Goodman and Jinks 2003, 11). That is, her theory is "predicated on the tantalizing oxymoron of a 'costless signal' " (10-11).

It is problematic to assume that the "signaled" actors that issue rewards (states, NGOs) are so ill-informed that they do not understand that ratification is costless for many or most states. The broader point is that Hathaway, according to Goodman and Jinks, systematically underestimates the sovereignty costs of treaty ratification. Furthermore, her analysis overlooks the possibility that the ratification of treaties "plays an important role in the process of building national human rights cultures (and a transnational human rights culture)" (Goodman and Jinks 2003, 13). These two points are valid more generally against much of the early skeptical research.

Another line of critique relates to Hathaway's empirical strategy. Most critics have come to accept Hathaway's claim that human rights treaties do not *globally* have a net positive effect on human rights. But this does not necessarily mean that human rights treaties are ineffective everywhere and always. The task is to identify scope conditions and circumstances under which treaty ratification might lead to actual change (Landman 2005; Simmons 2009).

For instance, much evidence suggests that treaties can help improve human rights conditions in democratizing regimes, while they do not work well where they are most important—in stable autocracies (Hafner-Burton and Tsutsui 2007; Vreeland 2008). Other researchers have argued for the importance of local NGOs that can give international treaties domestic traction (Neumayer 2005) or the importance of domestic courts (Lupu 2013a; Powell and Staton 2009). Common to many of these efforts to identify scope conditions is that they *bring the domestic back* into human rights research.

In summary, the skeptic view can be challenged along three dimensions. First, a challenge from within, which accepts the cost-benefit assumptions but says that human rights institutions are actually able to impose costs under certain conditions. Second, a closely related empirical challenge that sets out to find out what those conditions might be through more refined empirical analysis. Third, a challenge from outside of the cost-benefit assumptions, which says that the failure to account for cultural dynamics has led to unwarranted skepticism towards the significance of human rights institutions. Accepting one or more of

these challenges might lead to a more optimistic view of human rights institutions.

3.3   The optimist view

The second answer to the question "do human rights institutions make a difference" is: Yes—under certain conditions. We have seen that Hathaway's initial skepticism may be problematic in some aspects, but not completely unwarranted. Treaties may be too weak to force change on their own, but can be leveraged by domestic actors and structures in various ways. Furthermore, a theoretical outlook that takes seriously contributions from constructivism, sociology and legal anthropology gives rise to theoretical expectations distinct from the realist assumptions. This section will further develop these two themes and propose two mechanisms that arise from them.

The turn towards explanation by domestic factors in international relations is traditionally associated with the theoretical school of liberalism (tracing back to Kant 1999; in modern times Keohane and Nye 1977). Against realism, the state is no longer treated as a unitary rational actor—domestic politics, institutions, and actors matter. It is however mistaken to limit this assertion to a single theoretical outlook. The turn towards domestic politics is broader than liberalism, as I will return to below.

Simmons' (2009) study of human rights treaty compliance is one of the most influential examples of this domestic turn. She identifies three mechanisms in her theory of treaty compliance. First, treaties can have an effect through agenda-setting. This is an elite-focused argument, where a treaty might serve to influence a country's policy-agenda and rearrange a country's priorities. Note that Simmons still assumes the executive's *preferences* to be constant. Thus, this is not an argument about learning or persuasion, but rather that a treaty can "empower the executive to initiate reform given constant preferences" (2009, 127n48).

Second, ratification of treaties might affect the role of the judiciary (Simmons 2009, 130). The argument is straightforward. After all, human rights treaties are legal obligations. Where they are ratified and turned into domestic law, one would expect courts to be a significant factor for enforcing these obligations. Similar arguments have been put forward by for instance Powell and Staton (2009) and Lupu (2013a). This mechanism, perhaps stronger than Simmons's other two mechanisms, depends on the concrete role of a *treaty commitment* as opposed to a more general norm or customary international law.

Simmons' third proposed mechanism is *mobilization*. She argues that treaties might (1) increase the value that potential rights demanders place on a set of rights, and (2) "increase the likelihood of a movement's eventual success in realizing its rights demands" (Simmons 2009, 139). This does not occur in stable democracies, unless there are strong motives to work for change, or in oppressive autocracies where domestic actors have no means at their

disposal. We can, however, expect to find a positive effect of treaties in countries where political institutions are unstable and social mobilization is prominent. Contrary to the agenda-setting mechanism, this is a "bottom-up" account of treaty effects. The dominant actors here are not states as unitary actors, nor the executive, but *the citizens*: "If there is any international issue area in which socialization at the nonelite level is important, this should be it" (Simmons 2009, 139).

This third mechanism departs from traditional rationalist assumptions. Simmons expects treaties to shape actors' *preferences* or even *identities*—a thoroughly constructivist assertion. While Simmons does not go all the way towards a constructivist understanding of international relations, she refutes the rationalist assumption that moral/legal talk is costless: It risks changing the values, interests and identities of citizens (Simmons 2009, 143). This leads to the second turn—towards constructivism. This is not a shift in empirical domain, but rather in theoretical approach.

An influential example of the constructivist human rights research agenda is Risse, Ropp, and Sikkink (1999). Constructivism, at least in this "thin" variety, is concerned with the behavioral impact of norms. Norms go beyond ideas in that ideas are cognitive commitments, while norms additionally make claims on behavior. Risse and Sikkink (1999, 8), drawing on Fearon, point out that rules take the form "Do X to get Y", while norms take a different form: "Good people do X". What is special about human rights norms is that they not only prescribe actions, but define *identities* of liberal states: "What I want depends to a large degree on who I am" (9). This means that states can embrace human rights norms for strategic or instrumental reasons, in hope of gaining acceptance as members of the international society of liberal states. It is, however, a strategic adaptation rooted in a state's identity—its aspiration to identify with liberal states in the international society. And crucially, these identities are subject to change.

Risse, Ropp, and Sikkink (1999) introduce the five-stage *spiral model* of human rights change. After the first two stages of repression and denial, states might embrace human rights norms for strategic reasons. But over time, new logics take over. Tactical concessions open up a discursive space for domestic mobilization as well as shaming from transnational networks (Risse and Sikkink 1999, 26). Governments might believe that "talk is cheap"[13] and underestimate the extent to which they can become entrapped in their own rhetoric (27). It becomes increasingly more difficult to talk the talk without walking the walk. Over time, this leads to the next stage in the *spiral model*: "prescriptive status". Here the validity claims of the norm are no longer seen as controversial by the state, even if actual behavior continues violating the rules. Treaty ratification would happen in the prescriptive status stage.

The transition to the final stage in the spiral model might be the movement of most rele-

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[13]Risse and Sikkink (1999, 27) quip: "As do many political scientists."

vance to this thesis' research question: from prescriptive status to rule-consistent behavior. Prescriptive status is a necessary step towards rule-consistent behavior, but not identical with it. In the final stage, through institutionalization and habitualization, norms become internalized in the identities, interests and behavior of states and state actors.

The empirical chapters in Risse, Ropp, and Sikkink (1999) are more optimistic towards the power of human rights than many of the quantitative studies discussed earlier. This is partly because of theoretical differences, and partly because of methodological choices. Theoretically, this contribution, and constructivist approaches more generally, are open to changes in discourse and identities as important outcomes in their own right. Reaching the penultimate phase in the spiral model, "prescriptive status", can reasonably be seen as a partial triumph of human rights on its own. Yet this is where the statistical studies often start. They may take ratification as the explanatory variable and ask whether it has led to actual changes in behavior. And this is both a theoretical and a methodological choice: Observable evidence on state practice is often simply easier to obtain and more reliable than evidence on discursive changes (see Hafner-Burton and Ron 2009; Simmons 2013; Dai 2013 for dissenting views on the role of methodology vs. theory in this debate).

Overall, we see that Simmons' argument above integrates strategic and ideational claims—and that Risse, Ropp, and Sikkink (1999; 2013) do the same from the opposite starting point. Furthermore, the domestic turn discussed earlier needs not be exclusively associated with IR liberalism. A similar turn has happened in constructivism as well. In 1999, Jeffrey Checkel lamented that much of the constructivist literature was biased towards outside-in, structural explanations, with little room for agency at the "norm-taker" side (Checkel 1999, 86). The norm diffusion model of Finnemore and Sikkink (1998) would be an example, where the emphasis lies heavily on international structure and socialization *among states*, and international norm entrepreneurs are dominant actors. But the domestic turn has reached the literature on norm diffusion too—there are no inherent reasons in constructivism to disregard the role of agency and social structure at the domestic level. The contribution of Risse, Ropp, and Sikkink (1999) is one example, where international and domestic dynamics interact. See also Hopf (2002) for a more thoroughly bottom-up constructivist account of international politics:

> It is at the level of domestic society I propose to find state identity and international political effects, not at the level of interaction among the states themselves. In doing this I propose to domesticize the social constructivist approach to international politics (…). (Hopf 2002, xiv)

So—not only does a scholar such as Simmons, who normally passes as a typical neoliberal institutionalist, go quite far towards constructivist-informed dynamics of social mobi-

lization. Also, constructivism has opened up to domestic factors as explanation of international politics—and included strategic calculations as *part* of its explanatory framework.

In this juncture between the domestic and the international, between state and society, and between the strategic and ideational, we might begin to carve out the theoretical space for NHRIs. NHRIs are *domestic* institutions that are able to interact both with actors in the the international system and within the domestic social context. They might fill the gap between state and civil society in a country. And they can theoretically be seen both as actors that increase the costs of human rights violations in a rationalist mode, and as part of a social dynamic of norm diffusion.

I propose two main mechanisms through which NHRIs can be expected to influence states' human rights practice: *monitoring* and *socialization*. These are not mutually exclusive categories. As we have seen both in the case of Simmons (2009) and Risse, Ropp, and Sikkink (1999; 2013), different logics and mechanisms can be in play at different stages (or even at the same time). I do not set out to rigidly *test* one theoretical outlook against another. Rather, it is a matter of developing an analytical framework that can make sense of the phenomenon of NHRIs.

3.4   NHRIs as monitoring agents

NHRIs can improve a state's human rights protection through a monitoring mechanism. This mechanism builds primarily upon a rationalist mode of explanation. The role of NHRIs here is to make violations of human rights commitments more costly for the state. This will in turn decrease the likelihood that a state will violate its commitments. While NHRIs are seldom able to punish state actors directly, they may impose costs indirectly through attracting international or domestic sanctions.

Monitoring has two components. First is the informational role of an NHRI. The institutions might work through fact-finding and generating evidence of human rights violations. Second, NHRIs might impose costs on the executive through an individual complaints procedure. Together, this suggests that an NHRI should be conceptualized as something close to other accountability institutions. For instance, some of the research on independent judiciaries could be more or less applicable to NHRIs as well.

NHRIs can be seen as information providers to international actors as well as to domestic mobilizers and legal systems (see Welch 2015). NHRIs inform citizens of their rights and the legislature of international provisions—and whether or not domestic laws are in accordance with them. Furthermore, NHRIs can inform the domestic as well as the international community of human rights violations that the executive would otherwise hide. As stated above, NHRIs are seldom able to punish state actors directly, but they may threaten to raise

the cost of noncompliance indirectly. For instance, NHRIs may have powerful international allies that are able to exert pressure on the state (Cardenas 2012, 45). Recall the discussion above about Hathaway (2002) and Goodman and Jinks (2003), where Hathaway assumes that states are rewarded for positions, not effects. Adopting an NHRI would make credible information on state practices available, to some extent making it possible for other states to reward actual effects, not only positions.[14]

Furthermore, NHRIs may hold states accountable through an individual complaints procedure, in the vein of classical ombudsmen. Here, NHRIs are conceptualized as agencies of *horizontal accountability*, which means that they work from within "the intrastate system of checks and balances and do not rely on the actions of an external social agent" (Peruzzotti 2012, 246). In a study on the effectiveness of human rights treaties, Cole (2012, 1131) finds that the adoption of optional provisions that allow individuals to register complaints about human rights abuses is associated with improved practices. NHRIs with a complaints procedure are a close parallel to such optional provisions. It is therefore plausible that Cole's findings are transferable to NHRIs as well.

In summary, we can see NHRIs as quasi-judiciary institutions where individuals can take their grievances without going all the way to the courts. The NHRIs can in turn assist victims in taking their cases to court, investigate complaints, mediate between parties, issue binding or non-binding determinations, or even in some cases award compensation to victims or issue punishment (Cardenas 2014, 11). These are all means to holding the state accountable, even without any direct capacity to punish. In reality, this capacity would often interact with socialization processes, but as an analytical type, monitoring is a separate mechanism.

Throughout this chapter, I will spell out observable implications along three main lines. First, I expect the different mechanisms to affect different rights areas differently. Second, for each mechanism I expect different aspects of the NHRIs' institutional design to matter. Finally, the different mechanisms should exhibit different temporal dynamics.

First, rights areas. As discussed above, conceptualizing NHRIs as monitoring institutions means drawing a parallel between these institutions and the judiciary. Lupu (2013a) presents the argument that an independent judiciary is more effective in enforcing a state's civil liberties obligations than physical integrity obligations. The argument hinges on evidence- and information costs: "Evidence-production costs are high with respect to personal integrity rights violations and low with respect to violations of other civil rights" (2013a, 478). When a government violates physical integrity rights, the victim is often either in custody, missing, dead, or "too fearful of reprisal to report violation" (ibid.). If an NHRI, like the judiciary, is dependent upon the gathering and application of evidence,

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[14]There should also be rewards associated with NHRI adoption itself, which may explain why a state adopts even at the risk of opening itself up to critique from the resulting institution.

physical integrity rights would be more difficult to protect than civil liberties. In hypothesis form, the monitoring mechanism's core expectation is:

> H_{2A} : Adoption of an NHRI improves a government's respect for civil liberties, but not physical integrity rights.

The presence of an NHRI is one thing, but NHRIs come in many forms. The monitoring mechanism gives rise to expectations towards the institutional characteristics of NHRIs as well. First, we have seen that an individual complaints procedure should be able to impose costs of human rights violations. The same should go, perhaps even stronger, where the NHRI has a capacity to punish on its own. This leads to the following hypothesis:

> H_{2B} : NHRIs with an individual complaints procedure or with the capacity to punish are more effective than NRHIs without such capacities.

Finally, looking at the temporal element might be useful to tease out differences between the different mechanisms. Bearce and Bondanella (2007) argue that socialization should take several years to mature, whereas

> the effect of institutional information on state interests should emerge in a shorter time frame as it does not operate first through a change in state identities. Furthermore, information tends to disseminate rapidly, and its causal effect should appear relatively quickly if it does so at all. (Bearce and Bondanella 2007, 723)

Methodologically, this proposition can be tested by varying the time lags between the independent and dependent variables in a statistical analysis—or through a process-tracing case study. Bearce and Bondanella's (2007) argument is a close parallel to the argument presented here—the monitoring mechanism should therefore lead to the following hypothesis:

> H_{2C} : The effect of NHRI adoption will be evident with a short time lag, and strongest in the short term.

If NHRIs work as monitoring agents, we should be able to observe evidence of some or all of these hypotheses. Yet monitoring is not the only way to understand the NHRI phenomenon. Next, I propose *socialization* as a distinct mechanism.

3.5 NHRIs as socialization actors

The mechanism of socialization draws on the constructivist strand in international relations theory. The key argument about NHRIs' role in socialization is that "particular national institutions can deepen the diffusion of norms by providing 'domestic receptor sites' for the transmission [of norms] to occur" (Goodman and Pegram 2012a, 12–13). Furthermore, the ethnographic work of among others Sally Engle Merry suggest that local actors and institutions serve as "knowledge brokers", translating global norms into a local "vernacular". Merry sums up the issue as such: "If human rights are to have an impact, they need to become part of the consciousness of ordinary people around the world" (Merry 2006, 3; see also Goodman and Pegram 2012a, 13). Extending this line of reasoning, I propose that NHRIs might serve as a receptor site, bridge, or translator in the process of socialization.

Greenhill (2010, 129) defines "socialization" as "behavioral changes that presumably come about through changes in the actors' interests. These changes arise through the process of interaction with other states, whereby states copy, or learn from, the forms of behavior exhibited by others." This is closely related to March and Olsen's (1998) "logic of appropriateness". States do not comply with human rights treaties out of a utility maximizing "logic of consequences", but because it is the appropriate thing to do. It is furthermore a concept best understood in connection with the notion of international norm diffusion. The term *diffusion* can be defined as the "transfer or transmission of objects, processes, ideas and information from one population or region to another" (Hugill and Dickson, 1988, cited in Checkel 1999, 85). Simplified, we can understand *socialization* as one possible mechanism through which norm diffusion can happen.

There are at least two ways to understand the domestic impact of norms in this framework. The first is a elite-oriented process of social learning. The relevant actors here are typically decision-makers, who through some individual, cognitive process internalize shared understandings that in turn prescribe certain actions (Checkel 1999, 88). This kind of process seems to be what Greenhill has in mind in the above definition of socialization. His definition is concerned with learning *among* states. But NHRIs can also play a learning role *within* the state. They are institutions situated in the nexus between the international system and the domestic level. Their international connection is formalized through the General Assembly of NHRIs (GANHRI). And they have an explicit human rights mandate. Through argumentation or persuasion they can bring state actors "to the understanding that human rights compliance is appropriate" (Cardenas 2012, 46). Through human rights training of state professionals, they can teach state representatives to change their practices and operating procedures, which may incrementally contribute to human rights compliance.

Secondly, NHRIs may socialize other domestic actors (Checkel 1999, 86). We have al-

ready seen how Simmons (2009) argues for treaties' effect through mobilization. In contrast to treaties, NHRIs are actors in their own right, and might as such play an even larger role in such social processes. NHRIs are uniquely situated between the state and civil society, which should make their mobilizing potential significant. This is a logic close to what Merry (2006) suggests. The targets of norm diffusion here are not state elites, but rather local organizations or "ordinary people." In this conception, the main obstacle to norm diffusion is local culture or understandings, and effective NHRIs are able to translate international human rights norms in a way that makes them meaningful to the domestic setting (Goodman and Pegram 2012a, 13). Merry (2006, 220) gives the example of a group of batterers in Hong Kong that are taught not to hit their wives—presented as part of Confucian ideas of marriage. This understanding of socialization is close to what Szulecki (2011) coins as "localization":

> A discursive practice through which a seemingly universal discourse (related to a certain idea, norm, or value) is rephrased and reconstructed in such a way as to fit the landscape of the local setting and make these discourses meaningful and legitimate to the given culture. (Szulecki 2011, 277)

Here, we have left the elite-centered, internationally oriented focus of Greenhill's definition. The way back up to the state and policy change is through social mobilization. However, this process may also bring about social change without taking the route through direct state actions. Just as much, this process is about embedding human rights norms and understandings in everyday social practices, "shaping the rules people carry in their heads" (Merry 2006, 3).

In summary, NHRIs are uniquely situated between the state and civil society, and between the domestic and international context. This makes them able to work both towards the state and civil society, as an intermediary, link, or bridge between international human rights norms and the domestic setting.

According to Merry (2006), transnational human rights programs and ideas are translated into local cultural terms around the world, but at a relatively superficial level. They retain their fundamental grounding in international human rights concepts such as autonomy, individualism, and equality even if they are presented in local terms: "It is the unfamiliarity of these ideas that makes them effective in breaking old modes of thought. […] On the other hand, it is only when they take a familiar form that they are readily adopted" (Merry 2006, 178).

Now, recall three propositions of my argument so far (see sec. 2.4):

(1) Physical integrity rights are already internalized globally—rule-based discourse, if not always behavior, is the global norm;

(2) Civil liberties are subject to *narrow* cultural contestation—but this is more of an elite "domination technique" than a deep-lying cultural difference (Sen 1999; Donnelly 2003);

(3) Differences in perceptions of the legitimate status of women are more deeply culturally entrenched than the two categories above.

Accepting Merry's "unfamiliarity" argument as well as these premises leads us to the following conclusion. Physical integrity rights are already at the fulfillment of the norm life cycle (after Finnemore and Sikkink 1998), so there is no job left for the NHRI to do as socializer (yet it may well work as a monitoring agent). Civil liberties is an ambiguous category, and difficult to know what to expect from. But women's rights, at the end of the spectrum, should be the area where NHRIs have the greatest potential for change through socialization. In hypothesis form:

> H_{3A} : Adoption of an NHRI improves a government's respect for women's rights.[15]

What difference do institutional characteristics of NHRIs make within socialization? I expect complaints procedures and punishment to be of lesser importance here. Accreditation, on the other hand, should play a larger role.

The Paris principles' requirement of independence and pluralism are arguably the institutional characteristics of an accredited institution most important to effectiveness. Independence is a fundamental concern and requires little further justification. Regarding pluralism: as we have seen, the interplay between the NHRI and civil society is central to socialization. The Paris principles proscribe that NHRIs' composition should allow the participation of civil society and reflect the "social profile of the community within which it operates" (De Beco and Murray 2015, 81). We could therefore expect an A-accredited institution to be more pluralistic and better equipped to draw on these dynamics.

Furthermore, a second factor comes into play: Accreditation as domestic reputation. The institution needs to have in place some institutional formal provisions to be accredited. Thus accreditation might reflect some underlying institutional capacity. But the A-B-C of accreditation is itself a simple heuristic for the civil society and general public to evaluate the quality or standing of an institution. That is, accreditation may on its own help increase the institution's domestic reputation. This effect is especially important where socialization dynamics are in play. The material and substantive content of the Paris principles is important, but what also matters is the reputation-enhancing effects of being an internationally recognized institution with the symbolically telling "A-grade" stamp.

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[15]Or conversely, if NHRIs are found to improve women's rights conditions in a state, I hypothesize that socialization has been in play.

H_{3B} : States with A-accredited National Human Rights Institutions are more
likely to respect their human rights commitments than states with other or no
NHRIs.

In terms of process, it is difficult to derive implications of this dynamic that are observable through global quantitative analysis alone. Rather, one should look for social dynamics on a lower level of analysis. This could follow a two-step process. First, one would establish that the public, civil society or state representatives at all care about the institution's accreditation. Press reports and parliament debates could be good starting points to examine such a claim. The second task is to establish a credible link between this concern of legitimacy and the effectiveness of the NHRI. Does the NHRI itself leverage its accreditation status directly when communicating with the public? Has the institution's standing in society changed since it got accredited? Has the state strengthened the institution materially out of concerns about reputation? These are questions I return to in chapter 6.

Finally, returning to the time dynamics of Bearce and Bondanella (2007), socialization leads to the exact opposite expectation of H_{2C}. Bearce and Bondanella write: "one would expect the effect of institutional socialization on state interests to take several years to emerge, if it does so at all" (2007, 716). Zürn and Checkel (2005, 1066) touch upon the same issue, arguing that "future work on socialization must deal more carefully with time elements." Norm internalization is not something that happens overnight. Socialization leads, in short, to the following expectation:

H_{3C} : The effect of NHRI adoption takes several years to emerge.

In contrast to most of the other hypotheses developed above, the pair of time hypotheses H_{2C} and H_{3c} is a mutually exclusive set, and may therefore be equipped to tip the scales in favor of one mechanism or the other. In the complexity of the real world, I nevertheless expect both mechanisms to carry some weight at different stages of explanation.

3.6   Conclusion

This chapter has laid out the theoretical framework for the upcoming analysis. Scholars give different answers to the question "do human rights institutions make a difference". The skeptical view is often rooted in a realist theoretical tradition. Here, human rights institutions such as treaties are too weak to make a difference. They have no means of power to coerce states to do what they otherwise would not have done. Moral talk is cheap and may attract external rewards.

The optimist view departs from this skepticism along two lines. First, scholars who have opened up to domestic determinants and scope conditions have generally found *conditional*

effects of human rights institutions. Second, scholars of a more constructivist inclination have been better theoretically equipped to explain the influence of norms on states' identities and behavior. These two movements leads me to expect that NHRIs could in fact be a domestic "bridge" between treaty commitments and actual state practice, and furthermore that a theory of NHRI effects should take both monitoring and socialization into account.

I have defined mechanisms as "ultimately unobservable physical, social or psychological processes through which agents with causal capacities operate" (Bennett and Checkel 2014, 12), and argued that hypothesizing in such a framework does not entail making law-like statements. Table 3.1 shows a summary of the three proposed mechanisms and their associated expectations. Window-dressing, socialization, and monitoring gives three hypotheses about *outcome*: The adoption of an NHRI might not lead to any change in human rights conditions. Or the adoption of an NHRI will improve a government's respect for human rights in certain rights areas. Because of the difficulty to obtain reliable information about physical integrity abuses, I expect physical integrity rights to be more difficult to protect through a monitoring mechanism than civil liberties. Because the respect of women's rights, to a further extent than the other two rights areas discussed, is dependent on cultural change in attitudes and beliefs, I expect that women's rights is the area where NHRIs have the highest potential to make a difference through socialization. I have furthermore made tentative hypotheses about observable implications of the two "optimist" mechanisms along the dimensions of institutional characteristics and time. Together, this creates a framework that lets us ask not only *whether* NHRIs make a difference, but *why* and *how* they do so.

Table 3.1: Summary of mechanisms

Mechanisms	Proposed outcome of...		*Why* do (not) NHRIs matter?	Hypotheses
	NHRI adoption	Institutional characteristics		
Window-dressing	No	No	Lack of enforcement; Set up as "cheap talk"	H_1
Monitoring	Positive	Complaints procedures and punishment capacity increase effectiveness	Increase cost of non-compliance	H_{2A}, H_{2B}, H_{2C}
Socialization	Positive	A-accredited institutions more effective	Socialize state- and society actors to conform with international norms	H_{3A}, H_{3B}, H_{3C},

H_1	There are no systematic differences in respect for human rights between countries that have and have not adopted an NHRI.
H_{2A}	Adoption of an NHRI improves a government's respect for civil liberties, but not physical integrity rights.
H_{2B}	NHRIs with an individual complaints procedure or with the capacity to punish are more effective than NRHIs without such capacities.
H_{2C}	The effect of NHRI adoption will be evident with a short time lag, and strongest in the short term.
H_{3A}	Adoption of an NHRI improves a government's respect for women's rights.
H_{3B}	States with A-accredited National Human Rights Institutions are more likely to respect their human rights commitments than states with other or no NHRIs.
H_{3C}	The effect of NHRI adoption takes several years to emerge.

Chapter 4

Data and Methods

The methodological approach of this thesis is mixed-method. The first part is a multivariate statistical analysis that sets out to map global patterns in line with the proposed hypotheses. The second part is a case study of the NHRI in Norway that sets out to answer the same research question through process tracing. The first part of this chapter is devoted to the statistical analysis, while I return to the methodological considerations of process tracing and the mixing of methods in the final section.

4.1   Measuring human rights: The dependent variables

How should one measure human rights performance? Landman and Carvalho (2010) set out a typology of human rights measures: *events-based*, *survey-based* and *standards-based*. Events-based measures count individual events of human rights violations. Survey-based measures rely on surveys of individual respondents to say something about the status of human rights in a country. Standards-based measures codify information on human rights in a country into one or more standardized scales. The purpose of the latter category is often to facilitate reliability and comparability over time and between countries.

Most of the literature I have reviewed relies on standards-based measures, as does this thesis. Among the standards-based indicators, the CIRI Human Rights dataset is one of the most widely used (Cingranelli, Richards, and Clay 2014). This dataset is coded on the basis of *US State Department Country Reports on Human Rights Practices* and Amnesty International's *Annual Reports* for each individual country and year (Cingranelli and Richards 2014). Another widely used index is the Political Terror Scale (PTS, Wood and Gibney 2010), also coded from the same reports. While the PTS is only concerned with physical integrity rights, the CIRI project provides data on all three dimensions of interest for this thesis: physical integrity rights, civil liberties, and women's rights. Therefore, I will use the relevant CIRI indicators throughout my analysis.

As a measure of physical integrity rights, I use the broad, additive *CIRI physical integrity rights* index. This 9-point index ranges from 0 to 8 and is constructed from the three-point indicators for torture, extrajudicial killing, political imprisonment, and disappearances. 8 indicates full government respect for this category of rights. This is a fine-grained enough scale that it is defensible to treat it as an interval-scaled variable. (For instance making it possible to run OLS models where this is the dependent variable.)

Civil liberties are captured in the *CIRI empowerment index*. This is also a composite additive index, consisting of the 02 measures of Foreign Movement, Domestic Movement, Freedom of Speech, Freedom of Assembly and Association, Workers' Rights, Electoral Self-Determination, and Freedom of Religion. This makes it a 15-point scale ranging from 0 to 14, where 14 indicates full government respect for these seven rights.

For women's rights, I will examine two different dependent variables: The CIRI *women's political rights* and *women's economic rights*. These are both four-point ordinal scales ranging from 0 to 3. However, I collapse the bottom two categories of the scales in order to avoid problems of empty cells and perfect separation. I return to this issue in the model specification and diagnostics. The women's rights indicators have both a legal component and a practice component. The highest score is given to country-years where the rights in question are fully respected both in law and practice, while the lowest score is given where women's political or economic rights, respectively, are neither guaranteed by law nor respected in practice (or even where systematic discrimination of women is built into law).

The main trade-off when using these variables is between reliability and validity. The CIRI measures are generally regarded as very reliable (Landman and Carvalho 2010, 75). This facilitates comparison between countries and over time. But what are they reliable measures *of*? Strictly speaking, they measure the content of Amnesty and US State Department reports. The scales will only be as good as the reports they are based upon. Any biases in the reports will be detrimental to the validity of the CIRI measures. For instance, a bias in the US State Department reports against left-leaning regimes would negatively bias the CIRI scores for these countries.

Another concern regards the changing standards of human rights over time. The CIRI indexes rely primarily on adjectives and narrative description in the reports to determine what score to give to a country. Amnesty International and the US State Department may have become more stringent over time, as they "look harder for abuse, look in more places for abuse and classify more acts as abuse" (Fariss 2014). If the CIRI coders always classify a reported "widespread" use of torture as a 0 (worst), but the Amnesty reporters' threshold for describing an amount of torture as "widespread" lowers over time, an actual improvement in human rights conditions will look like a standstill in the CIRI scales. An increase in available information about human rights abuses over time would lead to the same thing.

Fariss (2014) and Clark and Sikkink (2013) have all made variations of this argument (but see Richards 2016 for a rejoinder). Other data sources may be less prone to such bias, but is generally either a less valid measure of the theoretical concept "respect for human rights" (say, the number of imprisonments per year) or less reliable for time- and place comparisons (typically, closer and more context-specific approaches).

4.1.1 What is left out?

Going back to the brief overview of the core UN treaties in sec. 2.4, it is evident that the largest omission of this analysis is economic, social and cultural rights (ESC). After all, the ICCPR and the ICESCR are regarded as equally fundamental treaties in the UN treaty system. While economic, social and cultural rights are doubtlessly broad and fundamental, they are of less theoretical and empirical relevance for the current research question. ESC rights are often conceptualized as *positive* rights. They demand positive action from the state, not simply abstaining from violations. Practically, this makes measurement more difficult. How does one separate economic development from respect for positive human rights, for instance? These are conceptually separate entities. Theoretically, I assume economic, social, and cultural rights to be a more difficult case for NHRI effectiveness. It therefore makes sense to examine the easier instances first. If an effect is found, the broader category of ESC rights can (and should) be studied in future research projects.

Finally, I do include one aspect of economic rights in the women's economic rights models. This is a narrow subset of economic rights, but a useful start. The main conceptual difference between women's economic rights and economic rights in general is this: The former aspires towards equality between men and women (in material or immaterial terms), while the latter aspires towards a "gradual improvement" for all. The equality criterion is easier to measure, as you have a clear yardstick for comparison.

4.2 Explanatory variables: NHRI adoption and characteristics

Now on to the variables on the other side of the equation in the statistical analysis. First, I introduce my proposed explanatory variables, then a set of theoretically grounded control variables.

I use data on National Human Rights Institutions from the NHRI data project (Conrad et al. 2013). This is data on the *de jure* organizational characteristics of NHRIs around the world. I operationalize NHRI adoption through a simple dichotomous coding, where a country is given the score 1 in any year it has an established NHRI, and 0 in all other years. As

a robustness check, I also test models with a continuous variable which counts the number of years since a country's NHRI was established. The theoretical logic behind the cumulative coding is that an NHRI is expected to have more of an impact over time. In her seminal study, Hathaway (2002) codes treaty ratification in this way, and several later researchers have followed her example. On the other hand, Neumayer (2005) argues that this operationalization "imposes the assumption that any effect of ratification is linearly increasing over time, which appears restrictive and may not hold true" (937). These arguments should extend to NHRI adoption as well. Notably, Cole and Ramirez (2013) find that the estimated effect of NHRIs is not *linearly* increasing over time, but rather follows a *curvilinear* trend. That is, the authors operationalize NHRI adoption as a count variable, but add a squared term in their models. To test for possible model dependence, I therefore run models using both the dummy and count specifications.

In addition to NHRI adoption, I retrieve data on NHRI accreditation. This is a factor variable with levels A, B, C, no accreditation, and no NHRI, implemented as dummy variables in the analysis. There are some reliability concerns regarding accreditation status. While we know that the Paris principles were formulated in 1991 and accreditation began only around 1998, some institutions in the original dataset of Conrad et al. (2013) were coded with accreditation since their establishment date. I choose to deal with this by recoding all units with NHRIs to "no accreditation" before 1998. I then manually check the data from Conrad et al. (2013) against the GANHRI's chart of accreditation status, which provides information on the historical accreditation status for all NHRIs since 1999 (GANHRI 2016). Where there is discrepancy, I recode the respective unit in my dataset to correspond with the GANHRI chart. The distribution of this variable over time was shown in figure 2.3.

I also get a $0 - 1$ indicator of NHRI complaints procedure from the Conrad et al. (2013) dataset. This is coded 1 where NHRIs have a complaints handling procedure in their mandate. It is a *de jure* measure that says nothing about the extent to which the NHRI in practice handles individual complaints.

Finally, I include a $0 - 1$ indicator of punishment capacity from the same dataset. The capacity to punish cannot be understood as a power to jail or fine citizens or state actors directly. This is rarely the case. It is most often a capacity like that of the Indian NHRI, whose foundational document states: "The Commission shall be deemed to be a civil court" and may forward the case to a Magistrate to levy punishment.[16]

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[16]*The Protection of Human Rights Act*, 1993, Chapter III, 13(4). http://nhrc.nic.in/documents/Publications/ HRActEng.pdf.

4.3 Control variables

The analysis also includes an array of theoretically founded control variables that are found in previous studies to affect human rights conditions.

I include indicator variables for *ratification* of the treaties ICCPR and CEDAW. These are coded 1 starting in the year a country ratified a given treaty, and 0 otherwise. The data is collected from the OHCHR *Human Rights Indicators* website (OHCHR 2016).

One of the determinants of states' human rights practices most widely acknowledged in the literature is *democracy* (see Poe and Tate 1994; Hafner-Burton and Tsutsui 2005; Simmons 2009). A possible problem in operationalizing this variable is that most definitions of democracy include some sort of respect for basic human rights. The risk is that the independent variable of democracy is associated with better human rights practices not because democracy *leads to* better practices, but because the two have some degree of definitional overlap. For the purposes of this thesis, it would therefore be advisable to work with as minimal a definition of democracy as possible.

Still, it is widely acknowledged that "certain basic civil and political freedoms are a necessary precondition for meaningful contestation and participation in a democratic process" (Banik 2010, 92). This is a difficult tradeoff. The Polity IV democracy index of Marshall, Jaggers, and Gurr (2014) is widely used in the literature, but it operates with a definition of democracy that includes the guarantee of civil liberties. Furthermore, as Cheibub, Gandhi, and Vreeland (2010) point out, the Polity index includes the measurement of political violence even in its political participation components—a conflation that might be misguided. As the Polity IV index is so prevalent in the literature, I will nevertheless test models using it. This is a scale that ranges from -10 to 10, where 10 is most democratic.

I will however also use the dichotomous *Democracy and Dictatorship* indicator as a robustness check (Cheibub, Gandhi, and Vreeland 2010). This is a more minimal indicator, focused only on the electoral component of democracy. Using this indicator reduces the risk of the above conflation of concepts, albeit at the risk of not capturing the full concept of democracy.

Another well established determinant of human rights practice is *economic development*. I include data on GDP per capita (constant 2005 USD)—logged, as the distribution is heavily skewed. I also include data on trade as percentage of GDP (World Bank 2015). The logic here is that a country's trade openness is often positively associated with human rights practices (Cole and Ramirez 2013; Richards, Gelleny, and Sacko 2001).

Civil war is often found, perhaps not surprisingly, to increase human rights violations in a state. Some researchers have found the same for international conflict (Poe and Tate 1994). I include dichotomous indicators from the Uppsala Conflict Data Program, coded

1 for years where the country is involved in civil or international war, respectively, and 0 otherwise (Pettersson and Wallensteen 2015).

Furthermore, I control for *population*—for at least two reasons. The first is an argument sometimes seen in the literature, that a larger population can increase resource stress, in turn increasing the likelihood of government repression (Hafner-Burton and Tsutsui 2005, 711). Secondly, including population size controls for the fact that the larger a population in the country, the more opportunities for abuse. Therefore, I include a measure of logged population size in the analysis (World Bank 2015). See figure 4.1.
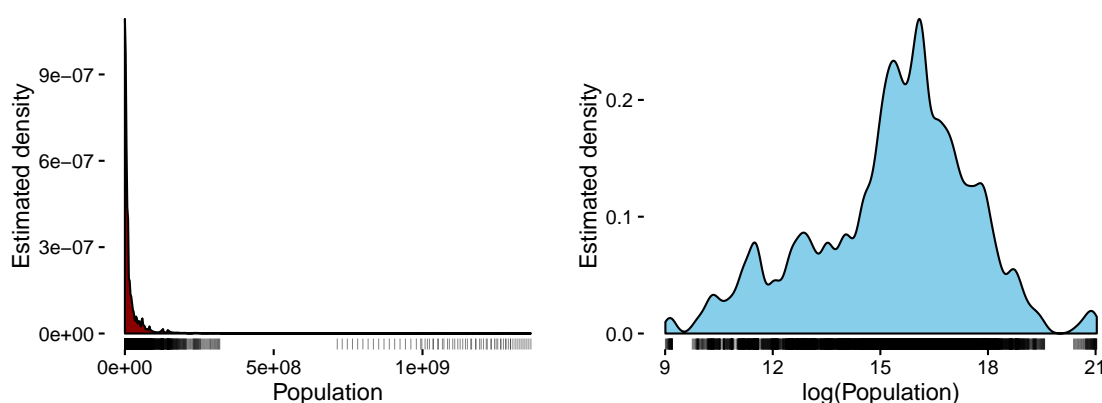
Figure 4.1: Kernel density estimates of population, raw and logged

The number of *International Non-Governmental Organizations (INGOs)* in a state is often correlated with better human rights practices. How they might do that is not the focal point of this thesis. The point is rather to control for INGO linkages, to be able to single out the potential separate effect of NHRIs. I follow Hafner-Burton and Tsutsui (2005) and define INGO linkages as the total number of INGOs citizens of a given state have membership in. I use data on INGO linkages from their replication material, which I extend to cover the years 1981–2014 in all. See Appendix for a full description of the data collection process for this variable.

A visual inspection of time-series for individual countries shows a suspicious-looking dip in many countries' INGO counts in 1986. See figure 4.2. It seems unlikely that a wide range of countries lost many NGOs in 1986, only to retrieve them the year after. It is more likely that there has been some discrepancy in the coding process or in the yearbook for that year. Therefore, I construct a version of the data where each country's values for 1986 are replaced with the mean number of institutions from 1985 and 1987. The marginal density plot in figure 4.2 shows that this variable too is highly skewed, so I log-transform it before running analyses.

Powell (2009) find support for the argument that states' violations of human rights are linked to the effectiveness and independence of the judiciary. To control for this, I include
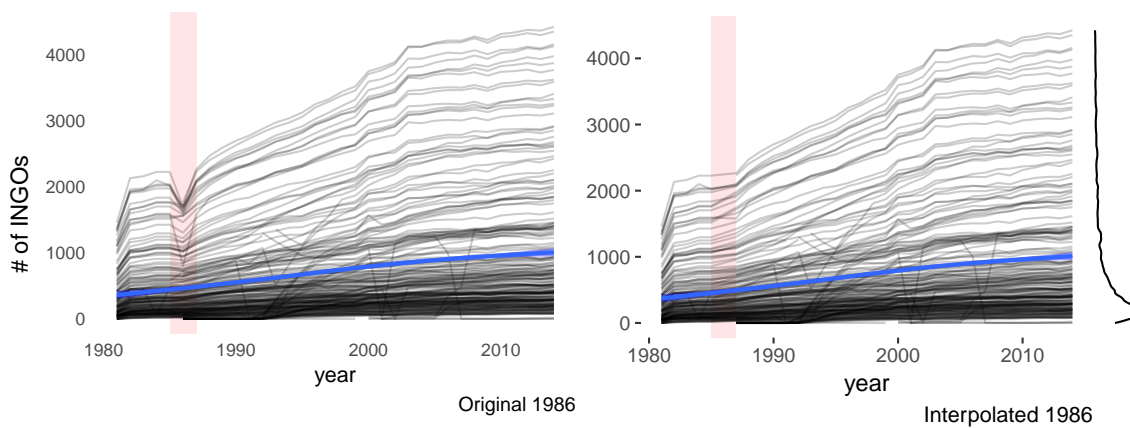
Figure 4.2: Time-series of number of INGOs per country, original and interpolated. Each line represents one country. Smoothed global average (blue line). Univariate density plot on the right y-axis.

a latent-variable measure of *judicial independence* as presented by Linzer and Staton (2015). This is a $0 - 1$ interval scaled variable. See also Appendix for a brief discussion on the operationalization of judicial independence and more about Linzer and Staton's measure.

Newer and established regimes may differ in their likelihood to respect human rights commitments. The variable *Regime durability* from Polity IV (Marshall, Jaggers, and Gurr 2014) counts the number of years since a state has undergone regime transition. I follow Hafner-Burton and Tsutsui (2007) and Lupu (2013a) and include this variable in the analysis.

4.3.1 Accounting for global trends

There is reason to believe that human rights conditions may be affected by global events as well as country-level factors. Some of these time-variant but country-invariant effects are unobservable. For instance, Cole and Ramirez (2013) includes an indicator variable for the Cold War era in their analysis as a proxy for the event that arguably changed the "rules of the game" and triggered a global wave of increased respect for human rights: The collapse of the Soviet Union. Other authors have included yearly indicators for the effect UN conferences or other directly unobservable global factors.

The main models in this analysis will however not include such indicators, but include year-fixed effects (in essence, a vector of year dummies) instead. This accounts for all such time-variant factors that are constant across countries. For technical reasons that I will return to, I include decade dummies instead of year-fixed effects in the women's rights models.

Table 4.1 shows summary statistics for all variables, while table 4.2 shows the correlations between them.

Table 4.1: Summary statistics, dependent and independent variables

Statistic	N	Mean	Median	St. Dev.	Min	Max
A status	7,174	0.122	0	0.327	0	1
B status	7,174	0.031	0	0.174	0	1
C status	7,174	0.015	0	0.121	0	1
NHRI Complaints proc.	7,174	0.239	0	0.426	0	1
No complaints proc.	7,174	0.015	0	0.122	0	1
NHRI Punishment capacity	7,174	0.058	0	0.233	0	1
No punishment capacity	7,174	0.089	0	0.284	0	1
Western countries dummy	6,282	0.146	0	0.353	0	1
Womens' Pol. Rights	4,904	1.786	2	0.647	0	3
———Econ. Rights	4,853	1.327	1	0.697	0	3
Physical integrity	4,889	4.911	5	2.335	0	8
NHRI adopted	7,174	0.307	0	0.461	0	1
Years since NHRI adopted	7,174	3.530	0	6.683	0	34
ICCPR ratified	5,678	0.762	1	0.426	0	1
CEDAW ratified	6,358	0.742	1	0.438	0	1
Civil liberties	4,907	8.275	9	4.237	0	14
Polity IV Democracy	5,110	2.130	5	7.171	−10	10
Fariss Physical integrity	6,043	0.510	0.377	1.439	−3.112	4.705
Inter-state conflict	7,174	0.018	0	0.133	0	1
Internal conflict	7,174	0.112	0	0.315	0	1
GDP p/c (2005 USD)	5,707	9,727.872	2,650.682	16,291.800	69.579	158,602.500
Trade, % of GDP	5,465	82.873	73.919	49.698	0.021	531.737
Popul. (thousands)	6,116	31,795.680	6,299.851	121,616.000	8.160	1,364,270.000
INGO linkages	6,411	724.707	394	838.622	0	4,424
Regime durability	5,185	24.835	15	29.904	0	205
Linzer and Staton jud. ind.	5,770	0.511	0.460	0.316	0.011	0.995
Cold war	7,174	0.294	0	0.456	0	1

Table 4.2: Correlations between variables

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1. WOPOL	1	.344	.441	.155	.337	.330	.287	.383	.397	.305	-.056	-.101	.168	.024	.040	.375	.129	.299
2. WECON	.344	1	.724	.420	.434	.089	.138	.119	.380	.374	-.066	-.186	.471	.134	-.067	.427	.374	.517
3. WOSOC	.441	.724	1	.424	.507	.206	.213	.214	.478	.469	-.046	-.184	.464	.066	-.046	.521	.365	.546
4. Phys. int	.155	.420	.424	1	.562	.034	.059	-.025	.396	.378	-.108	-.514	.459	.297	-.244	.228	.243	.592
5. Civ. Lib	.337	.434	.507	.562	1	.215	.166	.200	.812	.721	-.060	-.194	.339	.048	-.106	.395	.160	.768
6. NHRI	.330	.089	.206	.034	.215	1	.353	.383	.396	.275	-.033	.048	.059	-.051	.023	.392	.047	.162
7. ICCPR	.287	.138	.213	.059	.166	.353	1	.566	.324	.203	-.039	.013	.058	.022	.034	.282	.085	.156
8. CEDAW	.383	.119	.214	-.025	.200	.383	.566	1	.316	.212	-.020	.039	-.048	-.020	.058	.285	.029	.085
9. Polity	.397	.380	.478	.396	.812	.396	.324	.316	1	.844	-.044	-.076	.350	.002	.001	.550	.165	.839
10. DD	.305	.374	.469	.378	.721	.275	.203	.212	.844	1	-.031	-.086	.331	-.038	.004	.409	.191	.725
11. Inter-state	-.056	-.066	-.046	-.108	-.060	-.033	-.039	-.020	-.044	-.031	1	.122	-.032	-.110	.211	.022	.035	-.047
12. Internal	-.101	-.186	-.184	-.514	-.194	.048	.013	.039	-.076	-.086	.122	1	-.158	-.242	.164	-.005	-.100	-.184
13. GDP	.168	.471	.464	.459	.339	.059	.058	-.048	.350	.331	-.032	-.158	1	.179	-.050	.484	.614	.513
14. Trade	.024	.134	.066	.297	.048	-.051	.022	-.020	.002	-.038	-.110	-.242	.179	1	-.197	-.099	.005	.106
15. Pop.	.040	-.067	-.046	-.244	-.106	.023	.034	.058	.001	.004	.211	.164	-.050	-.197	1	.191	.149	-.023
16. INGO	.375	.427	.521	.228	.395	.392	.282	.285	.550	.409	.022	-.005	.484	-.099	.191	1	.501	.474
17. Durable	.129	.374	.365	.243	.160	.047	.085	.029	.165	.191	.035	-.100	.614	.005	.149	.501	1	.412
18. In.jud	.299	.517	.546	.592	.768	.162	.156	.085	.839	.725	-.047	-.184	.513	.106	-.023	.474	.412	1

4.4   Empirical strategy

In order to look for evidence of the proposed causal mechanisms, I develop a series of time-series–cross-section multivariate models. While the ICCPR entered into force in 1976, the CIRI data begins only in 1981. This is also the year the CEDAW entered into force. I restrict the analysis to where human rights data is available: 1981–2011.

The indexes for physical integrity rights and civil liberties are 9- and 15-point scales. While these are by definition ordinal scales, it may be justifiable to treat them as interval (see Neumayer 2005). Therefore, I estimate Ordinary Least Squares (OLS) fixed effects models for these two variables.

The ordinal measures of women's political and economic rights require a slightly different strategy. OLS does not produce a "best linear unbiased estimation" where the outcome variable is truncated and ordinal. Instead, I estimate a series of ordinal logistic models for women's political and economic rights.

In this section, I will first closer specify the models, then discuss some methodological issues.

4.4.1   Civil and political rights

Estimating the effect of NHRIs on the CIRI *physical integrity* and *empowerment* indexes, I employ a number of fixed-effects least square regressions. Fixed effects is a method for eliminating the effect of omitted variables that differ across countries but are constant over time (Stock and Watson 2007, 389).[17] In the main models, I employ both year- and country-fixed effects, in order to control both for unobserved global factors (that vary over time but not between countries) and unobserved country-specific factors that are constant over time. It is reasonable to assume that both are present in this data. The global human rights environment has developed considerably since 1980 (see Fariss 2014), and differences between countries may be large. I do not have perfect data on all these dynamics, so fixed effects estimation is a reasonable choice. To account for serial correlation, I also include a lagged dependent variable Y_{t-1} in the models. The complete specification of the model is:

$$Y_{it} = NHRI_{it-1}\beta_1 + \mathbf{x}_{it}\beta + \gamma_i + \lambda_t + Y_{it-1} + u_{it}, \qquad (4.1)$$

where Y is either the CIRI physical integrity rights or empowerment (civil liberties) index. *NHRI* is the explanatory variable in the main models. In other models, this will be replaced by dummy variables for accreditation status, complaints procedure and punishment capacity, respectively. $\mathbf{x}_{it}$ is a vector of the observed time-variant control variables intro-

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[17]Or conversely, are constant for all countries but vary over time.

duced above.[18] γ_i is the country-fixed effects and λ_t is the year-fixed effects. These two are treated as unknown country- and year-specific intercepts to be estimated (Stock and Watson 2007, 396–400).

4.4.2 Women's rights

The women's rights models are estimated by ordinal logistic regression. This assumes that the dependent variable is an ordered factor variable, but does not assume a spacing between the levels of Y (Harrell Jr 2015, 311). In our case, the CIRI scales are explicitly coded as ordered, but the numerical scores have no substantial meaning. This makes ordinal logistic regression a reasonable choice. The ordinal logistic model can be stated as:

$$Pr(Y_{it} \geq j \mid \mathbf{x}_{it}) = \frac{1}{1 + \exp(-\alpha_j - \mathbf{x}_{it}\beta)}, \tag{4.2}$$

where α_j is a set of $j - 1$ intercepts (this specification after Harrell Jr 2015, 313). In our case, the truncated CIRI variables have three categories, so the model estimates two intercepts. $\mathbf{x}$ is still a vector of independent variables. The model makes a further important assumption of proportional odds. The coefficient β does not have an j subscript. This means that the model assumes that the effect of x is constant across all levels of Y (see Agresti 2010, 180–1). In other words, the *slope* of x stays the same for all $j - 1$ categories, while the model calculates separate intercepts for each cutoff (α_j). Figure 4.3 depicts this relationship for a four-category dependent variable and a continuous x.
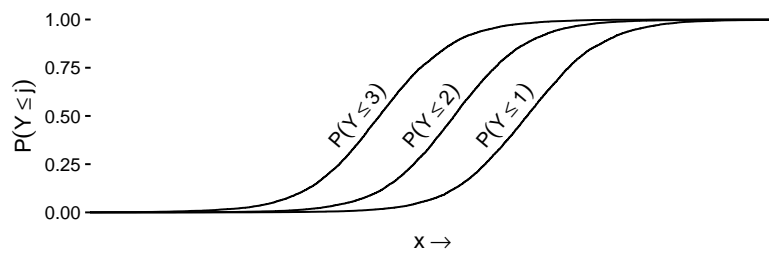
Figure 4.3: Depiction of cumulative probabilities in the proportional odds model. Adapted from Agresti (2010, 181).

This assumption makes it possible to report a single parameter estimate of the effect of x on Y, but is a quite strong assumption that should be tested. I return to this issue under Model diagnostics (sec. 5.4).

We see that the link function is logistic. Transforming $Pr(Y_{it} \geq j)$ to logits gives a model that is linear in $X\beta$. This makes for a somewhat more intuitive way to show the individual variables of the women's rights models:

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[18]Note: Most of these are lagged by one year in both the OLS and ordinal logit models. See sec. 4.4.4.

$$\text{logit}[Pr(Y_{it} \geq j)] = \alpha_j + NHRI_{it-1}\beta_1 + \mathbf{x}_{it}\beta + 1990s_t\lambda_1 + 2000s_t\lambda_2 + 2010s_t + \lambda_3 + WEST_i\gamma_1 + Y_{it-1}\beta_4$$

$$(4.3)$$

Here, *NHRI* is again the explanatory variable(s) and $\mathbf{x}_{it}$ a vector of observed control variables. The λ coefficients belong to dummy variables for each decade except the 1980s (which will be the "reference decade", while *WEST* is a dummy variable for western countries (Western Europe, North America, Australia and New Zealand).

The inclusion of dummy variables for decade and western countries is an attempt to approximate the conditions of fixed effects estimation without running into the problems described by Beck and Katz (2001), Neumayer (2005) and others. Even if I have not been able to find a viable "packaged" solution[19] for fixed effects estimation under ordinal logistic regression, I could add country- and year dummies by hand. Unfortunately, this may lead to bias in the estimates, or as in the present case, the models failing to converge.

4.4.3   The self-selection dilemma

The first-generation quantitative studies of human rights treaty effects has been criticized not only for their theoretical arguments, but also for their methodological setup. One of the main lines of critique has been the issue of *selection effects*. Von Stein (2005) raised the issue that treaties might screen, but not constrain. That is, states that choose to ratify a treaty might have complied with its provisions even if the treaty did not exist. If this is the case, treaties have no causal effect on state practice; they are only a reflection of states' preferences. The underlying statistical problem is that causal inferences will be biased when the treatment assignment (for instance treaty ratification or NHRI adoption) is dependent—that is non-ignorable. And of course we know that states' likelihood to adopt an NHRI or a treaty may depend on their existing human rights practices. The problem is real, yet there is no ideal solution.

The statistical responses to selection bias in the literature so far can roughly be divided into three strategies: (1) Heckman selection models (Von Stein 2005; Neumayer 2005), (2) instrumental variables (IV) regression (eg., Simmons 2009; Cole and Ramirez 2013) and (3) some form of matching approach (Lupu 2013b; Simmons and Hopkins 2005; Nielsen and Simmons 2015; Hill 2010). They all have their respective strengths and weaknesses.

The main problem with the Heckman selection model is its sensitivity to specification, problems of collinearity and heavy reliance on distributional assumptions (Simmons and

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[19]A paper by Baetschmann, Staub, and Winkelmann (2015) suggests a so-called BUC fixed effects estimator, in essence combining a series of $J-1$ fixed effects logistic regressions. I do not know of an implementation of this in R. There also exists a very rudimentary package `pglm` in R which is an extension of the `plm` package to nonlinear models, but I have not been able to get it to work for my models.

Hopkins 2005, 624–5). This may be why this approach has fallen somewhat out of favor over the last decade, often replaced by a move towards semiparametric or nonparametric approaches that do not rely on such strict distributional assumptions.

One widespread approach is to use *matching* as a nonparametric preprocessing step before running standard parametric models (Ho et al. 2007). The idea is to adjust for as much of the information in the control variables as possible by "preprocessing a data set with matching methods so that the treated group is as similar as possible to the control group" (Ho et al. 2007, 200). This makes any subsequent parametric adjustment less important.

This way of controlling for observed covariates reduces model dependence because it makes no restrictive assumptions about the functional form of the relationship between the controlling covariates and the outcome variable. So far so good. The problem arises when one moves from arguing that matching reduces *model dependence*, and start arguing that matching accounts for *selection effects*. In an ideal randomized experimental study, even unobserved selection effects would be accounted for. But even if matching approximates the experimental ideal along one dimension, it is still a "selection on observables"-approach. In the regression framework, this is known as the assumption of no omitted variables (Stock and Watson 2007, 222).

Ho et al. (2007) put this clearly: "Our procedures contain no magic: They do not help us control for variables that are not measured." Miller (2013, 2) develops the point: "Matching has no advantage relative to regression for proving causation or dealing with endogeneity, since matching can only account for observed covariates," and concludes: "In short, if one has a selection problem with regression, one has it with matching, too" (2013, 10). While matching undoubtedly has its merits, accounting for selection effects is not one of them. Using matching in a panel data framework introduces further challenges that I will not go into here.

Another approach that aims to adjust for selection effects and endogeneity issues is called *Instrumental variables (IV) regression*. Say you have a standard regression model:

$$Y_i = \beta_0 + \beta_1 X_i + u_i, i = 1, \dots, n, \tag{4.4}$$

where u_i is an error term that represents unobserved factors that affects Y_i, X_i is the causal variable of interest and β_0 is the intercept. As we know from the assumptions of OLS, if X_i and u_i are correlated, the OLS estimator is biased and inconsistent. IV regression isolates the part of the regressor variable X that is uncorrelated with the error term u, using an instrument variable Z. This makes possible an unbiased estimate of the effect on Y of a unit change in X (Stock and Watson 2007, 462). This happens through a two-stage least square regression, where X_i in eq. 4.4 is estimated separately in the first stage:

$$X_i = \pi_0 + \pi_1 Z_i + v_i. \tag{4.5}$$

The error term v_i is discarded, leaving us with an estimate of the part of X_i that is uncorrelated with Y_i: $\hat{X}_i = \hat{\pi}_0 + \hat{\pi}_1 Z_i$. The estimated $\hat{X}_i$ is then used as the causal variable in the second-stage regression.

For this approach to work, one needs an instrument variable that has a causal effect on (is correlated with) X, but no direct effect on Y. More formally:

$$corr(Z_i, X_i) \neq 0, \tag{4.6}$$

$$corr(Z_i, u_i) = 0. \tag{4.7}$$

We see that correlation between Z_i and u_i in eq. 4.7 would imply that Z_i has a separate impact on the outcome variable Y_i. While IV regression is a powerful tool when the assumption holds, this is a strong assumption. Again, the ideal is the randomized experiment—often, instrumental variables regression can be seen as a form of *natural experiment*. This is the case where an IV is a "gift of nature"—a naturally occurring random event that predicts the causal variable of interest but not the outcome variable (Morgan and Winship 2014, 216). The classical example in the econometrics literature is rainfall, which would plausibly affect food production (supply), but not food demand (Stock and Watson 2007, 466).

The main pitfall in the field of human rights is that good instruments are hard to find. It is hard to conceive of a natural experiment of the type described above. The basic assumption that Z has no direct causal effect on Y is untestable—one can only argue for the plausibility of one's proposed instruments (Morgan and Winship 2014, 196–7). In the case of NHRI effects, the only use of IV regression I have been able to find is Cole and Ramirez (2013), who use the following instruments:

> yearly tallies of worldwide NHRI densities, [...]; a count of countries' ratification of six core human rights treaties, [...]; dummy variables for years in which U.N.-sponsored NHRI workshops were held, [...]; a dummy variable for Western countries; and variables that model duration dependence. (Cole and Ramirez 2013, 10)

Cole and Ramirez do not explicitly argue for the validity of their suggested instruments. Yet at face value, at least two of the instruments seem dubious. First, we have a vast literature that explicitly sets out to examine the direct effect of treaties on states' human rights practice. Using a tally of treaty ratifications as an instrument requires the assumption that treaties have no effect on human rights except for their impact via NHRI adoption. This seems to me implausible. The same argument goes for including a dummy variable for Western countries.

Surely, the sole reason Western countries on average have higher human rights ratings is not that they are more eager to adopt NHRIs. This is not to say that Cole and Ramirez' (2013) instruments are impossible to defend. But as long as they do not do it explicitly, and possible counterarguments are so readily available, there is a real possibility that their estimations are biased.

This brief roundup of the literature has shown that neither Heckman selection models, matching approaches, nor instrumental variables regression seems like particularly promising routes towards estimating causal effects of NHRI adoption. What is the alternative? I choose to fall back on a strategy with less promise for strong causal inference, but still useful for descriptive inferences: a regression-based framework with observed as well as statistical controls. I will take note of the arguments above about model dependence and be rigorous about robustness checks. Yet a direct and clear way to control for selection effects seems elusive in this field, given the quality of the data and the complexity of any plausible causal argument. And again, I believe that causal claims are best corroborated through the interplay between macro-level statistical patterns and micro-level qualitative studies.

4.4.4 Dealing with time dependency

The second important issue to take into account is time. The structure of the data is time-series–cross-sectional, or *panel data*. This means that the observations are not independent. I return to country-level heterogeneity later, for now the issue is time dependency. We can expect the value of a variable in a country in one year to depend on the value of the variable last year. If the time series Y_t is stationary, i.e. the probability distribution of Y_t does not change over time, usual methods of statistical inference can be used (Stock and Watson 2007, 610). Yet we have good reasons to assume that they are not stationary in our data. Granger and Newbold (1974) point out the problem of "spurious regression" in so-called integrated time series. That is, where two variables follow a trend, the OLS estimator is inefficient and usual significance tests are invalid. In effect, one would almost always find a statistically significant correlation between two trending variables even if there is no causal relationship between them.

To alleviate this problem I rely mainly on two measures. First, I include a lagged dependent variable in all models. This accounts for the theoretical expectation that the value of Y in year t depends upon the values of Y in year $t - 1$. Second, I include year-dummies in the OLS models. This will account for trends that are common to all countries, but will not account for possible country-specific trends. As robustness checks, I will also test models that control for country-specific linear time trends. I return to this issue under Model Diagnostics (sec. 5.4).

The final question regards time lags. It is reasonable to assume that the adoption of

NHRIs takes some time to affect human rights practices on the ground. But how much time? The specification of time lags might influence our findings, which is a kind of model dependence one should strive to avoid. My approach is also here twofold. First, I have a theoretical expectation that it will take more time before the effects of an NHRI are observed if it works through socialization than through monitoring. This means that I can vary the time lags of the explanatory "NHRI adoption" variable and examine how the coefficients change. Yet it is not feasible to test models for all possible lags of all variables—and all combinations of them. Lacking clear theoretical expectations, I find it most reasonable to measure most control variables in $t - 1$: the year before the dependent variable is measured. Conflict variables are the exception, which are measured in the same year as the human rights variables. Figure 4.4 shows why.
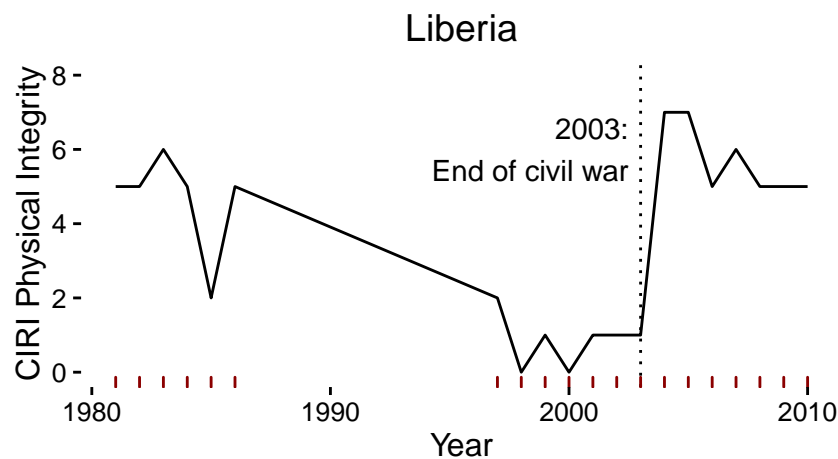
Figure 4.4: CIRI physical integrity rights score, Liberia 1981–2011. Rug (red ticks) indicates years with observations.

As introduced above, violent conflict is often associated with grave and sudden physical integrity rights violations. Models where conflict is measured in $t - 1$ shows signs of misspecification—here, diagnostics tests show Liberia as an influential outlier. We see in figure 4.4 that the effect is close to simultaneous. The use of "unlagged" conflict variables is therefore theoretically and technically justified.

Note, however, that regardless of lags, the following models do not account for gradual effects, but assume a change from 0 to full effect in the year of measurement. This may be problematic and is intuitively an obvious simplification. As discussed above, I will use variables counting the year since NHRI adoption as a robustness check against the assumption that the NHRI "effect" is increasing over time—even if this imposes new assumptions of its own.

4.5   How to mix methods

The final part of this thesis is a case study of the previous Norwegian NHRI, that existed from 2001 to 2015. I will employ process tracing to trace the theorized causal mechanism(s) between the input of NHRI adoption and the output of respect for human rights in a given state. But what can a case study add to a statistical analysis?

Chiefly, the case study contributes with what Bryman (2008, 168) calls *triangulation*: If we attack the research question from more than one methodological angle, we can be more certain in our inferences. Schematically, table 4.3 shows four possible outcomes from such a compared approach.[20] By "agreement" in this table I mean agreement with the outlined theoretical proposals.

Table 4.3: Possible combined outcomes of a mixed-methods research program

	Case study agreement	No case study agreement
Statistical agreement	(1) Corroborates findings. Lets us ask "why" or "how".	(2) Covariation is caused by something else (theoretical flaw), or idiosyncratic case.
No statistical agreement	(3) Case study finds statistically unmeasured effects (flaw of operationalization).	(4) Corroborates null findings.

The main function of the process tracing is to ask the questions *how* and *why*. If the statistical analysis finds an effect, the task is to examine what mechanism(s), if any, can account for this connection—cells (1) and (2). If the statistical analysis does *not* find an effect, the process tracing needs to ask: *why not?* For instance, maybe the dependent variable is too narrowly defined or operationalized—already from the outset it seems plausible that the CIRI indicators will have a hard time picking up shifts in language, attitudes or discourse, which still might be important effects widely defined (cell 3). It is also possible that the global average effect is null, while the case study may examine possible scope conditions. Lastly, there is a possibility that neither the statistical analysis nor the process tracing finds any evidence of that particular NHRI making any difference—thereby corroborating a statistical null-finding, at least for the state examined (cell 4). To be sure, an ideal mixed-methods research program should in all cases then return to the statistical analysis and incorporate the findings from the case study in a new quantitative round. Yet this is unfortunately outside

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[20]See Lieberman (2005) for a more complex model of "nested analysis".

the scope of the present thesis.

The methodological approach of the case study is process tracing. Bennett and Checkel define "process tracing" as

> (…) the analysis of evidence on processes, sequences, and conjectures of events within a case for the purposes of either developing or testing hypotheses about causal mechanisms that might causally explain the case. (Bennett and Checkel 2014, 7)

I argue that process tracing has three central traits. (1) It focuses on a single case, (2) It is concerned with causal *mechanisms*, and (3) it gives data status as *evidence* rather than counts of observations. The Theory chapter has already laid out what I mean by mechanisms in this thesis. The advantage of a case study is that it lets us open up the "black box" between our independent and dependent variables and look for *within-case evidence* of the proposed causal mechanisms. And this means something else than to look for intervening variables at ever lower levels of analysis—it necessarily implies a subtle departure from the logic of frequentist statistical inference altogether.

Process tracing is a single-case method that looks for evidence of otherwise hidden causal mechanisms. The process-tracer is not looking for counts of observations (as in a statistical analysis) or for the difference a variable makes across cases (as in a Millian method of comparison). The observations' explanatory value comes not from their values or counts, but from the information they can give us about context, process or mechanism (Dunning 2014, 215). In the extreme case, such evidence may be found in one single meeting minute or a sentence in an interview.

Bennett and Checkel (2014, 18) make a distinction between inductive and deductive process tracing. The former is a "soaking and poking" for plausible proto-hypotheses, with a willingness to follow the evidence wherever it leads. The latter proceeds through developing, and looking for, case-specific observable implication of already established theories. The present case study leans towards the deductive side, as I have already in some detail proposed possible mechanisms. However, I do not believe in a strict dichotomy between inductive and deductive process tracing, and the researcher should always be open to inductive insights (Bennett and Checkel 2014, 29–30). The present case-study is therefore not a strict hypothesis-testing of competing claims, but rather a probing of some key outcomes of the statistical analysis. More technically, process tracing may proceed through a variety of methods, for instance interiviews, text analysis, or even leaning on within-case statistics. In this thesis, I rely solely on publicly available written sources. I return briefly to this issue in Chapter 6. First, however, let us go back to the global statistical analysis.

Chapter 5

Analysis

5.1 Initial patterns

At first sight, there is not much to suggest that the surge of human rights treaties and institutions has brought an improvement in states' human rights performance. Figure 5.1 shows that the number of states ratifying the CEDAW and ICCPR has increased steadily—as has the number of states that have adopted an NHRI. Over the same period, the global average score on the CIRI indicators of respect for physical integrity rights, civil liberties, and women's economic rights are at a relative standstill.[21] Only the variable measuring women's political rights shows a slight improvement over time.

As a step towards the full multivariate model, let us break down the mean developments in figure 5.1. Are there differences between countries with and without NHRIs? Figure 5.2 revisits figure 5.1, disaggregating on NHRI adoption. Most striking is the difference between the categories of rights. For women's rights, there is a small, but distinct gap between the mean scores of NHRI adopters and non-adopters across all years. For the other rights categories, the differences between NHRI adopters and non-adopters is minimal in later years.

In the early 1980s, NHRI-adopting countries are better protectors of all rights on average. (But recall, there were only seven NHRI adopters in 1980.) This gap diminishes towards no systematic difference between adopters and non-adopters for all but women's political rights. These patterns most of all suggest that the composition of the two groups has changed over time. The early adopters of NHRIs were countries with a good track record of human rights. This illustrates the issue of self-selection. Countries with better human rights practices may have been the most eager to adopt NHRIs or other human rights institutions early on. Over time, as more and more countries have adopted an NHRI, the two groups converged.

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[21]The women's rights scales are ordinal, making arithmetic means strictly speaking inappropriate. For the purposes of these initial patterns, I nonetheless choose to treat these scales as interval and calculate means.
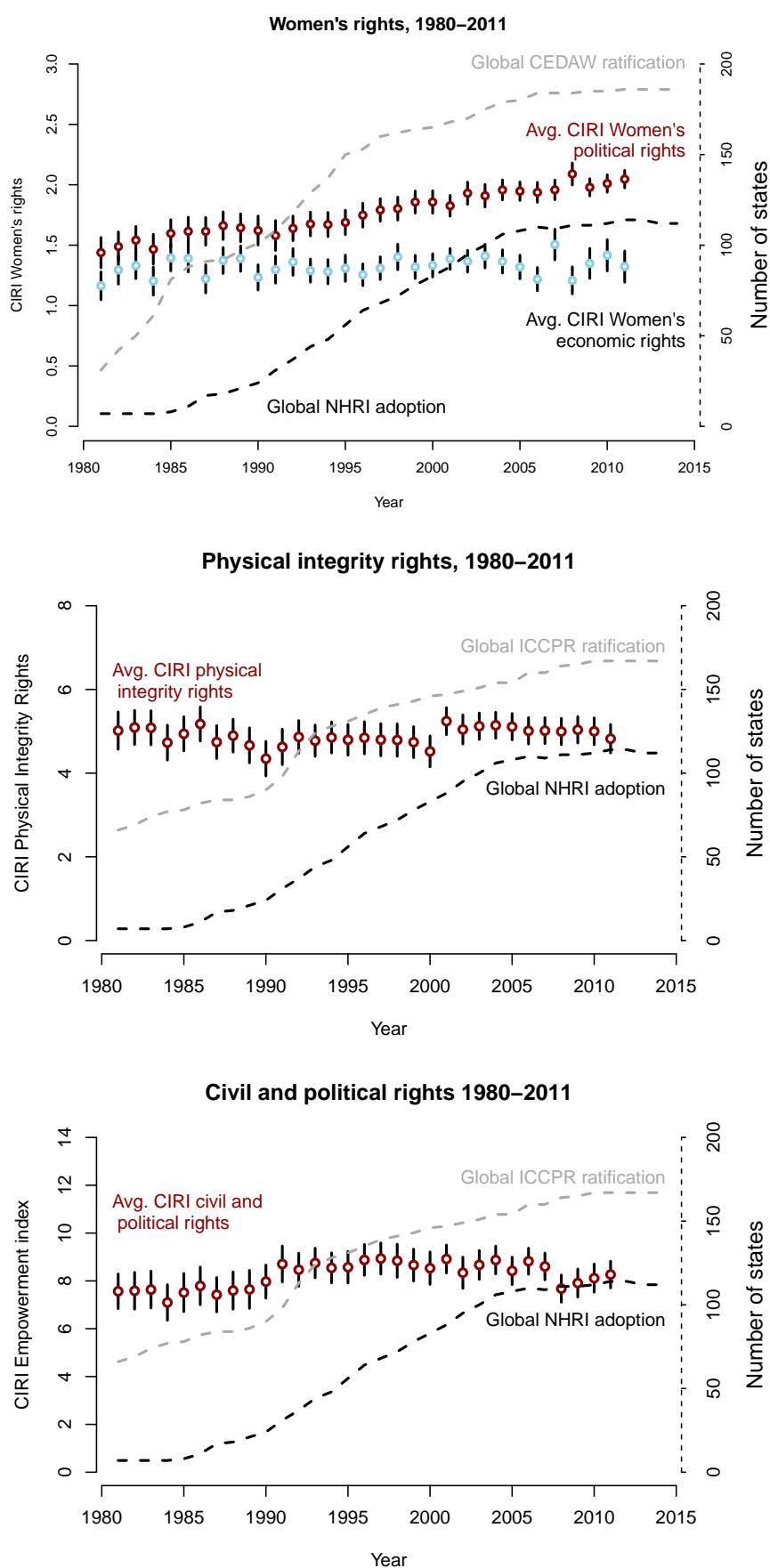
Figure 5.1: Yearly means and 95 % confidence intervals for the CIRI women's rights, physical integrity rights, and empowerment indicators
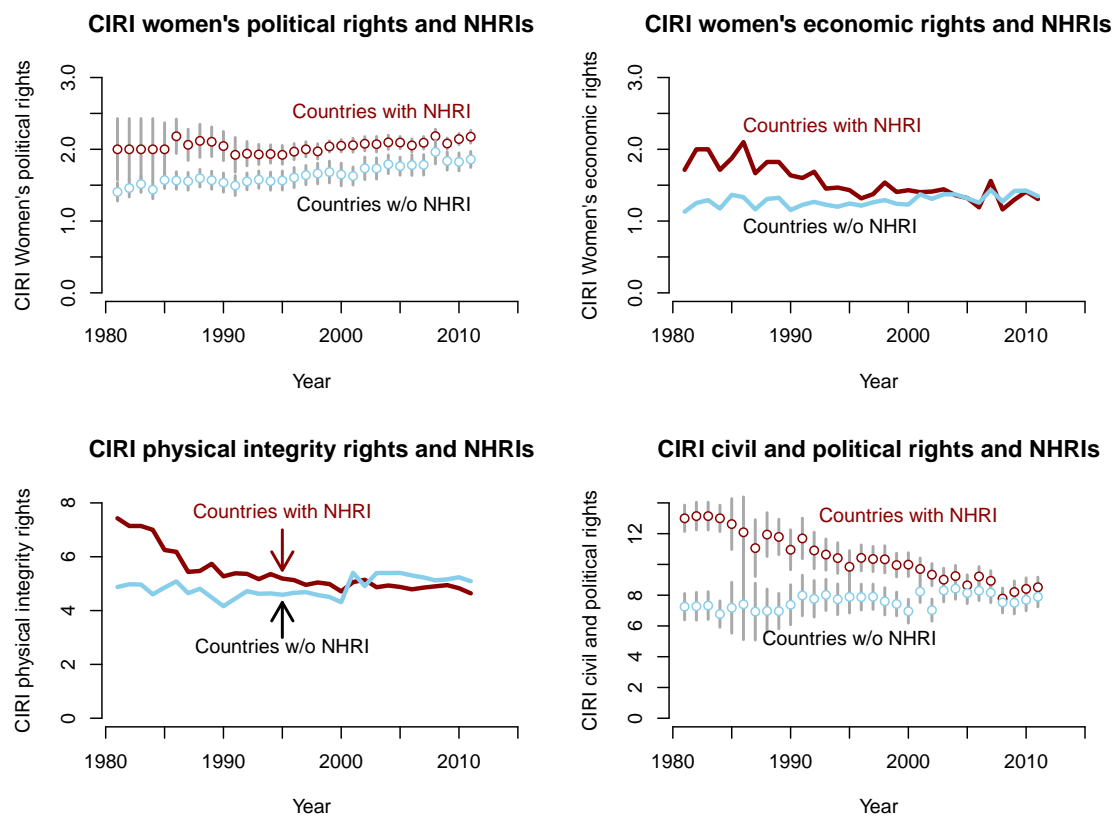
Figure 5.2: Yearly means, Women's political and economic rights, physical integrity rights and civil liberty rights by NHRI adoption. 95 % confidence intervals (omitted in middle panels for readability)

5.1.1   Accreditation
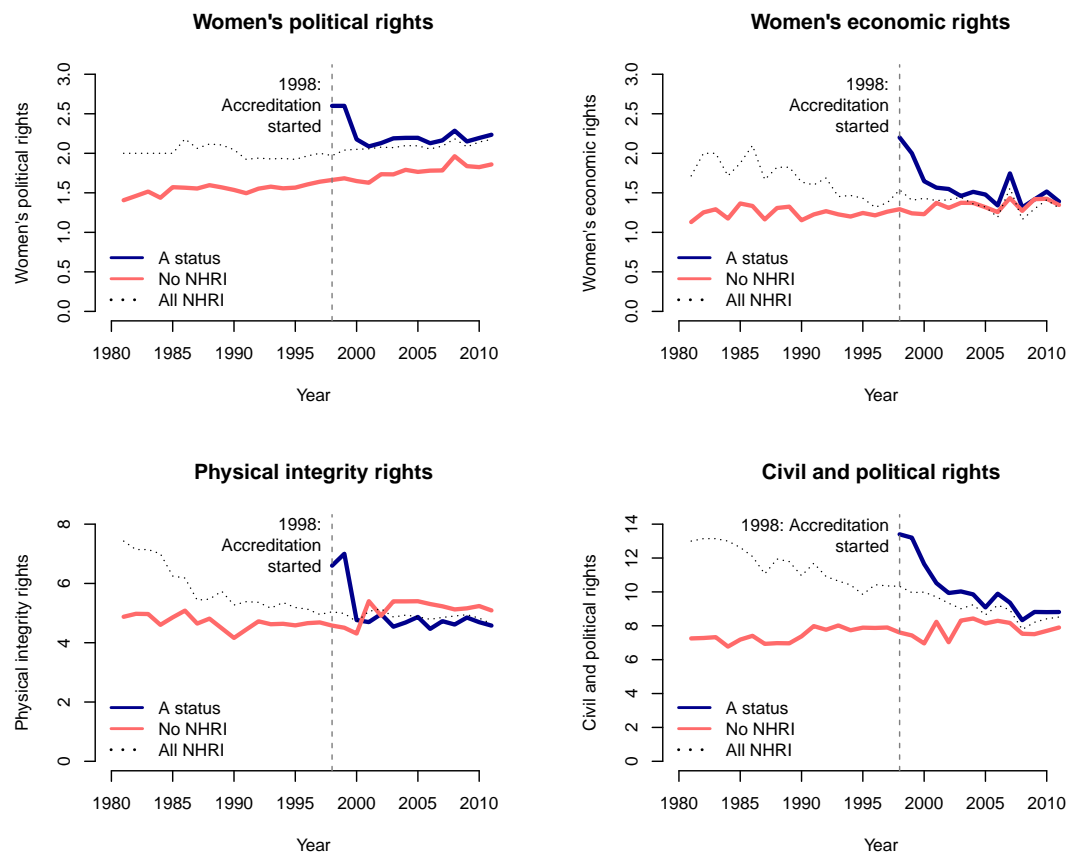
Figure 5.3: Mean CIRI scores by year and GANHRI accreditation status

Does anything change if we disaggregate the data by GANHRI accreditation status? Figure 5.3 shows yearly means for our four dependent variables. In the case of women's political rights, the gap between countries with A status NHRIs and countries without NHRIs remains. After year 2000, there is very little difference between countries with A status and other accredited institutions, but countries without NHRIs score consistently lower.

Yet women's political rights seems to be the only rights category with this pattern. When institutions started receiving accreditation in the late 1990s, countries with an A-accredited NHRI exhibited far better respect for all human rights categories than all other countries. Just as in the previous panels in figure 5.2, however, the trends converge over time. Recall the developments in figure 2.3 in the Background chapter. 1999 marks the start of a decade with prolific accreditation. It is plausible that the countries that received early A-accreditations were already eager human rights compliers. As more countries "joined the club" and gained A-accreditation, the mean scores have converged towards the global mean. It is nevertheless interesting that countries with A-accredited NHRIs, starting in year 2000, score *worse* on

physical integrity rights than countries without NHRIs do.

Again, many pinches of salt should be served with these plots. While they make an attempt at untangling a development over time, it would be misguided to interpret any of these lines as continuous, coherent units. The mean scores for countries without an NHRI are calculated from a very different subset of countries in 1990 and 2010. Rather than reading too much into the figures, it is time to attack the questions in a more systematic manner.

5.2   Multivariate analysis

As introduced in the Methods section, I estimate a series of fixed-effects OLS models for the physical integrity- and civil liberties models, and ordinal logistic regressions for the women's rights models.[22] Table 5.1 shows the main models. For each dependent variable, I estimate one model where the explanatory variable is NHRI presence (coded 0-1), and one model where the explanatory variables are dummies for accreditation status. Here, the baseline category is countries with unaccredited or no NHRIs.

According to models (1) and (2), NHRIs are not associated with more respect for physical integrity rights. This is contrary to the findings of Cole and Ramirez (2013). NHRI adoption is *negatively* associated with respect for civil liberties. Respect for women's political rights is positively associated with NHRI adoption and especially A and B accreditation, while respect for women's economic rights is positively associated with A accreditation. What do these findings tell us?

5.2.1   Monitoring

There is no strong evidence to support the monitoring hypotheses H_{2A} and H_{2B} in these models. Civil liberties have no positive association with NHRI adoption, and complaints procedures or punishment capacity makes no difference.

The effect of NHRI adoption on physical integrity rights is not different from zero at any conventional statistical significance levels. Contrary to hypothesis H_{2A}, neither is civil liberties. Countries that have adopted NHRIs score on average *lower* than countries that have not adopted such an institution. This is also significantly different from zero at the conventional 5 percent level.

Ultimately, models 1–4 of table 5.1 offer most support for the window-dressing hypothesis. States with strong human rights practices might adopt an NHRI in order to signal membership of the international society or a normative commitment. States with weak human rights practices might adopt NHRIs as a form of international *appeasement*. This would

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[22]The OLS models are estimated in R with the plm package, while the ordinal logistic models are estimated with the rms package (R Core Team 2016; Croissant and Millo 2008; Harrell Jr 2016).

Table 5.1: Fixed effects and ordered logit estimates for the effect of NHRIs on domestic human rights scores, 1981–2011

| | Dependent variable (rights area): | | | | | | | |
| | Physical integrity (panel linear) | | Civil liberties (panel linear) | | Women's political (logistic) | | Women's economic (logistic) | |
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
NHRI_{t-1}	0.060 (0.082)	0.045 (0.083)	−0.203** (0.093)	−0.064 (0.105)	0.388** (0.178)	0.558** (0.234)	−0.023 (0.135)	0.419** (0.172)
A status_{t-1}		0.066 (0.112)		−0.256 (0.227)		0.575* (0.308)		−0.002 (0.225)
B status_{t-1}								
C status_{t-1}		−0.203 (0.255)		−0.518 (0.351)		−0.087 (0.163)		0.035 (0.313)
$\text{ICCPR ratification}_{t-1}$	−0.045 (0.104)	−0.044 (0.104)	0.159 (0.123)	0.152 (0.123)				
$\text{CEDAW ratification}_{t-1}$					0.569*** (0.177)	0.605*** (0.179)	−0.089 (0.176)	−0.072 (0.174)
$\text{Polity IV Democracy}_{t-1}$	0.017 (0.015)	0.018 (0.015)	0.030* (0.016)	0.030* (0.016)	0.001 (0.022)	0.003 (0.022)	0.017 (0.021)	0.012 (0.021)
Inter-state conflict	0.152 (0.163)	0.157 (0.164)	0.203 (0.225)	0.194 (0.225)	−0.357 (0.363)	−0.359 (0.367)	0.115 (0.429)	0.137 (0.424)
Internal conflict	−1.025*** (0.135)	−1.025*** (0.135)	−0.357*** (0.101)	−0.350*** (0.102)	−0.009 (0.193)	−0.016 (0.188)	−0.319* (0.179)	−0.312* (0.181)
$\text{GDP/capita (ln)}_{t-1}$	−0.208 (0.167)	−0.203 (0.165)	−0.218 (0.219)	−0.251 (0.218)	−0.099 (0.092)	−0.099 (0.092)	0.113 (0.094)	0.122 (0.094)
INGO (ln)_{t-1}	−0.266*** (0.071)	−0.256*** (0.071)	−0.117 (0.097)	−0.135 (0.098)	−0.005 (0.138)	0.014 (0.138)	0.073 (0.169)	0.060 (0.172)
$\text{Trade, \% of GDP}_{t-1}$	0.002 (0.001)	0.002 (0.001)	0.001 (0.001)	0.001 (0.001)	−0.001 (0.002)	−0.002 (0.002)	0.003* (0.002)	0.003* (0.002)
$\text{Population (ln)}_{t-1}$	−0.512* (0.299)	−0.485 (0.301)	−0.821* (0.419)	−0.852* (0.415)	−0.035 (0.078)	−0.050 (0.078)	−0.052 (0.081)	−0.060 (0.081)
$\text{Regime durability}_{t-1}$	0.003 (0.003)	0.003 (0.003)	−0.018*** (0.006)	−0.018*** (0.006)	−0.003 (0.004)	−0.004 (0.004)	0.005 (0.003)	0.005 (0.003)
$\text{Judicial independence}_{t-1}$	1.728*** (0.524)	1.712*** (0.521)	2.812*** (0.582)	2.792*** (0.574)	1.130* (0.597)	1.120* (0.590)	0.962 (0.608)	1.050* (0.615)
$\text{Physical integrity}_{t-1}$	0.436*** (0.026)	0.436*** (0.026)						
$\text{Civil liberties}_{t-1}$			0.546*** (0.018)	0.546*** (0.018)				
$\text{W political rights}_{t-1}$					4.671*** (0.178)	4.687*** (0.181)		
$\text{W economic rights}_{t-1}$							2.711*** (0.148)	2.697*** (0.147)
Western country dummy					1.315*** (0.350)	1.341*** (0.352)	1.171*** (0.313)	1.131*** (0.313)
Fixed effects[a]	Yes	Yes	Yes	Yes	No	No	No	No
Decade dummies	No	No	No	No	Yes	Yes	Yes	Yes
Observations	3,380	3,380	3,380	3,380	3,380	3,380	3,380	3,380
R^2	0.345	0.346	0.491	0.491	0.776	0.776	0.649	0.650
Adjusted R^2	0.327	0.327	0.466	0.465				

Note:

* $p<0.1$; ** $p<0.05$; *** $p<0.01$
[a] Country- and year fixed effects.
Standard errors clustered by country (in parentheses).

give states incentives to adopt weak institutions with little potential for effectiveness. Subsequently, the NHRIs themselves are unable to push forward any real change.

Individual complaintss

If NHRIs bring about human rights change through imposing costs on the state, we should expect institutions with a complaints mechanism to be more effective than institutions without. Table 5.2 shows models where the explanatory variables are indicator variables for NHRIs with or without complaints mechanisms. The reference category is country-years without NHRIs.

For physical integrity rights and civil liberties, the point estimates for the complaints procedure variable are very close to the estimates in table 5.1. Column (3) shows a positive association between having a complaints procedure and respect for women's political rights. The coefficient is higher than the corresponding NHRI coefficient in column (5) of table 5.1. This might be taken as conditional support for the complaints hypothesis—it might make a difference in some rights areas. Yet the model for women's economic rights (column 4) shows the opposite relationship. Women's economic rights seem positively associated with *lacking* a complaints procedure—while NHRIs *with* a complaints procedure have an effect statistically indistinguishable from zero. These are counterintuitive results.

There are, however, both substantial and methodological caveats to these findings. Both stem from the fact that almost all NHRIs have a complaints procedure. And almost all NHRIs *without* such a procedure are western European countries. I attempt to account for this by including a western country dummy variable in the ordered logistic models. Without this control, the coefficient for "no complaints" is higher, yet the general impression remains the same. In the OLS models, the unmeasured time-invariant traits that a western country dummy would account for are already captured in the country-fixed effects.

The methodological point is closely related. In the listwise deleted dataset, only 88 of 3380 country-years are coded as having an NHRI without a complaints procedure. In the case of OLS, this affects the statistical power of the variable. We see that the "no complaints"-variable has large standard errors compared to the coefficients in columns (1)-(2) of table 5.2. Yet we should not expect the estimates to be biased. In the maximum likelihood framework of models (3) and (4), however, empty cells are a larger problem. Table 5.3 shows a cross-tabulation between the "no complaints procedure" variable and the dependent variable women's political rights.

Table 5.2: Fixed effects and ordinal logistic regression of the effect of NHRI complaints procedure on human rights scores

	Dependent variable (Rights area):			
	Physical integrity	Civil liberties	Women's political	Women's economic
	panel linear	*panel linear*	*logistic*	*logistic*
	(1)	(2)	(3)	(4)
Punishment$_{t-1}$	0.068	−0.200*	0.487***	0.002
	(0.095)	(0.106)	(0.178)	(0.137)
No punishment$_{t-1}$	0.098	0.078	0.784	0.621**
	(0.101)	(0.183)	(0.587)	(0.286)
ICCPR ratification$_{t-1}$	−0.047	0.153		
	(0.105)	(0.123)		
CEDAW ratification$_{t-1}$			0.575***	−0.080
			(0.179)	(0.175)
Polity IV Democracy$_{t-1}$	0.017	0.030*	−0.001	0.017
	(0.015)	(0.016)	(0.023)	(0.021)
Inter-state conflict	0.153	0.201	−0.364	0.108
	(0.163)	(0.224)	(0.358)	(0.425)
Internal conflict	−1.028***	−0.350***	−0.014	−0.318*
	(0.134)	(0.103)	(0.195)	(0.180)
GDP/capita (ln)$_{t-1}$	−0.202	−0.222	−0.099	0.104
	(0.168)	(0.219)	(0.093)	(0.095)
INGO (ln)$_{t-1}$	−0.266***	−0.109	−0.012	0.064
	(0.071)	(0.098)	(0.136)	(0.171)
Trade, % of GDP$_{t-1}$	0.002	0.001	−0.001	0.003**
	(0.001)	(0.001)	(0.002)	(0.002)
Population (ln)$_{t-1}$	−0.502	−0.778*	−0.030	−0.049
	(0.308)	(0.428)	(0.077)	(0.081)
Regime durability$_{t-1}$	0.003	−0.018***	−0.001	0.006*
	(0.003)	(0.006)	(0.004)	(0.003)
Judicial independence$_{t-1}$	1.724***	2.813***	1.148*	1.002
	(0.525)	(0.583)	(0.592)	(0.611)
Physical integrity$_{t-1}$	0.436***			
	(0.026)			
Civil liberties$_{t-1}$		0.546***		
		(0.018)		
Women's political$_{t-1}$			4.657***	
			(0.178)	
Women's economic$_{t-1}$				2.702***
				(0.148)
Western country dummy			1.224***	1.051***
			(0.346)	(0.318)
Fixed effects[a]	*Yes*	*Yes*	*No*	*No*
Decade dummies	*No*	*No*	*Yes*	*Yes*
Observations	3,380	3,380	3,380	3,380
R^2	0.346	0.491	0.776	0.649
Adjusted R^2	0.327	0.465		
F Statistic (df = 13; 3203)	130.065***	237.761***		
χ^2 (df = 17)			3,110.527***	2,460.619***

Note: *p<0.1; **p<0.05; ***p<0.01

[a] Country- and year fixed effects.

Intercepts not reported. Standard errors clustered on country (in parentheses)

Table 5.3: Number of observations, no-complaints by women's political rights

W. pol. rights	No compl: 0	1
0	637	0
1	2420	41
2	235	47

This is a case of quasi-complete separation. All cases of NHRIs without a complaints procedure are scored $Y \geq 0$ on the women's political rights variable. This may lead to the model failing to converge, or to arbitrarily large estimates and standard errors (Allison 2008). In this case, however, the model converges. The statistical software R does not issue a warning when estimating these models, and it seems to return plausible coefficients and standard errors. A quick test of whether the results are biased by the "no complaints"-dummy in question is to run a model without it (reported in Appendix). The substantive results remain the same: For all models except for women's political rights, there is no strong association between NHRIs with complaints procedures and positive human rights outcomes.

This statistical problem might nevertheless explain the apparently strong coefficient in model (4) of table 5.2, where the lack of a complaints procedure is positively associated with women's economic rights. In the same vein, due to the possible instability of the models, I am hesitant to interpret the significant and positive coefficient for women's political rights as strong support *for* the complaints hypothesis. Rather, across all examined rights areas, we have no conclusive evidence.

Punishment

If having an individual complaints procedure is not systematically linked to better human rights outcomes, maybe a stronger means of accountability is more successful. It makes intuitive sense that NHRIs with some capacity to punish could be more effective than those without. Table 5.4 examines this question. Here, the explanatory variable is a set of dummy variables for NHRIs with and without a punishment capacity. As in the previous table, the reference category is country-years without any form of NHRI.

Punishment capacity is more evenly spread between NHRIs, so empty cells and perfect separation is not a problem in this model. However, the findings do not suggest that having a punishment capacity makes much difference. The pattern is similar to the previously examined models: Only for women's political rights are NHRIs significantly associated with better human rights outcomes.

Table 5.4: Fixed effects and ordinal logistic regression of the effect of NHRI punishment capacity on human rights scores

	Dependent variable (Rights area):			
	Physical integrity	Civil liberties	Women's political	Women's economic
	panel linear	*panel linear*	*logistic*	*logistic*
	(1)	(2)	(3)	(4)
Punishment$_{t-1}$	−0.068	−0.040	0.760***	0.211
	(0.176)	(0.192)	(0.268)	(0.215)
No punishment$_{t-1}$	−0.008	−0.185	0.450*	−0.233
	(0.107)	(0.135)	(0.248)	(0.213)
ICCPR ratification$_{t-1}$	−0.036	0.154		
	(0.103)	(0.126)		
CEDAW ratification$_{t-1}$			0.568***	−0.078
			(0.179)	(0.175)
Polity IV Democracy$_{t-1}$	0.017	0.028*	0.008	0.014
	(0.015)	(0.016)	(0.022)	(0.021)
Inter-state conflict	0.157	0.192	−0.390	0.108
	(0.163)	(0.225)	(0.361)	(0.432)
Internal conflict	−1.024***	−0.352***	−0.033	−0.337*
	(0.135)	(0.104)	(0.194)	(0.180)
GDP/capita (ln)$_{t-1}$	−0.189	−0.249	−0.080	0.109
	(0.166)	(0.220)	(0.093)	(0.096)
INGO (ln)$_{t-1}$	−0.265***	−0.122	−0.009	0.077
	(0.071)	(0.098)	(0.136)	(0.174)
Trade, % of GDP$_{t-1}$	0.002	0.001	−0.001	0.003*
	(0.001)	(0.001)	(0.002)	(0.001)
Population (ln)$_{t-1}$	−0.495*	−0.841**	−0.034	−0.057
	(0.297)	(0.414)	(0.078)	(0.082)
Regime durability$_{t-1}$	0.003	−0.018***	−0.001	0.005
	(0.003)	(0.006)	(0.004)	(0.004)
Judicial independence$_{t-1}$	1.719***	2.876***	0.976	1.050*
	(0.516)	(0.578)	(0.621)	(0.605)
Physical integrity$_{t-1}$	0.436***			
	(0.026)			
Civil liberties$_{t-1}$		0.548***		
		(0.018)		
Women's political$_{t-1}$			4.664***	
			(0.182)	
Women's economic$_{t-1}$				2.699***
				(0.149)
Western country dummy			1.289***	1.198***
			(0.344)	(0.339)
Fixed effects[a]	*Yes*	*Yes*	*No*	*No*
Decade dummies	*No*	*No*	*Yes*	*Yes*
Observations	3,380	3,380	3,380	3,380
R^2	0.345	0.491	0.776	0.649
Adjusted R^2	0.327	0.465		
F Statistic (df = 13; 3203)	129.978***	237.258***		
χ^2 (df = 17)			3,112.352***	2,460.676***

Note: *p<0.1; **p<0.05; ***p<0.01
[a] Country- and year fixed effects.
Intercepts omitted from table. Standard errors clustered on country (in parentheses)

Estimated effect

Lastly, let us return to the negative effect of NHRI adoption on civil liberties, which is a counterintuitive finding. I simulate the predicted quantity of interest—the effect of NHRI adoption—using the technique recommended in King, Tomz, and Wittenberg (2000). I set all control variables at their means, and make 1000 draws from a distribution of point estimates with country-clustered standard errors. Since this is a linear regression and the predictor is dichotomous, the simulated marginal effect is very close to the coefficient estimate (they should be equal with infinite draws). The result is reported in figure 5.4.
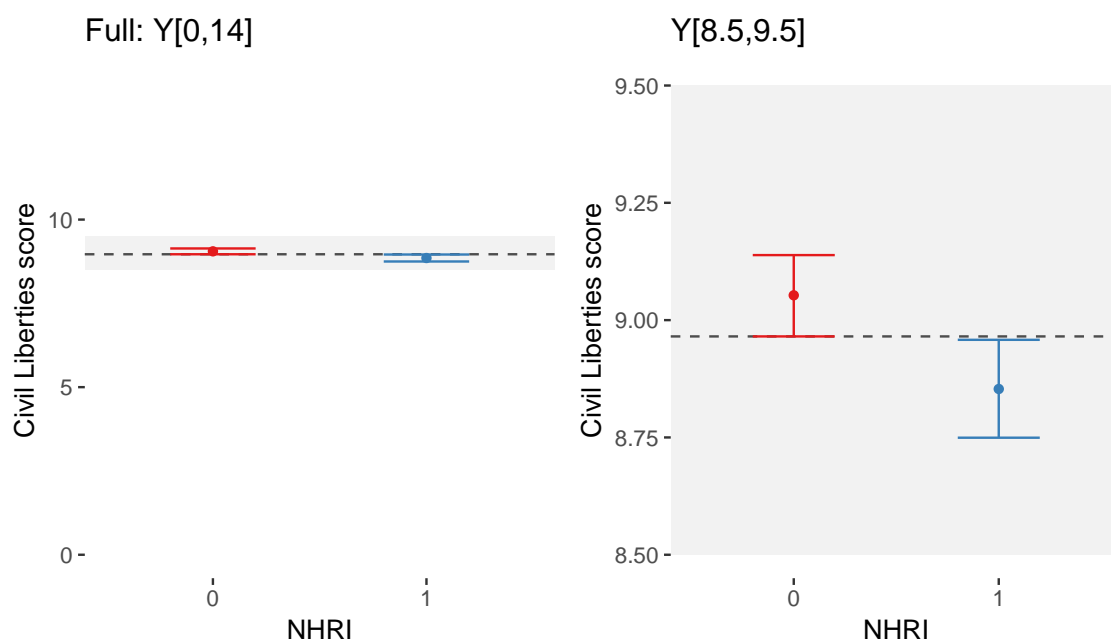

Figure 5.4: Predicted mean scores on civil liberties for NHRI adopters and non-adopters, with 95 % confidence intervals. 1000 draws from parameter estimates with country-clustered standard errors. All other variables at their means.

We see that the difference between NHRI-adopting and non-NHRI-adopting countries is indeed (barely) statistically significant at the conventional 5% level, but the substantial difference is practically null. The civil liberties scale ranges from 0 to 14, but the simulated difference in means is a fraction of a point. That is, the main takeaway from this model is not that NHRIs negatively affect civil liberties in any substantial way, but rather that the model shows no signs of a *positive* association between NHRI adoption and this category of rights.

In summary, the monitoring hypotheses find little support in the present analysis. For the rights areas where monitoring is expected to be strongest, I find no significant effects. It is also not clear that the examined features of institutional capacity of NHRIs affect their effectiveness. Rather, NHRIs are associated with better human rights outcomes only towards women's political rights, but here quite robustly regardless of what aspect of NHRIs we mea-

sure. Theoretically, I have argued that the association between NHRI presence, accreditation and positive women's rights outcomes speaks more strongly to the socialization mechanism.

5.2.2   Socialization

Two findings of the present analysis support the socialization hypotheses. First, we observe a positive association between NHRI adoption and women's political rights. Second, we observe a stronger positive association between A-accredited NHRIs and women's political *and* economic rights. As we will see, however, the real-world magnitude of these effects are quite weak.

The adoption of an NHRI is positively associated with the respect for women's political rights—significant at the 5 percent level. There is a positive association between women's economic rights and NHRI adoption as well, but the effect is weak and far from any conventional levels of statistical significance.

Moving on from overall NHRI effect to accreditation status, an interesting pattern emerges. We see that A and B status institutions are driving the positive effect, while C status institutions are negatively associated with respect for women's political rights—compared to country-years with unaccredited or no NHRIs. Figure 5.5 shows this relationship graphically. I calculate odds ratios with 95 percent confidence bands for the coefficients of interest from the models (5) and (6) in table 5.1. Recall, the logit model estimates *cumulative logits*. Exponentiating the coefficient of interest gives *odds ratios*, which are easier to interpret (see Agresti 2010, 183). In this figure, we see that the odds of being scored in a higher category of women's political rights where a state has adopted an NHRI are 1.47 times greater than without an NHRI—and that the effect is even stronger for countries with A- and B- accredited institutions.

The same pattern is evident for women's economic rights. The overall effect of NHRI adoption is weak and statistically insignificant. Yet when we disaggregate by accreditation, we see that A-accredited institutions are positively associated with respect for women's economic rights, while B- and C accredited institutions pull in the other direction. That is: behind the apparent null-finding of NHRI adoption, there are important differences between accreditation levels.

These observations are in line with the two main hypotheses under socialization. First, NHRI adoption is associated with more respect for women's rights to an extent that it is not towards civil and political rights (see H_{3A}). Second, this association is driven by A- and to some extent B-accredited NHRIs (see H_{3B}). Third, accreditation makes a difference in the women's rights models that it does not make in the civil and political rights models. Taken together, this provides some tentative evidence that (1) socialization matters, (2) accreditation matters, and maybe also (3) accreditation matters *because of* socialization. If accreditation
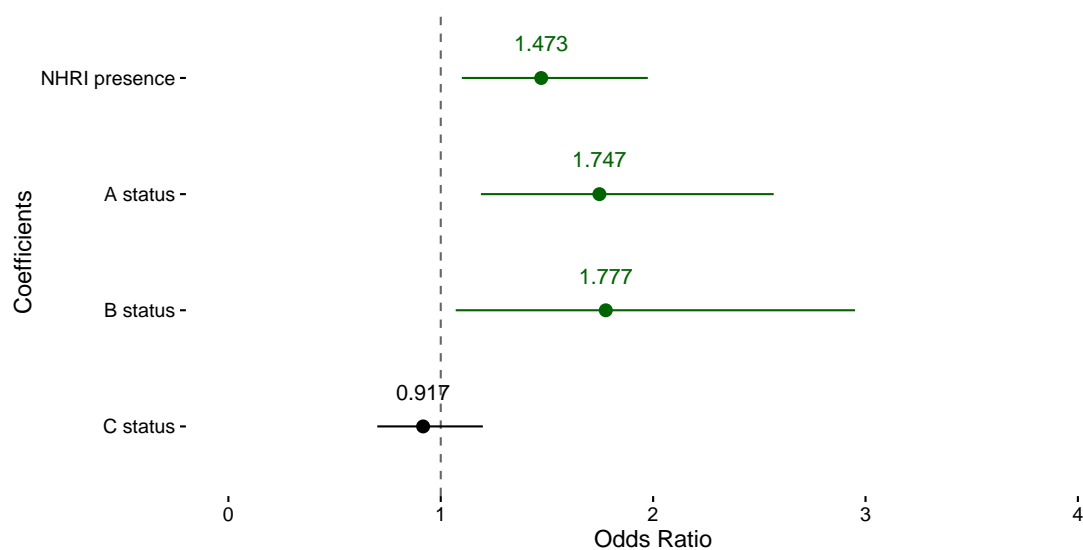
Figure 5.5: Odds ratios: Exponentiated NHRI coefficient from model (5) and status coefficients from model (6) (Women's political rights). 90 % confidence interval.

were simply a reflection of underlying institutional capacity, we could expect it to make a difference across all rights areas. On the other hand, if we take accreditation as a device for domestic and international reputation and legitimacy, it is linked closer to the socialization mechanism. This would explain the difference in effects between rights areas.

A way to judge the substantial magnitude of the reported coefficients is with predicted probabilities. Since the ordered logit model is nonlinear, the effect of the explanatory variable is dependent upon the values on the other independent variables. I plot predicted probabilities of obtaining different levels of women's political rights (see figure 5.6). In essence, this simulates the "effect" of adopting an A-accredited NHRI for a hypothetical state where the values of all other covariates are held at their median levels.

At first sight, figure 5.6 looks underwhelming. The vast majority of states are scored at level 1 on the truncated women's political rights scale—and this is the score with the by far highest predicted probability of obtaining. Yet the predicted probability of belonging in the lowest category is clearly lower with an A-accredited NHRI than without. The probability of belonging in the category of highest respect for women's political rights is also predicted to be somewhat higher where an A status institution is present.

Finally, calculating marginal effects gives the same impression. Table 5.5 shows the marginal effects of adopting an A-status NHRI on the CIRI women's political rights indicator. All other variables are held at their means. The probability of belonging in the lowest category decreases by 0.019 = 1.9 percent after NHRI adoption. The probability of belonging in category 1 increases by 1.3 percent, while the probability of belonging in category 2 increases by 0.6 percent. This are small effects, even if they are significantly different from
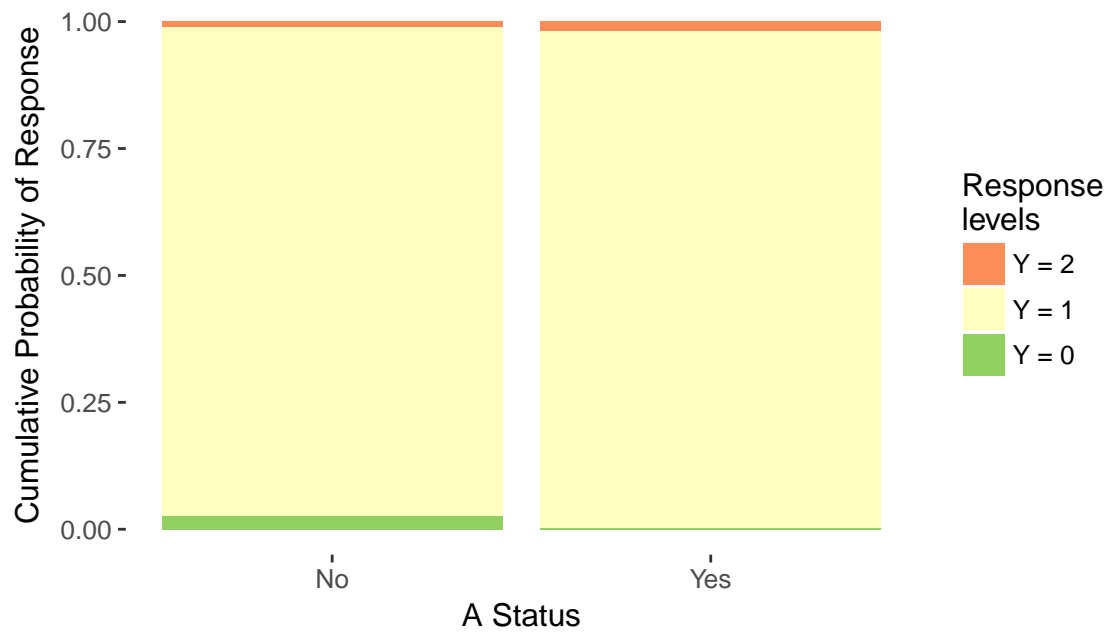
Figure 5.6: Predicted probabilities of women's political rights scores

zero. As for figure 5.6, keep in mind that the marginal effects will vary with the levels of other independent variables. For the average country, however, the effect seems to be small in substantial terms.

Table 5.5: Marginal effects, women's political rights

	effect	error	t.value	p.value
0	-0.019	0.008	-2.457	0.014
1	0.013	0.006	2.374	0.018
2	0.006	0.003	2.456	0.014

In summary, when we take the size of the effects into account, also these results tend towards the skeptical window-dressing hypothesis. While the findings of the women's rights models are statistically significant in the expected direction, the real-world expected effects are weak. Yet it may be reasonable to take the findings as some support at least for the *plausibility* of a socialization mechanism: If there is an effect of NHRIs on human rights at all, the pattern seems to suggest that socialization is part of the explanation. It will be the job of the case study to probe this possibility further.

However, an alternative explanation might also be plausible. Note that not only NHRI adoption, but also CEDAW ratification is consistently positive and significant across models. No other model shows a significant association between treaty ratification and human rights practices. That is, there seems to be something special about women's political rights that makes this area more receptive to the impact of both types of formal institutions.

5.2.3   Time lags

A final test might be able to untangle the differences between the mechanisms more directly. The monitoring and socialization mechanisms give us two diverging hypotheses, that hinge on the amount of time we should expect between NHRI adoption and potential human rights improvements—while the window-dressing hypothesis expects no effect of NHRI adoption regardless of time lags.

Bearce and Bondanella (2007) examine the proposal that IGO membership makes member-state interests more similar over time. They argue that socialization takes more time than the proposed alternative, a rationalist information mechanism, and test their proposal by varying the time lag of their explanatory variable. As discussed in the Theory chapter, the monitoring effects of an NHRI should be evident quite immediately, while socialization effects should take more time to be observed. In figure 5.7, I vary the time lag of the NHRI variable of the models in table 5.1 from 0—that is, the "cause" and "effect" is observed simultaneously—to a time lag of 8 years.[23] That is, human rights practices are measured 8 years after NHRI adoption. There is no clear theoretical consensus on how many years socialization dynamics usually takes, but these series of snapshots let us look for possible patterns.[24]

Bearce and Bondanella (2007) find a clear spike in their explanatory coefficient after five years. In the present figure, no clear pattern of this sort is immediately evident. If we disregard the confidence intervals and statistical significance for the moment, we can see that the coefficients for physical integrity rights gradually decrease as the time lag is increased. This is in line with the expectations of the monitoring mechanism. If one takes significance into account, none of the coefficients are significant at the 5 percent level, yet the coefficient for simultaneous effects ($t - 0$) is significant at the 10 percent threshold.

The pattern seen for civil liberties might bring to mind an issue introduced in the previous chapter: *information effects*. Clark and Sikkink (2013, 542) argue that "increased awareness coupled with better information can create a false perception that a phenomenon has increased in prevalence." For NHRI adoption, this problem is particularly acute. Most NHRIs issue annual reports or contribute by other means to the international reporting on human rights standards in their respective countries. It is therefore reasonable to expect that the amount and quality of information on human rights abuses in a country increases after an NHRI is adopted. This is central to the argument of Cole and Ramirez (2013). They find an initial dip in respect for human rights after a state adopts an NHRI, but an overall improve-

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[23]Each time the lag increases by one year, we lose one observation per country in the dataset. Therefore, all the models are estimated on the most constrained sample: where the NHRI variable is lagged eight years. Full models are reported in the Appendix.

[24]Note that this is not an attempt to map cumulative or gradual time effects. It is rather a series of one-year "effects" with varying distances to their "causes" (see Bearce and Bondanella 2007, 723).
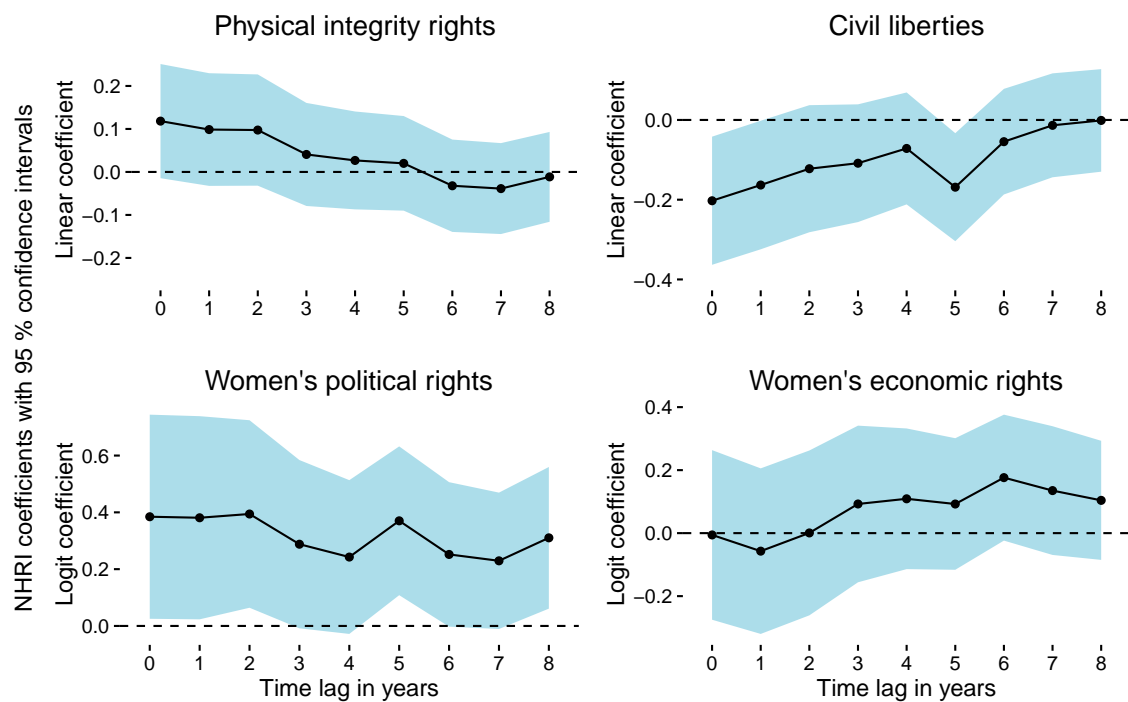
Figure 5.7: The NHRI coefficient with different time lags, 95% confidence intervals

ment over time. They ascribe this pattern to the information effect of NHRIs: "it is entirely possible that NHRIs are complicit in the very processes that make them appear ineffective in the short term" (2013, 20). Of course, it is difficult to say whether this dynamic explains the pattern we observe for civil liberties. But it is at least a possibility.

The coefficients for women's political rights are quite stable regardless of time lags. This might be viewed as proof that the relationship is robust to yet another specification. In theoretical terms, however, this finding is a little more difficult to interpret. The coefficient is significant already from year 0, which is arguably too short a time frame for socialization processes to have made any difference (Bearce and Bondanella 2007, 724). Contrary to the expectations of the monitoring mechanism, however, the coefficient does not decrease as the time lag increases.

Lastly, there is a very weak trend in the coefficient for women's economic rights that might hint at long-term socialization dynamics. The trend is, however, too weak to draw any clear conclusions. In summary, this test yields ambiguous results. The coefficient for women's political rights remains robust to different specifications, women's economic rights are robustly null,[25] while the two other models are somewhat more volatile. It is difficult to draw any strong conclusions about the observed patterns. Yet we can draw conclusions about what we have *not* observed. If socialization were the *only* mechanism driving NHRI

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[25] But see appendix for a figure that compares the NHRI coefficient with the A-status coefficient (model 8). The latter is consistently non-zero.

effectiveness, we could expect a null effect in the early years followed by a spike after around 3-7 years (Bearce and Bondanella 2007, 723–4) . None of the panels in figure 5.7 follows this pattern. The ambiguity of the results makes it difficult to draw any strong conclusions, but may suggest that multiple mechanisms are in play over time or towards different rights areas.

While the test gives no clear conclusions about the hypotheses, it is nevertheless possible to take it as a test of whether the findings are robust to different time lags. Except for the civil liberties model, where the coefficients generally approach zero as the time lag increases, the findings are robust to different time lags in the explanatory variable.

5.3 Robustness checks

5.3.1 Model dependence: Fixed effects in ordinal regression

The only stable non-null finding of this analysis is the relationship between women's rights and NHRI adoption or accreditation. Therefore, it is especially important to test for the possible model dependence of this finding. We have seen that the fixed effects models above tend to return non-significant results, while the results of the ordinal logistic models are significantly positive. Might this be caused by a difference in model specification rather than an empirical difference? One way to test this is to estimate fixed effects versions of the women's rights models.

Now, it is technically difficult to estimate fixed effects ordinal logistic models. Simply including country dummies in the ordinal regression equations would as we have seen be ill-advised. Furthermore, while the consistent estimation of fixed effects ordinal logistic regression seems mathematically possible (see Baetschmann, Staub, and Winkelmann 2015), the technical implementation is still lacking. My alternative strategy consists of two steps. First, I combine the women's political and economic rights indicators into a $0 - 6$ additive index. Then I run fixed-effects OLS regressions using this index as a dependent variable. The combination into an additive index makes it more defensible to treat the variable as interval and run OLS regressions, but we lose information about the separate rights areas. Model diagnostics plots show that treating the index variable as interval works reasonably well, at least for the purposes of this robustness check. The results are reported in table 5.6.

We see that the general findings hold also in this specification. Here, NHRI adoption is on balance not significantly associated with respect for women's rights. Yet A-status institutions are.[26] That is, it seems that accreditation makes a difference and not NHRI adoption

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[26]Replacing decade dummies with year dummies causes the A-status coefficient to remains significant only at the 10% level.

Table 5.6: Fixed effects OLS regression on combined women's rights index

	Dependent variable:	
	leadwomsam	
	(1)	(2)
NHRI$_{t-1}$	0.055	
	(0.042)	
A status$_{t-1}$		0.110***
		(0.042)
B status$_{t-1}$		0.088
		(0.069)
C status$_{t-1}$		−0.040
		(0.091)
CEDAW ratification$_{t-1}$	0.030	0.037
	(0.042)	(0.042)
Polity IV Democracy$_{t-1}$	−0.014***	−0.013**
	(0.005)	(0.005)
Inter-state conflict	−0.003	0.009
	(0.044)	(0.045)
Internal conflict	−0.073	−0.071
	(0.102)	(0.102)
GDP/capita (ln)$_{t-1}$	−0.046	−0.043
	(0.047)	(0.047)
INGO (ln)$_{t-1}$	0.038	0.028
	(0.084)	(0.084)
Trade, % of GDP$_{t-1}$	0.001	0.001
	(0.001)	(0.001)
Population (ln)$_{t-1}$	−0.107	−0.110
	(0.122)	(0.122)
Regime durability$_{t-1}$	−0.002	−0.003
	(0.003)	(0.003)
Judicial independence$_{t-1}$	0.419**	0.413*
	(0.211)	(0.216)
Women's rights$_{t-1}$	0.533***	0.529***
	(0.027)	(0.027)
1990s	0.078**	0.082**
	(0.035)	(0.035)
2000s	0.193***	0.169***
	(0.051)	(0.048)
2010s	0.165**	0.132*
	(0.075)	(0.074)
Observations	3,380	3,380
R^2	0.347	0.349
Adjusted R^2	0.332	0.333
F Statistic	114.595*** (df = 15; 3230)	101.689*** (df = 17; 3228)

Note: *p<0.1; **p<0.05; ***p<0.01

Fixed effects OLS estimation with country-clustered
Arellano-type robust standard errors (in parentheses)

itself. Since this is an OLS estimation, we can interpret the coefficient directly as a marginal effect—and we see that in substantive terms, the effect is small also in this specification.

5.3.2 Is Fixed Effects a conservative specification?

Attacking the question of model dependence from the other side, I will test alternatives to the fixed effects specification of the physical integrity- and civil liberties models.

Stock and Watson (2007) and Green et. al. (2001) convincingly argue why fixed effects regression is often a good idea. Equally convinvingly, Beck and Katz (2001) argue for the opposite. Their argument is first that where the dependent variable is binary, fixed effects is "clearly a bad idea" (488). The argument extends to my ordinal models. Partly because of their advice and partly because of the *incidental parameters* problem (see e.g. Lancaster 2000), I have not employed fixed effects in the ordinal models.

In the case of a continuous dependent variable, fixed effects may be warranted, but there are some issues to take into account. The main problem is that fixed effects cancel out the effect of any independent variable that does not change over time, and may underestimate the effect those that change very slowly. The inclusion of fixed effects is akin to "curing a cold with chemotherapy" (Beck and Katz 2001, 492). They argue that the inclusion of a lagged dependent variable will often be sufficient to model the unit-specific omitted variables a fixed effects estimator is intended to control for.

In the present research design, the explanatory variables of interest do actually vary with time. We have data from before and after NHRI adoption for almost all NHRI adopting countries in our sample. At the same time, I expect unobserved country specific factors to have a potential effect on countries' human rights practices—so the inclusion of fixed effects is not entirely reckless. Nevertheless, I should test whether a less conservative specification alters the results.

First, a test of whether Beck and Katz's (2001) proposal of random effects estimation is defensible here. The random effects model does not estimate every country-level intercept, but assumes that they vary randomly around a mean. This requires the assumption that the contry-level intercepts are uncorrelated with the error term. A Hausman test compares the fixed effects model to the same model estimated with random effects table 5.7. It reports that one model is inconsistent—in which case one should choose the consistent, but less effective fixed effects specification (Croissant and Millo 2008, 4).

Table 5.7: Hausman test of Random vs Fixed Effects, civil liberties model

Test statistic	df	P value	Alternative hypothesis
1281	9	0.000 * * *	one model is inconsistent

Next, I estimate some less conservative models (see Appendix). Simply dropping the fixed effects do not change the coefficients all that much. As expected, some more coefficients achieve statistical significance, but the point estimate for NHRI adoption in the civil liberties model halves and remains significant only at the 10 percent level. A Lagrange Multiplier test suggests the presence of significant country and time effects in both models ($p < 0.000$), which speaks for including fixed effects.

Table 5.8: AR(1) Prais-Winsten models

Coefficient	Civil Liberties	Physical Integrity
(Intercept)	9.797	7.294
	(0.893)	(0.329)
NHRI	-0.336	0.129
	(0.143)	(0.084)
Polity IV Democracy	0.361	0.097
	(0.015)	(0.007)
ICCPR ratification	-0.095	-0.262
	(0.148)	(0.091)
Inter-state conf.	0.297	0.025
	(0.192)	(0.141)
Internal conf.	-0.305	-1.19
	(0.121)	(0.12)
GDP/capita (ln)	0.201	0.341
	(0.078)	(0.039)
INGO membership (ln)	0.318	-0.268
	(0.119)	(0.073)
Trade (% of GDP)	-0.009	0.001
	(0.002)	(0.001)
Population (ln)	-0.541	-0.422
	(0.077)	(0.04)
Regime durability	0.001	0.013
	(0.002)	(0.002)
Cold war	0.896	0.452
	(0.243)	(0.133)
N	3380	3380
R2	0.71	0.63

Results from a two-step Prais-Winsten Feasible Generalized Least Squares (FGLS)
with panel-specific AR(1) type autocorrelation coefficients. Panel-corrected standard errors
robust to heteroskedasticity- and contemporaneous correlation (in parentheses)

Fixed effects is not the only potential source of too conservative estimates. The lagged dependent variable typically also accounts for much variation—and leaves little to be explained by the other variables. I estimate a model without the lagged dependent variable. This is a model without any control for time dependency and is probably misspecified. Here, the NHRI coefficient in the physical integrity rights roughly doubles, and achieves 10 percent significance. The NHRI coefficient in the civil rights model is still negative and significant, but increases slightly (see Appendix).

Lastly, table 5.8 shows a Prais-Winsten feasible generalized least squares model that ac-

counts for AR(1) autocorrelation with heteroskedasticity- and autocorrelation-robust panel-corrected standard errors. The results are similar in terms of direction and significance to the main models, but the substantial effect of NHRI adoption almost doubles. Since this model still accounts for autocorrelation and panel-specific heteroskedasticity while allowing comparisons *across* and not only *within* countries, it is an interesting alternative to take into account.

The reason I spend some time on this is that it is easy to arrive at null findings with a conservative enough model—while committing no other sin than being *too* careful. Yet null findings are findings too, and it is important to check for their robustness across the spectrum towards less conservative models. Overall, however, it seems like the null-findings of this analysis is not an artifact of model choice, as they are quite robust across specifications.

5.3.3 Other robustness checks

Three further robustness checks are reported in the Appendix. As these do not challenge the findings, I will discuss them only briefly here.

I test a model specification where the effect of NHRIs is expected to increase linearly over time (as Hathaway 2002 does for treaties). The NHRI variable is recoded to count the years since a state has adopted an NHRI. I also specify models with a squared term included. This is to approximate the model of Cole and Ramirez (2013), who find a non-linear effect of NHRI adoption. In neither case do the findings change severely from the main models. The negative effect towards civil liberties loses all significance, the women's political rights models remain statistically significant and positive, while the women's political rights and physical integrity models remain null.

I also test an alternative to the Polity democracy controls, as discussed in sec. 4.3. Cheibub, Gandhi, and Vreeland (2010) provide a more minimal dichotomous democracy measure. Using this, democracy has no longer a statistically significant association with civil liberties. This is in line with what we should expect if the Polity measure is conceptually closer to civil liberties than the Cheibub, Gandhi, and Vreeland (2010) measure is. All the substantive findings, however, remain very similar.

Lastly, I test a different way to control for time dependencies: by including linear time trends. This is a variable that counts the years since 1980. No substantial results change in this specification. The full results are reported in the Appendix.

5.4 Model diagnostics

5.4.1 Autocorrelation and time dependency

Since the present dataset is panel data, the individual country-years are not independent observations. We could therefore both expect autocorrelation and heteroskedasticity in the residuals. I account for autocorrelation by including a lagged dependent variable in all models, year dummies in the OLS models and decade dummies in the logistic models. A Woolridge test for serial correlation in Fixed Effects panels suggests that this is sufficient: the test returns a non-significant test statistic (If ever barely: $p = 0.099$ and $p = 0.063$ for the physical integrity and civil liberties models, respectively). According to Granger and Newbold (1974), one should be concerned about spurious regression in models where the R^2 is high but Durbin-Watson's D is low. For all models of table 5.1, a Durbin-Watson test for panel models (see Croissant and Millo 2008, 26) gives no reason for concern. The test statistic is close to 2 for all models, which indicates no serial correlation in the residuals with a probability of $p \approx 1$.
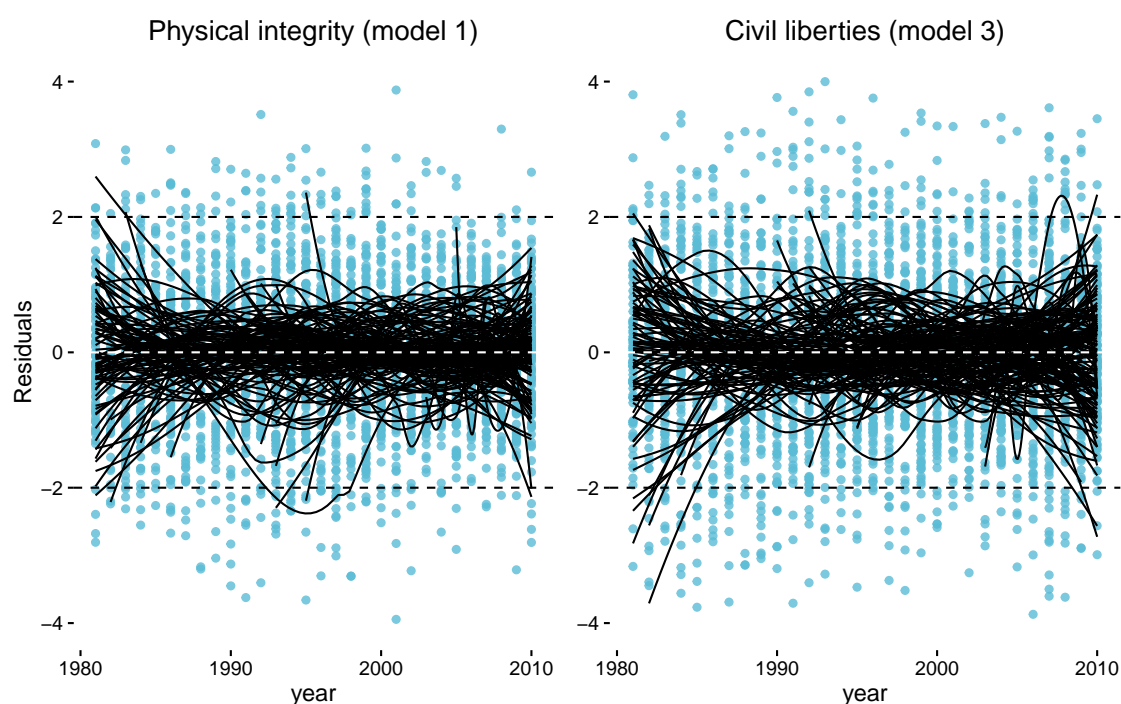

Figure 5.8: Residuals plotted against time with loess smoothed trend lines per country.

On the other hand, plotting residuals against time for models (1) and (3) gives figure 5.8. That is, even with year-fixed effects and including a lagged dependent variable, there seems to be some degree of serial correlation. On an aggregate level, however, we see that the residuals are fairly homoskedastic and with no obvious outliers. A look at individual country

level residuals (printed in the Appendix) shows even clearer that this may be a pattern of panel-specific autocorrelation. For most countries, there is no trend in the residuals.

Because of this pattern, as an additional safeguard against panel-specific heteroskedasticity and autocorrelation, I estimate all models with Arellano-type robust standard errors clustered by country. This allows a fully general structure with regards to heteroskedasticity and serial correlation. It is also the best choice for fixed effects models (Croissant and Millo 2008, 31).

5.4.2   Nickell bias

Even if the inclusion of a lagged dependent variable seems to alleviate the worst challenges of time dependency, it may introduce sources of bias on its own. A possible problem for the fixed effects models above is the so-called Nickell (1981) bias: A fixed effects model which includes a lagged dependent variable on the right-hand side of the equation will generate biased coefficients. Let N denote the number of cross-sectional units (countries) and T the length of each individual panel (in our case, the number of years observed per country). Nickell (1981) shows that the dynamic fixed effects estimation is biased where N is large and T is small. The bias does not decrease as $N \rightarrow \infty$, but it approaches zero as T approaches infinity.

The present data is an unbalanced panel with time series ranging from 5 to 30 years, for 135 countries. Judson and Owen (1997) show through simulations that the bias starts to get acceptably low for $T \geq 30$, but recommends other estimation techniques where the time series get shorter than this. See figure 5.9 for lengths of the time series in the present data.
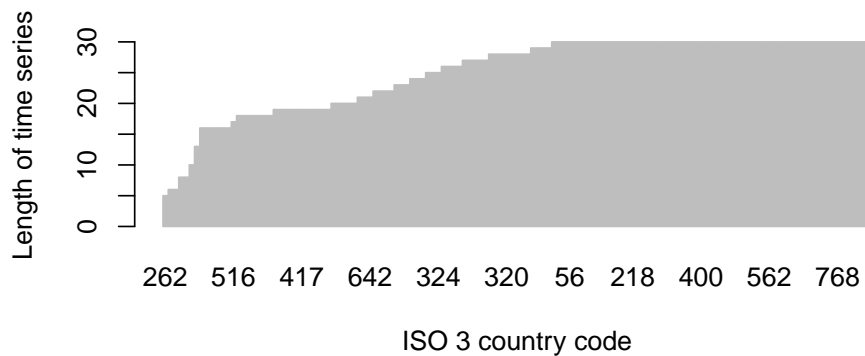

Figure 5.9: Number of observations per country in the listwise deleted dataset

Most time series are longer than 20 years—this approaches a level where the size of the bias gets trivial. Still we should expect *some* degree of bias in the present models. An alter-

native estimation technique may be in place. For instance, the Arellano-Bond generalized method of moments (GMM) estimator is consistent even in the face of large N and small T (Arellano and Bond 1991). It employs first-differencing and uses previous values of Y as instruments through a GMM estimation. It is a complex model which I will not estimate here, but it is a possible avenue for future inquiry. For now, we will simply have to keep the possible bias in mind when interpreting the results.

5.4.3   The proportional odds assumption

As discussed in sec. 4.4.2, the ordinal logistic models assumes proportional odds. This needs to be tested. Some authors have proposed statistical significance tests of the proportional odds assumption. Here, the proportional odds model is compared to a model where the coefficient β_i is allowed to vary (Brant 1990; Agresti 2010, 184). In R, this is implemented in the ordinal package (Christensen 2015). A significant test statistic is an indication that the parallel odds assumption has been violated. Testing the four ordinal models of table 5.1 suggests that most variables satisfy the assumption. The highest reason for concern comes from the A-status variables of models (6) and (8) as well as the NHRI variable in model (7), all of which are significant. This is an indication that the proportional odds assumption has been violated.

Frank Harrell (2015) has argued that significance-based tests of the proportional odds assumption may be over-conservative, and that it is better to test it graphically. To this purpose, I plot mean values of all X against levels of Y, and compare with the predicted value of the predictor for each Y value under the proportional odds assumption. If the proportional odds assumption holds, these lines should be roughly parallel. The plots suggest that the arguably most important variable, the NHRI variable in column (5) and accreditation variables in column (6) of table 5.1, behaves reasonably well (see figure 5.10 for example plots. Full plots in Appendix). Overall, however, much indicates that the parallel odds assumption does not hold.
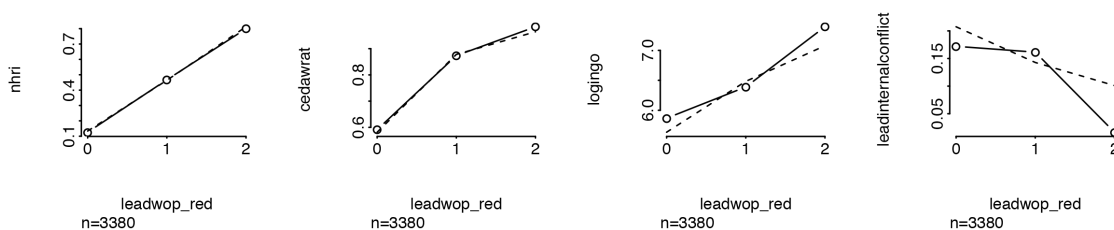

Figure 5.10: Example of graphical check of proportional odds and ordinality, first four variables of model 6, table 5.1. Dotted lines are predicted values under the proportional odds assumption.

What alternative strategies are available if the parallel odds assumption does not hold? One alternative is to relax the assumption and replace β in eq. 4.2 with β_j. This specification still assumes the response variable to be ordinal (it is a *cumulative odds* model), but allows the slopes to vary across levels of Y. The problem here is that when the lines are no longer parallel, they will at some point cross. This violates the order that cumulative probabilities must have, so we can only make inferences about a narrow range of x values (Agresti 2010, 185). It also increases the complexity of the model.

Another alternative is to revert to a multinomial model. Here, we do not assume that the outcome categories are ordinal. In essence, we estimate separate binomial models for each category of Y versus all others. This greatly increases the number of parameters—Agresti (2010, 185) does not recommend this approach unless the lack of fit is "severe in a practical sense". When I estimate multinomial models, the efficiency of the estimates decrease as expected—the standard errors increase. The direction and approximate strength of the explanatory variables, however, are similar to those in the ordinal models.

A final option is to collapse ordinal responses into a binary variable, and use ordinary logistic regression. Here, we lose much variation in the data and a lack of efficiency ensues. Again, Agresti (2010, 185) maintains: "It is usually inadvisable to do this." I am, however, forced to collapse the two bottom categories of the CIRI political rights scale because of perfect separation (no countries that have adopted NHRIs score 0 on this scale). Thus we end up with a three-level scale. This also slightly improves compliance with the parallel odds assumption.

Because an informal comparison between a multinomial and an ordinal model indicates that the findings are not severely biased, I choose parsimony over absolute precision and stay with the ordinal logistic model. As Harrell Jr (2015, 313) states: The proportional odds assumption is often violated, "but the PO model can still be useful and powerful in this situation."

5.4.4   Goodness of fit

OLS-type residuals-based tests of model specification do not have a direct parallel in the case of ordinal logistic regression. Perhaps the best way to check overall model specification for these is by goodness of fit measures. This can be done with separate separation plots for each outcome category (Greenhill, Ward, and Sacks 2011). All observations are rearranged so that the fitted values from our model are in ascending order. The plot then compares the probability of obtaining a particular outcome with an indicator of whether the observation is in fact associated with that outcome. If yes, they are represented as a red line, if not, they are yellow. A perfectly fitted model would show perfect separation between red and yellow lines, with the red lines to the right. The absolute amount of red lines in the plots is not

important, this is simply a reflection of the distribution of the dependent variable.

Figure 5.11 shows a separation plot for model (5) of table 5.1. The separation plots for the other models are similar, and reported in the Appendix. We see that this model is able to separate outcomes quite well. It is least precise in category 1—which is, as we have seen, by far the largest outcome category.
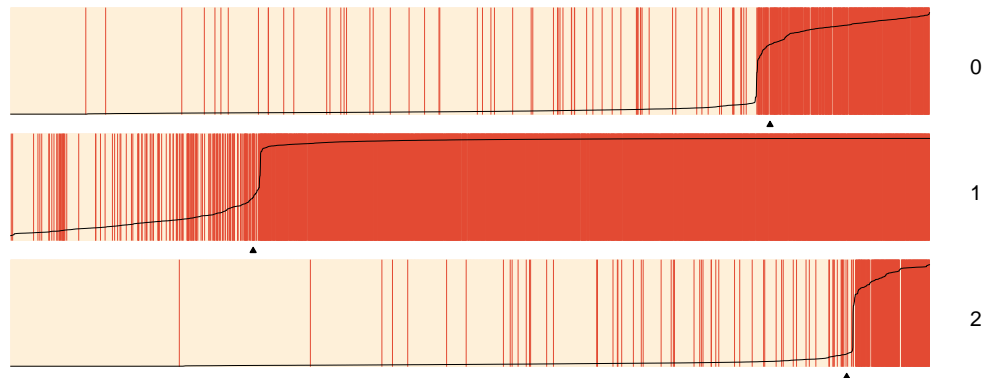

Figure 5.11: Separation plot for model (5) in table 5.1

5.4.5   Multicollinearity

If independent variables are highly correlated with each other, we might expect multicollinearity to be a problem. The correlations table showed that for instance the variables for judicial independence and democracy were highly correlated ($\rho > 0.8$). See figure 5.12 for a graphical presentation of this problem: Democracy and judicial independence seems to be strongly related both within countries and between them.

This requires closer investigation. A variance inflation factor (VIF) test gives no strong reason for concern. No values are above 10, and only some are above the more conservative threshold of 4 (Fox 1991, 12). As expected, the judicial independence variable shows some of the highest VIF scores. It is highest in the women's rights models, where it is in all cases over 5. This may explain the high standard errors on the judicial independence variable in these models.

Dropping the variable from the models reduces the VIF scores of democracy, GDP and INGO linkages, but does not change any substantive conclusions about the explanatory variables. More importantly, no explanatory variables show any signs of being collinear—and multicollinearity is only a problem for the variables that are collinear (Allison 2012). That is: I would be careful about interpreting the judicial independence and democracy coefficients directly, and in the name of parsimony one of the variables could possibly have been dropped from the analysis. On the other hand, the inclusion of the variables does no damage to the substantive interest of this analysis.
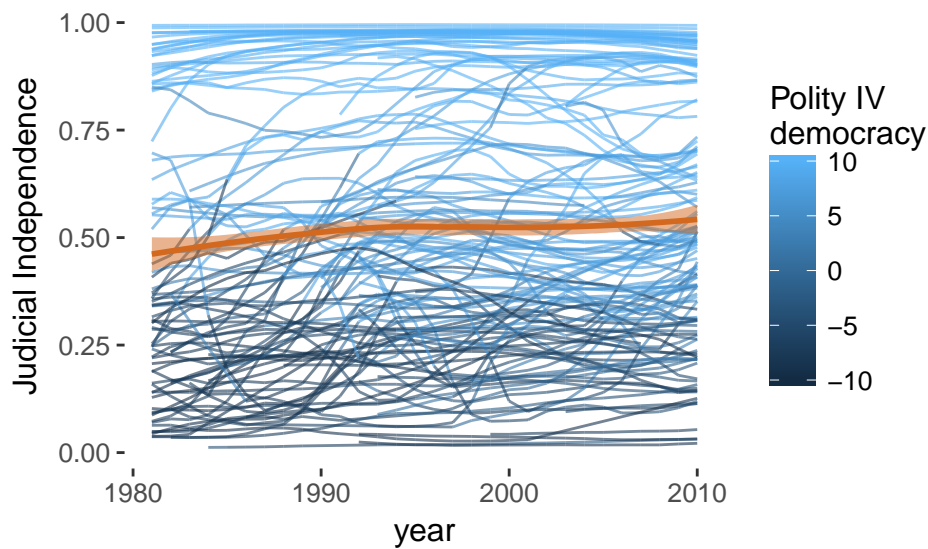
Figure 5.12: Country-level judicial independence over time, colored by democracy score. With smoothed global mean.

5.5 Summary of findings

The findings of this chapter support three main conclusions.

First, nothing in the present analysis suggests that NHRIs on average have a global positive effect on human rights practices. Most models have findings indistinguishable from zero. Where the statistical findings are significantly different from zero, they are substantially weak. This supports the window-dressing hypothesis: NHRIs might either be intentionally set up as toothless institution by states, or small soft-law institutions without any means of power might inherently be unable to change state practices.

Second, where there nevertheless is a positive association, it is between NHRI adoption and/or accreditation, and women's rights. These findings are in line with what expected by the socialization hypotheses. Monitoring, on the other hand, finds little support in the analysis. The formal ability to hear individual complaints makes no difference, nor does a formal punishment capacity alter the null findings regarding NHRI effectiveness. As the effects towards women's rights are so weak, I take this as no more than a tentative sign that if and where NHRIs at all have an effect, socialization is part of the explanation. If we take the mechanismic view seriously, it is entirely plausible that different mechanisms are in play under different conditions. Behind the global average null effects, conditional NHRI effects may be hidden.

Third, again with the reservation that the predicted effects are substantially minor, accreditation seems to make a difference towards women's rights. This is also in line with the socialization hypothesis. If accreditation on the other hand were rewards for effectiveness,

it should have made a difference across all rights areas. How accreditation might matter in a dynamic of socialization is a question for the following case study.

5.6   Concluding remarks

In a statistical analysis, I believe that tentative inferences about mechanisms—like those above—are often as far as we can go. To reiterate an earlier point: multivariate statistics is strong on patterns of *outcomes*, but leaves much of the reasoning about mechanisms or process to untestable "as-if" reasoning. I have in this analysis attempted to test critically my own theoretical as-if assumptions as far as possible, but as this chapter has demonstrated, strong conclusions remain elusive. We therefore need to be open to different theoretical explanations of the same outcome.

Consider an example from the literature on human rights treaty effectiveness, which arrives at similar findings as the present analysis. Hill (2010) finds that ratification of the women's rights treaty CEDAW is on balance associated with higher respect for women's political rights, and does not find a similar effect for the other rights areas examined. In his argument, the link between ratification and state practice is the executive's perceived threat to state sovereignty (2010, 1172). Hill argues that the targets of physical integrity rights violations are typically perceived, legitimately or not, as a threat by the state executive. Women, on the other hand, pose no such threat. Respect for women's rights is less costly for the executive than respect for physical integrity rights, making the CEDAW more effective than the ICCPR in bringing about human rights improvements. The problem with this theoretical proposal is twofold.

First, even if we accept Hill's premise that the executive's cost-benefit calculations is the most important explanatory mechanism, it is not obvious that allowing women economic, social, and political equality with men should be costless. One could just as well make the opposite argument. The executive might in some cases find it relatively costless to stop torturing dissidents. Allowing half the country's population rights it did not have before may on the other hand have profound and unpredictable consequences. Imagine a patriarchal elite that fears losing their power privileges as a result of women's empowerment. My point is not to argue that this scenario is necessarily more likely than Hill's, only that it is both logically possible and theoretically plausible.

Second, we need not accept that the executive's cost-benefit calculations are the most important explanatory entity. Hill's theoretical proposal defines the executive as the main actor, and does not really open up to the kinds of domestic cultural dynamics that, I would argue, is just as likely a mechanism behind Hill's findings. In the last paragraph of the article, Hill considers the possibility that "the treaties' main effect lies in their contribution to a nor-

mative discourse which alters individuals' and states' perceptions of appropriate behavior," but this is, he claims, "an effect which is beyond the scope of the analysis presented here" (Hill 2010, 1172).

Here Hill defines a theoretical explanation outside the scope of his analysis not for methodological reasons, but for what seems like reasons of theoretical affinity. In terms of what lies behind Hill's empirical *outcome*, his cost-benefit-based theoretical proposal is just as much "outside the scope of" his analysis as a proposed normative-cultural argument. They are both as-if-assumptions about process or underlying causal mechanisms that a statistical analysis might have a hard time mediating between.

In this thesis, I have attempted to provide an alternative to one-sided "as-if" assumptions. The next chapter continues the attempt to practice what I have preached, and supplements the present statistical findings with a case study of the previous national human rights institution in Norway.

Chapter 6

The Norwegian NHRI 1999–2015

6.1   Introduction

The statistical chapter arrived at three main findings. First, no evidence suggests that NHRIs have a global average positive impact on human rights practices. Second, where there nevertheless is a positive association between NHRI adoption and human rights, the patterns best match the mechanism of socialization. Third, this effect seems to be strongest where a state has an A-accredited institution.

This chapter attempts to isolate some of the tendencies observed in the preceding chapter through a process-tracing case study of the Norwegian NHRI from 1999 to 2015. Going back to the discussion in sec. 4.5, there are several ways a case study can contribute in a mixed-methods research design. One approach is to trace the proposed causal mechanisms of a statistical study to corroborate a causal claim. As the statistical findings of this thesis are largely null or quite weak, there is no need for this kind of corroboration here. Rather, the function of this case study will be to probe the tentative findings beyond what is statistically testable, and ask two questions.

First, the case study lets us ask: If there is such a thing as NHRI socialization, what does it look like in a state like Norway? Second, it lets us examine closer the role of accreditation in this process. Why do states care about accreditation, and what effect does accreditation have? This is a deliberate attempt to look for the effects of NHRI socialization, rather than a deductive hypothesis-testing of competing causal claims.

The Norwegian NHRI is a case well suited to examine these questions. Norway is a country with strong respect for human rights, as evident in figure 6.1. With the exception of civil liberties, Norway scored at the very maximum of all scales in 2011—and has done so quite consistently since 1981. Furthermore, the country's domestic institutional landscape is already saturated with liberal democratic accountability institutions: for instance multiple ombudsmen institutions, a strong judiciary, and a vital civil society.
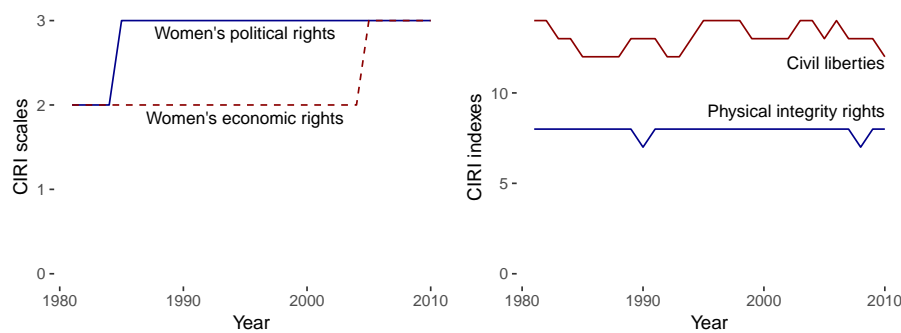
Figure 6.1: CIRI human rights scores for Norway, 1981–2011

In terms of mechanisms, it is easy to assume that socialization is most relevant where the local culture is very different from the global discourse. Here, the task of translation would arguably be most crucial. But the UN encourages every country in the world to establish NHRIs, even the liberal democracies that themselves are the "origin" of the global human rights discourse. In theory, this leaves *window-dressing* as the most viable expectation towards the Norwegian case. And it is more interesting to look for socialization where it is least likely to be found.

Furthermore, Norway has established an institution that has both been without, received, and lost the A-accreditation over a relatively short time period. This makes this case uniquely equipped to isolate the dynamics of accreditation while keeping the general human rights surroundings reasonably stable.

This chapter's main sources are policy documents, including royal decrees, white papers and legislation, text material the NHRI itself produced (in this thesis, only thematic reports), media clippings and publicly available minutes from the Norwegian Centre for Human Rights board meetings during critical periods.

Norway adopted a National Human Rights Institution in 2001. It was created as part of the preexisting research institution Norwegian Institute for Human Rights (NIHR), now Norwegian Centre for Human Rights (NCHR) under the University of Oslo. In 2006, the institution was accredited with A status by the SCA, but it was downgraded to B status in 2012. In 2015, a new National Institution was established by legislation, administratively under the national parliament, with an express goal to be in accordance with the Paris principles.[27] The Centre for Human Rights thereby lost its function as National Institution, but continued as a research institution. This chapter examines the story of the Norwegian NHRI under the Centre for Human Rights, from the start of the adoption process in 1999 to the

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[27]Proposal to parliament, "Innstilling fra Stortingets presidentskap om representantforslag fra stortingsrepresentant Olemic Thommessen om å etablere en ny nasjonal institusjon for menneskerettigheter organisatorisk underlagt Stortinget og knyttet til Stortingets ombudsmann for forvaltningen (Sivilombudsmannen)," Innst. 240 S (2013–2014). https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Innstillinger/Stortinget/2013-2014/inns-201314-240/

last report the center published as national institution in 2015.

6.2   The development of a Norwegian NHRI

The white paper "Focus on Human Dignity" was the first overall presentation of Norwegian human rights policy since the 1970s (Utenriksdepartementet 1999), and also where we find the impetus for the creation of a Norwegian NHRI. This is a policy paper produced by the Ministry of Foreign Affairs (MFA), outlining a plan of action for Norway's human rights policy. It was part of a wider thrust of human rights issues, with a national public inquiry published in 1993 and the adoption of the Human Rights Act earlier in 1999. Some key aspects are worth noting regarding the document in general. First, the document maintains that the human rights situation in Norway is strong compared to many other countries, and that the main challenges are at the international level (Utenriksdepartementet 1999, 2). Norway should be engaged in human rights abroad because it is a universal principle: "This principle of universality imposes an ethical and legal imperative on all of us to strive to achieve global protection of human rights" (Ministry of Foreign Affairs 1999, ch. 1). Second, the document nonetheless treats Norway's *domestic* human rights situation quite thoroughly. This stands in contrast to the previous white paper on human rights from 1977, which dealt exclusively with international concerns (Utenriksdepartementet 1977).

Importantly, even Norway's domestic commitment is justified in international terms. At one point, the paper states that Norway's *international role* calls upon the government to achieve more on the national level than the immediate minimum requirements of the international conventions (Utenriksdepartementet 1999, 19). Similarly, the document explicitly expresses that Norway wishes to be a country leading the way regarding the protection of human rights, and should in general avoid making reservations to human rights conventions and treaties (21).

One of the ten core proposals in the white paper was the establishment of an NHRI. The function as NHRI is framed chiefly as a matter of academic research, under the header "Knowledge base"—the main concern seems to be strengthening the existing Institute for Human Rights (later Centre for Human Rights) at the University of Oslo (50). Only later is the concept of National Institution introduced, with reference to the UN General Assembly's recommendation that all states have a national institution in accordance with the Paris principles. The paper states:

> There is no national institution for human rights in Norway, although the current statutes of the Norwegian Institute for Human Rights cover some of the tasks incumbent on a national institution. The government intends to follow

up the request of the UN General Assembly [and establish an NHRI]. The Government finds it natural to do this by granting the Institute for Human Rights the status of a national institution. (Ministry of Foreign Affairs 1999, 256)

Already from the outset, a twin set of concerns can be identified. First, the government explicitly states that it wants to establish an NHRI to comply with the UNGA recommendation and the Paris principles. This is not surprising, but is nevertheless evidence that international concerns were at the forefront since the very beginning. Second, the government white paper presents the establishment of an NHRI as something close to a formality—it is almost just a matter of placing a new name tag on the existing Institute for Human Rights. The function as NHRI is interpreted narrowly, as primarily consisting of research and information—an interpretation that the government found the flexible Paris principles would allow. As we will see, this interpretation may have been too optimistic.

It is interesting to note how the government imagines the role of an NHRI within the already complex Norwegian landscape of liberal democratic institutions. In a section about the work of the OHCHR, the white paper states that NHRIs around the world have basically the same functions as the Norwegian ombudsman institutions. Still, there are *some* such functions that are not attended to in Norway—thus the need for an NHRI also here (Utenriksdepartementet 1999, 126). But importantly, the white paper never suggests what those lacking functions might be.

The function as NHRI was established by royal decree in 2001 (Norsk senter for Menneskerettigheter 2004, 126). It was established by decree and not through legislation, despite the Paris principles clearly stating that the institution's mandate should be "set forth in a constitutional or legislative text" (Paris Principles, art. 2). The mandate states that the institution should contribute to awareness and fulfillment of the internationally adopted human rights in Norway. This sounds like a broad mandate. But the mandate specifies that this should happen based on the center's own research and contact with research environments in Norway and abroad (2004, 126). No other functions than research, education and information are specified. Significantly, the institution was *not* to have an individual complaints procedure—because of Norway's well established Ombudsman institutions (Sveaas et al. 2011, 112). Furthermore, the decree states *that* the institution must be independent, but does not specify *how* to obtain independence, neither financially nor organizationally.

Norway's national identity is often understood as that of a global "good samaritan" (Cardenas 2014, 297). It is a country that wants to be best in class when it comes to respect for human rights at home, as well as a global promoter of them. Cardenas (2014) argues: "The decision [by the Norwegian government] to designate a research institute as its NHRI may have reflected the extent to which the decision really was externally driven. Grafting onto an existing body (…) bypassed the hard work of creating an institution from scratch" (296).

In this view, the Norwegian government created the institution primarily as a "promotional body".

The present discussion supports this claim. The combination of grafting the NHRI function onto an already existing institution and taking the rough and ready shortcut of royal decree rather than a legislative act—and with an underspecified mandate—suggests that the government created the weakest possible institution they could "get away with". A heavy focus on academic research and education brought little new to the existing functions of the Institute for Human Rights, apart from the all-important NHRI name tag. All in all, the process leading up to the creation of the NHRI gives a reasonable overweight of support to the mechanism of window-dressing. The cards are stacked against the effectiveness of the institution already at the outset.

6.3 Accreditation and degradation

It is evident that accordance with the Paris principles was a main concern of the government when it established the NHRI under the NCHR. In 2006, NCHR was granted "A"-status by the International Coordinating Committee (ICC). As a prerequisite for accreditation, the NHRI function within the NCHR had to receive earmarked funds directly over the state budget, and not through the University as earlier. This was because of requirements in the Paris Principles. The earmarked sum was NOK 6.1 millions annually.[28] The accreditation seems like an important step in securing Norway's self-image as a leading human rights nation, and securing international legitimacy as well as full formal access and voting rights at the International Coordinating Committee (ICC 2016).

Leading up to the process of re-accreditation in 2012, tension started to build. Already in 2006, the NCHR had itself raised concerns about the role of National Institution within a university. Additionally, the University board was concerned about whether academic freedom was compatible with the more proactive or prescriptive role of a National Institution.[29] From the Paris Principles perspective, the university affiliation was seen as in possible conflict with the institution's independence. From within the National Institution itself, dissatisfaction was also building. A 2010 report observed that the international role of NHRIs was strengthening, along with stricter criteria for accreditation—and that the Norwegian national institution was unable to keep up with the development (Kjørholt 2010, 7).

For instance, in 2006, the United Nations' newly established Human Rights Committee (HRC) decided to permit the participation of NHRIs. Under the Universal Periodic Review

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[28]Memo, NCHR board meeting 5/2006, "Nasjonal institusjon for menneskerettigheter (NI) – mandat, økonomi og bemanning"

[29]Memo, meeting 5/2006

(UPR) procedures, NHRIs may now participate as "relevant stakeholders," reinforcing their independence from the government (Cardenas 2014, 51). In short, NHRIs are in this period beginning to emerge as actors in their own right in the international arena. The criteria for accreditation also became stricter during the 2000s: First with a reform in 2002 saying that A-status institutions must apply for re-accreditation every five years. In 2006, the Sub-Committee on Accreditation (SCA) started issuing "general observations"—in essence a body of authoritative interpretations of the Paris Principles, which made way for more rigorous assessments of NHRIs. In 2008, a new statute for the ICC and amended rules of procedure for the SCA were adopted as part of this movement towards stricter evaluation criteria and more transparency (Cardenas 2014, 50).

Further, the report points out the international expectations towards Norway. "There is little doubt that Norway's prominent international position (…) creates expectations that the national institution should be a strong actor nationally as well as a contributor to international cooperation" (Kjørholt 2010, 7–8, my translation). The report states quite bluntly that the institution's organization under the university did not work, that an active surveillance position was problematic under the current structure, and that the research of the NCHR no longer had much of a domestic focus (which a National Institution definitely should have). Note the use of the word "surveillance," (indicative of monitoring) as well as the above mentioned "proactive or prescriptive role" of an NHRI(indicative of socialization). Both monitoring and socialization are here seen as modes of NHRI operation—and the Centre for Human Rights failed at both.

Importantly, the funding and organization was seen as insufficient to fulfill such a broad mandate, especially when taking into account the increasing significance of NHRIs internationally (Kjørholt 2010, 12).[30] Again, this may support the mechanism of international window-dressing, where the government is expected to pay as little as possible while still maintaining ICC accreditation. As we will see, it was only when the ICC's reassessment drew nearer that the Ministry of Foreign affairs started a process of reviewing the performance of the National Institution.

A review of the NCHRs function as national institution was commissioned by the Ministry of Foreign Affairs in 2010. The external review team delivered their report in March 2011 (Sveaas et al. 2011). This report mirrors many of the concerns in the internal report of Kjørholt (2010). It states that the effectiveness of the National Institution has been limited, and that the main limiting factors has been the university affiliation and lack of sufficient funding and staff. The report observed a general situation of great expectations and a wide mandate, but "in practice there was little enthusiasm or support for the actual work that

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[30]For instance, seven researchers at the NCHR were given a 22.5 percent *National Institution work obligation*, effectively making NI work a small part of each individual's work week, which was seen as detrimental to continuity of the work (Sveaas et al. 2011, 18).

needs to be done" (Sveaas et al. 2011, 86). The lack of thematic reports was also seen by many respondents as a hindrance to impact (88). In addition, the report repeated the previously mentioned concerns that the current structure was not in accordance with the Paris principles.

The report concludes that the organizational setup needed to be changed: it was high time that "the 'umbilical cord' between [the University and the NHRI] should be severed" (Sveaas et al. 2011, 87). The board agreed, and the process of establishing a separate national institution began. Also, starting in 2012, the NCHR started publishing a few thematic reports. This must be understood as a direct response to the concerns raised in the Sveaas et al. (2011) report.

What evidence does this process give us? First, the review was commissioned by the Ministry of Foreign Affairs, underscoring the framing of human rights as ultimately an international concern. Secondly, the report was written in English—as opposed to the 2010 internal report—thus with a clear eye to an international audience and the impending accreditation process. Third, it is evident that both the concerns of lack of effectiveness and the concerns of accreditation are traceable back to the same decisions, namely the establishment of the national institution as part of a university institute, combined with the limited funding to properly back this function.

Let us take a moment to consider an alternative explanation. It is possible that the government acted in good faith when it established the NHRI, that it genuinely believed that the strong connection to an academic environment would be the best solution for a Norwegian NHRI. When the role of—and expectations towards—this type of institution changed in the international system, the government was not able to keep up with the development in time. The former leader of the NCHR, Nils Petter Butenschøn, suggest such a view in an interview.[31] Still, there was not a lack of warnings ahead of time. In the same interview, Butenschøn suggests that things might have looked different if the government had acted earlier. This may suggest that the NHRI was not a high priority of the government. Probably, both explanations have some merit to them, but on the basis on the available data it is difficult to answer conclusively.

In any case, the efforts did not come in time to rescue the national institution from downgrading. In 2012, the NHRI was given a B status—"partially compliant" with the Paris Principles (Cardenas 2014, 297).

The downgrading of the Norwegian NHRI from A to B status proved to be a popular story in the media. Many saw it as a blow to the image of Norway as "best in class." It is clear to see why the downgrading from A to B (a literal classroom metaphor) fits poorly

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[31]"I rather think they [the government] have meant that it was possible to unite an A status with the university still being a national institution, within the current arrangement. This proved not to be the case" (Morgenbladet, 29.11.2012, "Degradert").

with this self image. Before the downgrading was public, Nils Petter Butenschøn, then the director of NCHR, latches onto this rhetoric: "(…) it would be a paradox if Norway, which presents itself as a leading country for human rights and the establishment of national institutions, is itself unable to establish a fully accredited human rights institution."[32] Similar statements are repeated in other commentaries. Phrasings as "scandal,"[33] "we like to think we are best at everything, and especially an A-nation regarding the treatment of humans and human rights (…) but we are not as good as we think,"[34] and the listing some of countries that shared Norway's B status—Chad, Honduras, Tajikistan—were widespread. The foreign minister Børge Brende also procures such imagery, stating how the reestablishment of an A-accredited NHRI is "important for Norwegian legitimacy and credibility internationally"— and only as an afterthought discusses the almost hypothetical possibility of the NHRIs domestic function: "Should critical statements appear, well, that is after all the purpose of this institution."[35]

All of this is evidence that the "Norway is best in class" discourse is prevalent in Norway, and the downgrading was seen as failure to put one's own house in order. In other statements, it was cited as downright "embarrassing" (see *Morgenbladet*, August 31. 2012). The national newspaper Dagbladet stated in an editorial that Norway was at risk of developing both an image problem and an explanation problem. The editorial was also guilty of a slide towards stating that *Norway* itself was being downgraded, not only its national institution.[36] This slide can also be found in other media reports.[37] This may be a subtle shift, but is interesting as it frames the entire debate as a matter of Norway's national status, not that of an—after all—limited institution in the wider landscape of Norwegian human rights.

Overall, the case of the Norwegian NHRI suggests that the focus on accreditation was largely driven by concerns for Norway's reputation. Since Norway wishes to present itself as a global human rights leader, the failures of the NHRI and the downgraded accreditation was particularly troublesome to policy makers. Consequently, the NHRI was reformed, and a new institution was established by a separate law in 2015.

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[32] Morgenbladet, August 31. 2012, my translation

[33] Aftenposten. 23.09.2012

[34] Romerikes Blad. 05.11.2012.

[35] "Nytt stortingsorgan skal bøte på pinlig FN-degradering", Dagbladet, 13.02.2014 (my translation)

[36] "Pinlig B-status", Dagbladet, December 3, 2012

[37] "En menneskerettslig B-nasjon", Aftenposten, 31.10.2013; "FN degraderer Norge fra A til B status", Utrop.no, 2.12.2012; "Typisk norsk å være god?", Stavanger Aftenblad, 5.12.2012, "Norge fortsatt på B-laget i menneskerettigheter", Fri Tanke, 12.3.2013.

6.4   The NHRI's output

To look for more observable evidence of a possible socialization mechanism, we need to go to the actual output of the National Institution. Due to time and space constraints, I limit my attention to two thematic reports and the media follow-up to them in this chapter. We have seen that as a direct result of the upcoming re-accreditation process, the national institution started producing thematic reports in 2012.[38] In the following section, I analyze the first and last of these reports.

6.4.1   2012: Solitary confinement in Norwegian prisons

The Centre for Human Rights's first thematic report was on a well-known issue in the debate on human rights in Norway: The use of solitary confinement in prisons. Can we find evidence in this report of logics of socialization? As it turns out, almost the entire report is firmly embedded in legal terminology. Large parts of the report are devoted to mapping whether the Norwegian legislation is in line with the relevant articles of the ECHR and the practice of the European Court of Human Rights (ECtHR) (National Institution for Human Rights 2012, ch. 2-6). Rather than a "hooking up" of international discourse to the national narrative, the report seems to contribute to agenda-setting and information: "The Norwegian authorities do not appear to have been particularly interested in this issue" (National Institution for Human Rights 2012, 50). Still, even if little evidence of discursive reconstruction can be found, the report can be seen as part of a bridging mechanism. The report states: "The study was initiated as a result of repeated criticism by various international and national bodies of the use of solitary confinement in Norway" (National Institution for Human Rights 2012, 6). Thus, it serves as a way of "fleshing out" the international criticism and gives a thorough, research-based assessment of the Norwegian legislation and practice on the issue. According to other measures, however, the report's public impact was limited. It received limited press coverage, and the legislation on solitary confinement in prisons has not changed since the report's publication.

All in all, the report is a quite clear case of an institution acting as some kind of bridging mechanism, if in a minimal way. The report does not bring any new data on the extent of solitary confinement in Norway. It relies on the second-hand reports of the Parliamentary Ombudsman, international treaty bodies, NGOs, and statistics from the Correctional Service of Norway Staff Academy (KRUS) (National Institution for Human Rights 2012, sec. 6.2). The report's empirical contribution is aggregation and collection of existing information. That is, the function of the report is not monitoring understood as information-gathering, but rather the framing of existing information in explicit legal human rights terms. This is so-

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[38] A total of four reports were produced. See http://www.nhri.no/tidligere-ni/category831.html

cialization, however minimally. If anything, this report begs the question of whether legal harmonization could be seen as a separate mode of operation for NHRIs.

6.4.2   2015: Criminalization of homelessness

The last thematic report the NCHR published as National Institution investigated a regulation by the city council of Oslo that prohibited sleeping in any public space in the city. In contrast with previous reports, this was based on first-hand research through surveys of and qualitative interviews with people sleeping outdoors. The report states that "there appears to be a strong discriminatory element to the rate and frequency of eviction" (National Institution for Human Rights 2015, 40). Even if the law is neutrally worded, "its application is unfairly and disproportionately affecting foreigners" (45). Non-Norwegians reported evictions more than twice as often as the Norwegian respondents (40). Moreover, the practice of individual police officers is reported as problematic. At several instances, respondents reported racist and abusive comments from the police (37-38). Throughout the report, such practice is discussed against the relevant international treaty obligations.

The report goes beyond solely legal deliberations, and investigates whether the actual *practice* of a state actor, in this case the Oslo police, is in accordance with the human rights principles Norway is committed to. This is exactly the kind of proactive stance that had been found lacking in the past. Cardenas (2014) suggests that an important social aspect of an NHRI is giving *voice* to marginalized or vulnerable groups. It can introduce new narratives of abuse and protection and challenge official discourses (327). Giving a voice to and raising the concerns of poor, foreign nationals without a roof over their heads seems to fit the bill.

To back this, some evidence suggests that the understanding of the regulation was contested at the time of the report. Early media reports indicated that the ban on sleeping outdoors was a "paper provision" and not acted upon. The police, too, indicated that they would "exercise restraint in implementation" (National Institution for Human Rights 2015, 2). As it turns out, the police acted upon the regulation every day—just not as much towards Norwegian nationals. The report challenged the perception of a neutral or inactive regulation, while it gave empirical support to the version provided by various NGOs, members of the civil society, the Equality and Discrimination Ombudsman and the Council of Europe Commissioner for Human Rights, that had all voiced concerns that the regulation could be discriminatory and in violation of Norway's human rights commitments (National Institution for Human Rights 2015, 5–7).

In the media, the report sparked headlines like "A racist police?"[39] and "Police accused of discrimination."[40] Mertus (2012, 87) argues that media coverage should be taken as evidence

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[39]VG Nett 27.08.15
[40]Aftenposten 26.08.15, Nordlys 26.08.15, Drammens Tidende 26.08.15, VG Nett 25.08.15, Adresseavisen

of NHRI socialization in its own right, regardless of its wider behavioral impact. To date, however, the recommendations in the report, most notably that the regulation be suspended, have not been followed up by the city council. One could hope that the Police has changed its practice after the report, but I have not been able to find evidence to support or disprove that possibility.

6.5   What kind of socialization?

In summary, to what extent was the Norwegian NHRI able to bring about change in domestic human rights practices? Did the NCHR as national institution engage in the kind of discursive reconstruction that the mechanism of socialization would imply? In the textual material I have considered, the case is not clear cut. Thematic reports provided an avenue for a more proactive position than what the NHRI had previously taken. The first thematic report, however, offers little in terms of discursive socialization. Rather, the strategy seems like a more legalistic form of harmonization, where international obligations and Norwegian legislation are closely compared. The academic and research-based foundations of the NCHR are clearly evident, and possibly a factor that limited a wider social impact.

The contrast to the NCHR's last thematic report as National Institution is striking. Here, the institution targets a specific regulation that had already sparked great public debate, and adds empirical and legal weight to the claims raised by civil society, international observers and an Ombudsman institution. The approach is more "activist", with quite harsh conclusions about the regulation and the police's practice. This report too is concerned with maintaining an image of being academic and research-based—but less legalistic and more concerned with giving direct voice to marginalized groups. There is still very little evidence of the institution actively "hooking up" a universal human rights discourse with Norwegian narratives. Rather, the universal human rights discourse—and legal framework—is taken for granted, and employed to show whether and how the regulation is wrong.

Most of all, this shows just how strong the human rights discourse stands in Norway. The NHRI understandably sees no need to "translate" or reconstruct the human rights discourse in Norwegian terms, as it is already the dominant domestic discourse. Within this context, the NHRI is not as concerned with translating norms (Goodman and Pegram 2012a, 13) as with framing violations within the (already established) norms. Yet the driving forces are still the dynamics of socialization: The NHRI is not able to alter the state's cost-benefit analyses directly, but engages with the public debate and discourse about human rights in an attempt to connect international norms to domestic practice.

25.08.15, iTromsø 25.08.15, ABC Nyheter 25.08.15, NRK 25.08.15

6.6 Conclusion

I have discussed how the Norwegian national identity as a leading human rights nation set the stage for the creation of a National Human Rights Institution in 2001. The design of the institution as part of a research institute under the University of Oslo gave it little possibility for actual impact as a "bridge" between international human rights norms and domestic practice even from the start. The evidence presented in this chapter suggests the government was more interested in talking the talk (and the sought-after NHRI name tag) than walking the walk, when it established the NHRI in 2001. While we normally assume window-dressing to be a way for repressive regimes to deflect criticism and gain international legitimacy, this chapter has shown that window-dressing exists also in a liberal western state like Norway. This is window-dressing flipped on its head: Instead of deflecting criticism, the motivation seems to be to lead by example or keep one's own house in order.

Nevertheless, it was exactly the interest in "talking the talk" that led over time to a more proactive, and arguably more effective, institution. What we see is resemblant of the spiral model of Risse, Ropp, and Sikkink (1999). The Norwegian NHRI was adopted as a strategic response to international pressures, in line with the Norwegian identity and aspirations as a leading human rights nation. In a second stage, however, largely due to the NHRI's and the government's concern with gaining—and later keeping—an A-accreditation, the NHRI was able to make more out of its constrained beginnings. When the Norwegian NHRI was downgraded to a B-status, domestic media were quick to latch onto the image of Norway as a second-class human rights nation. The narrow, bureaucratic Paris principles and its simple A-B-C accreditation turned out to be a surprisingly powerful story in the domestic debate. The slide from talking about the Norwegian NHRI as a B-institution to talking about *Norway* as a B-nation is illustrative of the degree to which the accreditation narrative resonated with Norwegian identity and self-image.

It is therefore evident that accreditation has had *some* form of consequences in Norway. It made the government give the NHRI earmarked funds directly over the state budget, and it made the NHRI start publishing thematic reports and taking a more visible and activist stance in public. Lastly, securing an A-accreditation was one of the central concerns that led to the establishment of an entirely new NHRI in 2015. But did this in turn bring about any observable change in the wider issue: Norway's respect for human rights?

The last report the NCHR issued as National Institution may be illustrative. I have argued that socialization is the dominant mode of the report on criminalization of homelessness, published in 2015. The report combines agenda-setting, fact-finding, giving voice to the marginalized, and discursive framing—it challenged the official story of the time, which said that the sleeping ban was a "paper provision" and rarely acted upon. As such, it had

observable effects on the domestic *debate* and *discourse*. It is however more difficult to say whether the actions of the NHRI led to changes in police practice, and we know that the police regulation itself remains unchanged.[41]

Whether or not one should accept changes in a limited debate on a single issue as a substantive effect is an open question. I would nonetheless argue that the final report sets an example for the work of the new Norwegian national institution. The discrimination of voiceless minorities is often overlooked even in liberal Norway. All efforts to publicize, name, and shame such discrimination are efforts for the better, even if it does not lead to immediate, large-scale change of the kind that gets picked up in the aggregated CIRI measures.

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[41] Forskrift om politivedtekt, Oslo kommune, Oslo, 2007, § 2-1.   https://lovdata.no/forskrift/ 2007-06-06-577/§2-1

Chapter 7

Conclusion

This thesis asked two questions. Do national human rights institutions improve states' respect for human rights? And if yes, through what mechanisms? I have proposed three plausible mechanisms. For the null-finding of no traceable NHRI effects, *window-dressing* might be the best explanatory mechanism. Here, NHRIs are set up by a state for reasons of reputation or in hope of attracting rewards, and this leads in turn to an ineffective institution and no change in respect for human rights. On the other hand, possible avenues for actual effect are *monitoring* and *socialization*. The former says that NHRIs may alter state practices because they make it more costly to violate their human rights commitments. The latter says that the important thing is not cost-benefit analyses, but that NHRIs might change the human rights culture in a state, and thereby improve human rights conditions.

The NHRI data shows that national human rights institutions have proliferated since the 1990s. Today more than a hundred states have adopted an NHRI, and more than half of these have an A-accreditation. This has been a rapid development—in 1980, only seven states had adopted an NHRI. But has the development of this novel kind of institution led to any observable improvement in respect for human rights around the globe?

The statistical analysis found no indication that the adoption of a national human rights institution on average leads to more respect for human rights. Towards physical integrity rights, civil liberties and women's political rights, NHRI-adopters are statistically indistinguishable from states without NHRIs. Only towards women's political rights are NHRIs consistently associated with slightly better human rights outcomes. But even here, the substantial real-world effect is weak. Taken together, the findings give a reasonable amount of support to the window-dressing hypothesis.

Yet the lack of overall global effects does not imply that NHRIs are ineffective everywhere and always. In terms of mechanisms, the analysis found little support for the hypothesis that NHRIs work as a monitoring agent. On the other hand, if there is any effect of NHRIs, the evidence suggests that socialization may be in play. The analysis shows a positive association

between NHRI adoption and women's political rights. Furthermore, it suggests that accreditation makes a difference towards women's rights: countries with A-accredited institutions have higher human rights scores than countries with B-, C-, unaccredited or no NHRIs. This is not evident in the other rights categories examined. While the substantial effects are weak, the relationship is consistent across specifications. I have argued that the discrepancy between rights areas as well as the difference accreditation makes is best explained by the socialization mechanism. Yet this proposition is tentative and requires further corroboration through more refined statistical as well as case-based studies.

Finally, I have examined some of the central issues of the statistical analysis in a case study of the Norwegian NHRI from 1999 to 2015. This chapter shows that even in a liberal, human rights-respecting state like Norway, window-dressing is a dominant mechanism. The choice to establish an NHRI, as well as to seek accreditation of it, was largely externally driven. Still, from a modest beginning with the cards stacked against it, the Norwegian NHRI managed to increase its capacity and impact during its lifetime, in no small part due to the unanimous concern with accreditation. The social dynamics of embarrassment, "keeping one's house in order," and international reputation gave the device of accreditation leverage in Norway. It led first to a more proactive institution and later to the establishment of a new, independent NHRI "from scratch." Whether the NHRI has had any direct effect on state practices is more open to interpretation. We have seen that it has taken an active stance in a selected debate, and brought the global human rights discourse down to the particular issue of a ban on sleeping outdoors in Oslo—but such discursive effects are in this analysis as far as it gets.

Summing up, there is no reason for unrestrained optimism towards the effectiveness of national human rights institutions. When the UN Secretary-General (2005) says that "building strong institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner," the emphasis must not be on simple establishment in itself. This may not lead to much. Rather, there is a need for a focused attention to what makes an NHRI "strong," and what counts as "in the long run." If one takes the socialization thesis seriously, it is entirely plausible that the present analysis is simply too short-sighted. Changing a domestic culture takes time, perhaps much more time than 1, 5, or 10 years.

Second, NHRI *accreditation* is no guarantee of effectiveness. We have no evidence that accreditation on average is associated with better human rights outcomes. It is an indicator of formal *de jure* provisions and is not awarded on the basis of NHRIs' actual practice or impact. Where accreditation seems to work to change practices is rather in contexts where it is able to leverage dynamics of reputation and legitimacy.

7.1 Implications for future research

The research on NHRIs is still in the early stages, and the avenues for future research are many. This thesis poses at least four challenges.

First, it is evident that the study of womens rights—and minority rights in general—needs more scholarly attention. The findings of this thesis suggest that there is something special about women's political rights that makes them more responsive both to NHRI adoption and CEDAW ratification. I have suggested socialization as a possible explanation of this observation: There is simply more potential for a treaty or an NHRI to make a difference in implementing the global norm of gender equality through socialization than through monitoring. Yet other theoretical explanations are also possible—and the claim should in any case be examined through specific empirical studies.

Second, we need a more focused effort to identify and test scope conditions for NHRI effectiveness. Behind the global null effect of NHRIs, interesting patterns may be hidden. For instance, it would be interesting to extend the argument of Simmons (2009) and examine whether NHRIs are more effective in democratizing or transitional regimes.

Third, there is a pressing need for better human rights data. The measurement of human suffering will always be riddled with conceptual difficulties. Yet we have in the last 30 years seen vastly improved reporting on human rights conditions in almost all states of the world, which should over time provide researchers with better material to work with. A particularly promising approach is to pair the standards-based measures used in this thesis with direct events-based data (see e.g., Fariss 2014). In the research on NHRIs, there is a need to expand the work done by Conrad et al. (2013) to account not only for *de jure* characteristics of NHRIs, but also their actual practice.

Fourth, quantitative researchers should take socialization seriously. The choice of causal story or mechanism should not be guided by methodological affinity, but by what can best explain a given empirical puzzle. When researchers do not even consider the possibility that social dynamics underlie their quantitative patterns, they risk at best to lose theoretical completeness and texture—and at worst to make the wrong conclusions. To be sure, you run into an epistemological wall at some point. But the room is bigger than many seem to think: statistical analysis is not *only* compatible with theoretical claims based on rationalism. And much of the best research happens outside of the quantitative room altogether. A mixed-methods approach may be a good way to crack a window open and get some fresh air into a statistical analysis—but more importantly, the triangulation of methods might help us get a better sense of what is going on in the world. And this should be at least part of the goal of social science.

Finally: What should we make of this thesis' pessimistic findings towards NHRI effec-

tiveness? Is the logical policy implication that the NHRIs are a waste of resources, and that we should quit promoting them? I have already argued how some of the pessimism in the field may stem from methodological difficulties. But furthermore: The human rights system is ultimately a system of normative principles and aspirations. According to Reus-Smit and Snidal (2008), answering the "what should we do" question of policy recommendations requires engaging both the "is" and the "ought" dimensions of social research. "International Relations needs to be more than an explanatory project" and has to occupy the terrain between empirical and normative inquiry (2008, 261). Do NHRIs work is one question, *should* NHRIs exist is quite another—which ultimately depends on the political and normative value politicians, researchers, and the public place on these enigmatic little institutions.

Appendix

An online appendix, as well as R script and replication data, can be found at:

    http://bit.ly/thesis-fjortoft

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