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UNIVERSITY OF CALIFORNIA SAN DIEGO

Repressive Regimes and Individual Petitions in the Human Rights Committee

A dissertation submitted in partial satisfaction of the
requirements for the degree
Doctor of Philosophy

in

Political Science

by

Rachel J. Schoner

Committee in charge:

Professor Emilie Hafner-Burton, Co-Chair
Professor David Lake, Co-Chair
Professor Karen Ferree
Professor Stephan Haggard
Professor Christina Schneider

2022

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The dissertation of Rachel J. Schoner is approved, and it is acceptable in quality and form for publication on microfilm and electronically.

University of California San Diego

2022

DEDICATION

To Mom and Dad

For making everything possible

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Chapter 2, in full, has been submitted for publication as a journal article and is currently under review. Rachel J. Schoner is the sole investigator and author of this paper.

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ABSTRACT OF THE DISSERTATION

Repressive Regimes and Individual Petitions in the Human Rights Committee

by

Rachel J. Schoner

Doctor of Philosophy in Political Science

University of California San Diego, 2022

Professor Emilie Hafner-Burton, Co-Chair
Professor David Lake, Co-Chair

This dissertation analyzes how political actors mobilize in international legal institutions to shine a spotlight on the behavior of repressive governments. The international relations literature focuses on the role of states, international institutions, and non-governmental organizations, largely leaving individual victims of abuse aside as passive targets of government repression. By focusing on individual petitions of human rights abuse in the United Nations, I show that victims of human rights abuse are important actors in global politics. My research addresses three questions: (1) Why do some repressive governments voluntarily invite criticism of their poor human rights practices by allowing individual petitions? (2) Why do individual victims bring petitions to expose human rights abuses when doing so opens them up to retaliation by abusive governments? (3) How do petitions affect respect for human rights in these repressive

societies? I argue non-governmental organizations (representing victims) and political activists file international human rights petitions about specific instances of abuse to name and shame abusive governments. Although these rulings are not legally binding, they can, under certain conditions, apply sufficient pressure on governments to improve human rights. I employ a multi-method approach to test my argument from different angles and levels of analysis. I focus on the United Nations Human Rights Committee (HRC) which oversees the International Covenant on Civil and Political Rights. I interviewed HRC members and organizations who represent victims before the Committee to ground this research with practitioners' experience. I test my theoretical expectations with original data on petitions, cross-country quantitative analysis, and policy case studies. I present a novel dataset of 984 petitions, including information on individual identities, the role of third-party representation, and the specific rights under contestation. This dissertation shows that victims of human rights abuse, when supported by non-governmental organizations, can sufficiently pressure some repressive governments to improve respect for human rights. The European Union has a crucial role throughout this process. Economic dependence on the EU not only incentivizes regimes to participate but also increases the reputational costs of HRC naming and shaming, which leads to short-term improvements in human rights.

Chapter 1

Introduction

This dissertation analyzes how political actors mobilize in international legal institutions to improve human rights. The international relations literature focuses on the role of states, international institutions, and non-governmental organizations, largely leaving individual victims of abuse aside as passive targets of government repression. By focusing on individual petitions of human rights abuse in the United Nations, I show that victims of human rights abuse are important actors in global politics.

My research addresses three questions: (1) Why do some repressive governments voluntarily invite criticism of their poor human rights practices by allowing individual petitions? (2) Why do individual victims bring petitions to expose human rights abuses when doing so opens them up to retaliation by abusive governments? (3) How do petitions affect respect for human rights in these repressive societies? I argue non-governmental organizations (representing victims) and political activists file international human rights petitions about specific instances of abuse to name and shame abusive governments. Although these rulings are not legally binding, they can, under certain conditions, apply sufficient pressure on governments to improve human rights. To test my argument, I present a novel dataset of 984 petitions, including information on individual identities, the role of third-party representation, and the specific rights under contestation.

I employ a multi-method approach to test my argument from different angles and levels of analysis. I focus on the United Nations Human Rights Committee (HRC) which oversees the International

Covenant on Civil and Political Rights. I interviewed HRC members and organizations who represent victims before the Committee to ground this research with practitioners' experience. I test my theoretical expectations with original data on petitions, cross-country quantitative analyses, and policy case studies. I present a novel dataset of 984 petitions, including information on individual identities, the role of third-party representation, and the specific rights under contestation. Compiled from reading through nearly one thousand petitions against repressive governments, this original dataset allows for a deep understanding of the individuals who participate in this institution as well as the influence of petitions on state behavior.

My original dataset on individual petitions is an empirical contribution to the mobilization and international human rights regime literatures, allowing more fine-grained analysis and understanding of individuals, organizations, and policies in the Human Rights Committee. I record the nature of the alleged violation, treaty articles under contestation, legal representation, relevant dates, and identifying information of the individual. I include any individual characteristics including international ties (nationality and residence), prior political involvement, and any other personal information included in the communication (such as career, ethnicity, or religion). This fine-grained dataset allows for a personal look at individuals, their identities, background, and motivations.

The first paper of the dissertation in Chapter 2 titled "Empowering Your Victims: Why Repressive Regimes allow Individual Petitions in the Human Rights Committee" asks: Why do repressive regimes allow individual petitions, drawing attention to their blatant violations of human rights treaties? The growing literature explaining why repressive regimes ratify human rights treaties fails to explain why some regimes take the additional step to delegate authority to their people to file international legal complaints while others do not. I examine individual petition mechanisms in the United Nations which allow individuals to file complaints to an overseeing treaty body. I argue that repressive regimes face international incentives to signal their commitment to the European Union, a global power with a strong and continued interest in the global human rights regime. Repressive regimes, however, only ratify agreements when they perceive low domestic costs with little institutional constraints on the executive. In support of my theory, I find that repressive regimes are more likely to ratify the International Covenant on Civil and Political Rights' Optional Protocol allowing individual petitions when they are trade dependent on the

EU while facing lesser institutional constraints, both legislative and judicial. This interaction explains OP but not treaty ratification. Individual access in the Human Rights Committee is one example of non-state actor access in international institutions, which is an important component of understanding institutional design and compliance.

The second paper of the dissertation in Chapter 3 is titled “Confronting a Repressive Regime: Individual Petitions in the Human Rights Committee” which received the best graduate student paper award from the American Political Science Association’s Law and Court’s section. Here, I ask: Why do individuals file human rights petitions in international law against repressive regimes? Victims of human rights abuse face high personal costs of participation, including retaliation from the government against whom they are filing a complaint. Despite these costs, nearly one thousand petitions have been filed against repressive governments in the Human Rights Committee. If mistreated, political individuals and organizations file petitions as a part of their broader mobilization efforts to improve human rights. I find empirical support for this theory at both the country-year and petition levels of analysis. Employing a multi-methods approach including the collection of original data, interviews with Human Rights Committee members and civil society organizations, and cross-national quantitative analysis, I find that where civil society organizations are repressed, they are less likely to file petitions; rather, opposition politicians and civil society activists overcome the high personal costs and are more likely to file in these restrictive environments. I construct an original dataset on 984 petitions which codes the identities and motivations of individuals, the role of third-party representation, and the specific rights under contestation. This study of individual behavior improves our understanding of broader processes of mobilization, both domestic and international.

The third paper of the dissertation in Chapter 4 titled “Naming and Shaming in the Human Rights Committee: Individual Petitions’ Effect on Human Rights” asks: Can non-binding decisions by inter-governmental organizations improve respect for human rights? Much of the existing literature believes that international law has a limited effect, especially without enforcement mechanisms, in the countries where it’s needed the most. Focused on repressive regimes, this paper analyzes petitions filed by victims of human rights abuse in the United Nations Human Rights Committee, the overseeing body of the International Covenant on Civil and Political Rights. As a form of naming and shaming, I theorize that

Committee violation rulings may improve human rights when paired with civil society actors with the resources to publicize the findings to a global audience. I argue that petitions filed by individual victims serve as an effective personal frame, presenting a compelling and relatable narrative, and Committee rulings lend legitimacy to civil society's constant naming and shaming. This naming and shaming increases reputational costs for repressive regimes that are economically dependent on Western, liberal democracies. I use a multi-methods approach including quantitative analysis of aggregate measures of physical integrity rights and case studies focused on specific policies under contestation in the Committee. Leveraging an original dataset, I find that governments improve respect for the most severe abuses involving bodily harm immediately after violation rulings. These short-lived effects are driven by petitions where civil society actors are listed as representation and are only present in countries that are economically dependent on Western powers.

Chapter 2

Empowering Your Victims: Why

Repressive Regimes Allow Individual

Petitions in the Human Rights Committee

2.1 Abstract

The growing literature explaining why repressive regimes ratify human rights treaties fails to explain why some regimes take the additional step to delegate authority to their people to file international legal complaints while others do not. I examine individual petition mechanisms in the United Nations which allow individuals to file complaints to an overseeing treaty body. I argue that repressive regimes face international incentives to signal their commitment to the European Union, a global power with a strong and continued interest in the global human rights regime. Repressive regimes, however, only ratify agreements when they perceive low domestic costs with little institutional constraints on the executive. In support of my theory, I find that repressive regimes are more likely to ratify the International Covenant on Civil and Political Rights' Optional Protocol allowing individual petitions when they are trade dependent on the EU while facing lesser institutional constraints, both legislative and judicial. This interaction explains OP but not treaty ratification. Individual access in the Human Rights Committee (the overseeing body to the ICCPR) is one example of non-state actor access in international institutions, which is an important component of understanding institutional design and compliance.

2.2 Introduction

Turkmenistan's President for Life, Saparmurat Niyazov, routinely violated the human rights of his people. Regardless, his government not only ratified numerous key human rights treaties but also invited individual persons to lodge formal complaints against the government to be heard in the United Nations. Meanwhile, Liberia's repressive government quickly joined the global human rights system in 2004, ratifying many treaties, yet refused to allow these formal complaints.¹ There is a growing literature explaining why repressive regimes ratify human rights treaties,² but it fails to explain why some regimes take the additional step to delegate authority to its people to make public allegations that initiate a formal, international review process while others do not.

While there is still debate over exactly why countries ratify human rights treaties, and whether or

¹ In 2004, Liberia simultaneously signed 5 treaties, acceded to 10, and ratified 3 additional treaties.

² See Conrad (2014); Hollyer and Rosendorff (2011); Vreeland (2008).

not they are effective in improving human rights, the empirical fact is that most repressive regimes have taken on binding legal commitments in the human rights system. Some may ratify for economic benefits, in the form of trade, aid, or other financial flows, (Smith-Cannoy 2012; Hathaway 2007; Goodliffe and Hawkins 2006; Hathaway 2002), while others may seek reputational benefits domestically or abroad (Wotipka and Tsutsui 2008). The associated costs for these governments are also a source of debate (Hafner-Burton, Mansfield and Pevehouse 2015; Nielsen and Simmons 2015; Cole 2009; Simmons 2009; Hathaway 2007). Some scholars argue that ratification of human rights treaties is largely costless (Hathaway 2007; von Stein 2005; Hathaway 2002) while others suggest they can sufficiently influence positive change (Hill Jr. and Watson 2019; Lupu 2015; Conrad and Ritter 2013; Lupu 2013; Neumayer 2005). Existing literature would suggest that the highly repressive, totalitarian government of Turkmenistan would not allow additional international oversight in the form of individual petitions while Liberia, a repressive yet democratizing country, should be much more inclined to invite this oversight to signal its commitment to liberal values (see: Hafner-Burton, Mansfield and Pevehouse 2015; Chapman and Chaudoin 2013; Hafner-Burton, Helfer and Fariss 2011; Cole 2009; Moravcsik 2000).

Individual petition mechanisms thus far have been treated as an extension of ratification, a costlier version of the same phenomenon. I argue these mechanisms, which allow access for victims of human rights abuse to file legal complaints, require separate analysis because of their *direct* international mobilization. Individual petition mechanisms overtly invite naming and shaming by treaty bodies, which call attention to repressive regimes' poor treaty compliance. Individual petitions and their associated costs to governments are fundamentally different than treaty ratification, which creates a focal point for discussions, demands, and mobilization by domestic actors (Simmons 2009). I situate this paper theoretically against existing work focused on autocratic regimes' treaty ratification and empirically compare treaty and optional protocol ratification. I find my theory explains why repressive regimes allow individual petitions but not treaty ratification, supporting the separate theoretical and empirical analysis of these two institutions.

I argue that there is demand by international actors for repressive regimes to take on these additional commitments. Economic dependence on powerful actors supportive of the international human rights regime increases demand for this commitment. Further, variation in the structure of these regimes'

domestic politics helps explain the costs and therefore their willingness to invite this oversight. The combination of this form of delegation, where victims of human rights violations are given international legal standing, and constraining domestic institutions increase the potential cost. Executives with effective institutional constraints may face increased costs because powerful domestic actors can hold them accountable for harmful, repressive policies. As a result, they are less likely to delegate this additional authority. Repressive regimes face a trade-off, as they see benefits from international pressure yet are concerned about domestic enforcement. Therefore, repressive regimes which face international pressure via economic dependence yet expect to avoid domestic political costs are more likely to allow individual petitions.

Consistent with much of the literature on the human rights regime, I focus on one of the most central institutions in the United Nations system: the Human Rights Committee overseeing the International Covenant on Civil and Political Rights. On a state-by-state basis, governments allow formal complaints (also called petitions or communications) from victims of human rights abuse by ratifying the treaty's First Optional Protocol (ICCPR-OP) which was open for ratification in 1966. As one of the broadest global human rights treaties and one component of the International Bill of Human Rights, the ICCPR has near-universal participation.³

I focus on violations of a subset of rights evaluated by this Committee—physical integrity rights (those that protect against bodily harm)⁴— and identify a sample of 88 repressive countries that have ratified the ICCPR treaty, analyzing if and when they ratified the Optional Protocol and measuring repression at the time of ratification. Using statistical analysis, I find that the interaction of high economic dependence on the European Union and low institutional constraints on the executive increases the likelihood of ICCPR-OP ratification among repressive regimes. Specifically, the combination of trade, but not aid, dependence on the EU and constraining domestic institutions increases the likelihood of OP ratification. Further, this interaction fails to explain why regimes ratify the treaty, presenting empirical evidence for the theoretical differences between treaty and OP ratification.

This paper adds theoretically and empirically to the global human rights regime literature by

³ Only 18 countries are neither States Parties nor signatories to the ICCPR.

⁴ Physical integrity violations include torture, extrajudicial killings, enforced disappearances, political imprisonment, genocide, and mass killings.

analyzing the domestic and international politics surrounding repressive regimes' decisions to accept increased oversight. Repressive governments are the main targets of international human rights institutions, so their participation is critical. Understanding selection into increased monitoring is important as these institutions can only be as impactful as the countries who join and allow this oversight. This analysis is a crucial step in understanding what effect non-state actors (here: individual victims of human rights abuse) may ultimately have on compliance and improved respect for human rights.

2.3 Individual Petitions in International Law

After the mass atrocities in the interwar period and during the Second World War, countries began to develop the international human rights regime, an extensive collection of institutions aimed to prevent such atrocities and protect individuals from their government. Every country recognized by the United Nations has ratified at least one of the core UN human rights treaties (including the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of all Forms of Discrimination Against Women). Even the most repressive countries participate by ratifying these treaties. This is not surprising due to treaties' lack of monitoring and enforcement power, which often results in little behavioral change, questioning the effectiveness of these institutions (Hathaway 2007; Hafner-Burton and Tsutsui 2007; Goodliffe and Hawkins 2006; Neumayer 2005; Hathaway 2002). One component of this regime, understudied and often overlooked in the literature, was designed to remedy this problem by increasing the monitoring power of human rights treaties: individual petitions. The United Nations states, "It is through these individual complaints [petitions] that human rights are given concrete meaning."⁵ Individual petitions are complaints filed by victims of states that violate human rights. There is little scholarship on this institution that was designed to empower non-governmental actors to protect individual rights and freedoms.

After ratifying a United Nations human rights treaty, a country may take an additional step and invite individuals⁶ to bring complaints against their government about human rights violations. These

⁵ "Complaints procedures under the human rights treaties." Webpage

⁶ I purposefully use the term "individual" rather than "citizen" because nationality is irrelevant when filing a petition in the Human Rights Committee. Jurisdiction is based on government action, regardless of nationality or residence.

countries open the door to this largely state-centric system by inviting individual persons into the treaty monitoring bodies. While I focus on the Human Rights Committee and the ICCPR Optional Protocol in this paper, analogous mechanisms exist in all core United Nations human rights treaties⁷ and some regional institutions. Once a state ratifies the ICCPR-Optional Protocol, victims of abuse by a government that has ratified this document may file a legal complaint to its monitoring body, the Human Rights Committee. The Committee then produces a “View,” its ruling on whether the government violated treaty provisions. Given expected compliance and pressure from civil society groups to ratify UN human rights treaties, it is no surprise that many states which ratify these treaties and allow individual complaints are mature democracies with high levels of respect for human rights. Many repressive states, the main target of the international human rights regime, not only ratify these treaties but also allow individual complaints, and there is significant variation among repressive states.

There is a large literature exploring why states participate in the international human rights regime, often focusing on democratic and democratizing states (Hafner-Burton, Mansfield and Pevehouse 2015; Chapman and Chaudoin 2013; Simmons and Danner 2010; Simmons 2009; Wotipka and Tsutsui 2008; Hathaway 2007; Hafner-Burton 2005; Moravcsik 2000). Numerous studies focus on why other states, those with more mixed human rights practices, participate, focusing on a variety of international economic benefits (Smith-Cannoy 2012; Hathaway 2007; Goodliffe and Hawkins 2006). Nielsen and Simmons (2015), however, find there is not sufficient empirical evidence for these claims. The current literature treats individual petition mechanisms as an extension of ratification, a costlier version of the same phenomenon. While allowing individual petitions does increase enforcement and sovereignty costs (defined, according to Moravcsik (2000), as surrendering national discretion and delegation to an international authority) associated with the core treaty, this institution requires separate attention because it directly allows anti-government mobilization. Individual petition mechanisms are a potential pathway for mobilization through which victims, including repressed political parties, may hold leaders accountable by bringing attention to the state’s treaty violations and pressuring for policy change. Repressive regimes, those that systematically use repression as a policy tool, face increased costs of allowing individual pe-

⁷ As of writing, eight of the human rights treaty bodies may, under certain conditions, receive and consider individual complaints or communications from individuals. The petition mechanism has not yet entered force for the Committee on Migrant Workers.

titions because of their routine treaty violations. Grievances are more common and often of a different nature: more physical integrity rights and civil liberty violations rather than judicial processes complaints. These increased costs are not uniform across repressive regimes, which I argue depend on institutional constraints on the executive.

These increased political costs differentiate individual petition mechanisms from the treaty. Treaty ratification is rather costless, as many international agreements are simply thought of as a “scrap of paper” (Fortna 2003). Some scholars have argued that these treaties can be an effective focal point for mobilization efforts, under certain circumstances (Simmons 2009; Neumayer 2005; Hathaway 2002), although this is largely driven by mature democracies with high levels of respect for human rights. Repressive regimes, the focus of this paper, can ratify treaties such as the ICCPR as a low-cost signal of participation in the international community and acceptance of widespread international norms, evidenced by the near-universal participation (173 States Parties). If increased costs accompany allowing individual petitions, states must face incentives to participate. I argue that directed, international economic flows incentivize repressive governments to allow individual petitions.

One important work that analyzes human rights treaties and their optional protocols is Nielsen and Simmons (2015), who find no evidence for tangible or intangible benefits of ratifying human rights treaties, including the ICCPR- Optional Protocol, looking at Western bilateral aid flows, ratification of preferential trade agreements, and foreign direct investment. This work lumps heterogeneous international actors together with mixed support among “Western” countries and donors for increased delegation in the international human rights regime. In addition to their null findings on tangible (economic benefits) from Western donors as a heterogeneous group, the authors contend that the European Union has the strongest interest in the global human rights regime and occasionally praises countries for ratification, presenting some suggestive evidence. I argue that this heterogeneous grouping may explain these null results. Including the EU with other actors more skeptical of the global human rights regime (particularly institutions with increased monitoring and enforcement) like the United States may mask the importance of the European Union. Moreover, this discussion of international benefits leaves aside variation in domestic politics which largely determine the costs of these commitments.

Dictators face domestic incentives to ratify human rights treaties (specifically the Convention

against Torture discussed in Conrad (2014); Hollyer and Rosendorff (2011); Vreeland (2008)), but these theories do not translate to individual petition mechanisms which allow for direct anti-regime mobilization. It is important to note that while dictators routinely violate human rights, not all repressive regimes are dictatorships. I focus on a broader set of countries that regularly violate human rights treaty provisions, which includes dictators (such as Turkmenistan), but also governments with different domestic political structures (such as democratizing Tunisia). This line of research has found that powerful domestic opposition incentivizes dictators to ratify the Convention against Torture to appease opponents and reduce pressure to implement real change. While dictators may benefit from treaty ratification, they are unlikely to allow individual petitions because this is an invitation for opponents to call out poor practices. Powerful domestic actors may be appeased by ratification, a low-cost commitment in the right direction, but they can mobilize against the government by flooding the overseeing committee with complaints about the state's poor compliance, increasing pressure for meaningful change.

Smith-Cannoy (2012) presents the first work to focus exclusively on individual petition mechanisms, providing an important step in understanding why governments that routinely ratify UN human rights treaties give individuals legal standing and exploring the consequences on domestic practices. She restricts the geographic and treaty scope: focusing on transitioning countries in Central Asia and Central and Eastern Europe and four main treaties. Smith-Cannoy argues governments grant this power insincerely as a cheap signal to Western audiences amid domestic economic pressures. She finds some evidence for her theory but notably not for the ICCPR-OP: economic hardship does not correlate with states' decisions to allow individual petitions in the ICCPR. I build upon this work by expanding the theoretical and empirical sample to include all repressive countries, regardless of region. Moreover, I explore variation across repressive regimes and costs driven by different political institutions.

2.4 Theory

I present a theory seeking to explain a repressive regime's decision to ratify the ICCPR-OP and allow individual complaints about human rights violations in the Human Rights Committee. Repressive leaders face international incentives to ratify the Optional Protocol but also consider the domestic costs in

terms of domestic political institutions under which they may be held accountable for their poor compliance. I argue there are economic benefits for OP ratification, in terms of continued or increased bilateral aid or trade flows. States that are more economically dependent (i.e. a larger share of their economy is reliant on these economic flows) on the European Union, a major power in support of the global human rights regime, face demand to ratify the Optional Protocol. Leaders weigh the international benefits with perceived domestic political costs and only allow petitions when the perceived benefits outweigh these costs.

Repressive leaders, like all political leaders, are primarily motivated by maintaining power and thus use repression strategically (Davenport and Armstrong II 2004; Moore 2000; Poe, Tate and Keith 1999). Rationally, they implement policies, including repression and ratification of international treaties, when they perceive the benefits outweigh the costs. Repression is sometimes employed to suppress political opposition and deter challenges (Franklin 2009; Shellman 2006; Gartner and Regan 1996; Davenport 1995), but the executive must weigh these benefits against the threat of punishment by domestic democratic and legal institutions (Davenport 1995; Powell and Staton 2009). I focus on the executive's decision-making, but I note that ratification processes differ across regimes and sometimes over time within the same regime. The legislature may be involved in the ratification process, requiring support from multiple actors. I discuss the international incentives and domestic costs separately before discussing how they interact to influence a leader's decision-making. Using a rational choice framework, the theory centers on this interaction.

2.4.1 International Demand: Economic Benefits

International factors, particularly ties with powerful states, have been shown to influence treaty ratification (Schneider and Urpelainen 2013). Here, I argue that repressive regimes consider ratifying the ICCPR Optional Protocol if they have strong economic ties to the European Union. These international benefits entice participation, creating demand. If domestic benefits exist, they are secondary.

The presence of donor influence is prevalent in human rights institutions, as Zambian experts cite "criticism and pressure by the donor community" as a main reason for accepting UN petition mechanisms (Heyns and Viljoen 2002). I disaggregate this donor community given the mixed support for petition

mechanisms; many states are openly and covsly critical of these institutions. States with highly globalized economies are not more likely to ratify the ICCPR-OP as support for the international human rights regime varies widely. For example, high levels of trade or aid with China, a country that has ratified numerous treaties but has not accepted any individual complaints procedure, do not incentivize governments to allow these complaints. Rather than global economic exposure, I focus on directed, economic ties: repressive regimes and the European Union. Given the mixed support for the international human rights regime among “Western” countries, this is a narrower argument than previous work that has analyzed Western linkages (Nielsen and Simmons 2015). Specifically, the United States is often critical and outspoken about increased enforcement in international human rights law.⁸ I argue that economic dependence on the European Union (or its constituent countries)⁹ increases the likelihood a repressive state ratifies the OP due to Europe’s clear commitment to human rights and its corresponding international legal institutions.

I focus on the European Union in this paper as a test of the broader theory, which is not limited to the EU. The European Union is not exhaustive of countries and organizations that support human rights and condition trade and aid on ratification of human rights agreements. The EU is clearly one such powerful body of countries that strongly values the international human rights regime and also has widespread economic ties.¹⁰ Modern international human rights law largely started in Europe in the postwar era in response to the atrocities of the Second World War. The Council of Europe signed the European Convention of Human Rights (ECHR) in 1950 establishing the European Court of Human Rights (ECtHR), a powerful supranational court designed to check state abuses, pushed for largely by young European democracies (Moravcsik 2000). The ECtHR allows individual complaints against state violations of human rights and political freedoms. Members of the Council of Europe were not all among

⁸ The United States supports human rights around the world but is quite skeptical of and opposed to international legal enforcement. The US has not accepted any individual petition mechanisms and has been outspoken against the International Criminal Court. As a placebo check, I include US trade (Barbieri and Keshk 2016; Barbieri, Keshk and Pollins 2009) and aid (AidData 2017; Tierney et al. 2011) dependence. Table 2.3 and Figure 2.9 show that the key results do not hold for US dependence.

⁹ The European Union did not exist as a political entity for the entire sample of interest, starting when the ICCPR was open for ratification in 1966. I use “European Union” as shorthand to discuss not only the regional organization but also its constituent countries before and throughout the regional integration process.

¹⁰ The European Union is the most powerful global actor that fits this theory. This theory also applies to Canada and Australia. This paper focuses on the EU given its broader pattern of global trade.

the early ratifiers of the ICCPR-OP (membership has greatly expanded over time), but this is likely due to their strong, pre-existing regional institutions, presenting little pressing need.

The European Union pays attention and praises those who allow individual petitions. Among the thematic priorities of the European Parliament in 2017, the EU “urge[s] all states to ratify the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic Social and Cultural Rights (ICESCR) establishing complaint and inquiry mechanisms”.¹¹ The Council of Europe’s Annual Report on Human Rights and Democracy in the World in 2015 discusses ratifications of the ICCPR Optional Protocol, praising some– “The EU welcomed the Moroccan parliament’s adoption of the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women”– and criticizing others: “However, [Mozambique] has not yet fulfilled commitments to ratify the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the International Covenant on Civil and Political Rights.”¹² The European Parliament praised Tunisia’s commitment to democratic reform in 2011, making the distinction between treaty ratification and increased enforcement of individual petitions:

In 2008, while still under the rule of President Zine El Abidine Ben Ali, Tunisia had ratified a number of human rights conventions, but with insufficient enforcement... Following the Jasmine Revolution, in 2011 Tunisia ratified a series of key international conventions in line with the OHCHR’s recommendations... [including] the Optional Protocol to the International Covenant on Civil and Political Rights.¹³

Repressive governments also highlight this legal commitment in discussions with the EU. In the United Nations Third Committee, Sri Lanka responds to a comment made by Luxembourg on behalf of the EU:

In early October, Sri Lanka deposited with the Secretary-General the instrument of ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights, he said. It was an important decision, permitting international scrutiny of Government actions affecting the human rights of its citizens. Constitutional changes were also being made in line with the Covenant. The delicate and complex process of protecting and promoting human

¹¹ *European Union News*. 18 April 2017.

¹² *European Union News*. 7 October 2016.

¹³ *European Union News*. 19 September 2016.

rights, while good governance and accountability in an environment of underdevelopment, violence, and terrorism, was one that should be moved forward resolutely.¹⁴

European powers valued, and still value, civil and political rights. Given the widespread norm of treaty ratification and low enforcement, ratifying the ICCPR is a weak signal of commitment to human rights. The ICCPR Optional Protocol allows states to send a stronger (but not perfectly credible) separating signal that they are serious about human rights and participating in the global liberal world order.

There is a large literature linking economic flows and human rights (Hafner-Burton 2009; Carey 2007; Hafner-Burton 2005; Neumayer 2003). Trade may lead to increased participation in the international human rights regime in numerous ways. First, trade communities may socialize partners into similar practices and institutions as policies diffuse.¹⁵ Policies diffuse among like states, and countries may take cues from their close trading partners, especially more powerful states. Additionally, states such as the European Union may use trade to manipulate human rights behavior in other states, particularly by using trade agreements to explicitly link material benefits to human rights principles (Hafner-Burton 2005). Moreover, trade itself may lead to improved respect for human rights through economic development and improved human welfare (Harrelson-Stephens and Callaway 2003). Donor states distribute foreign aid strategically for policy concessions (Bueno de Mesquita and Smith 2007) and geopolitical reasons at large. Human rights conditionality is common in foreign aid disbursements, but the enforcement is often ignored in favor of more geopolitical and practical reasons (Lebovic and Voeten 2009; Carey 2007; Neumayer 2003; Dunning 2004). This conditionality is often tied to human rights practices, and ratification of the ICCPR-OP is a lower cost signal to donors of commitment to the international human rights regime than a change in repressive behavior.

Most states depend on international economic flows, namely trade and/or aid, for a strong economy. Stable and growing economies are a driving factor in leader approval, and uprisings (both elite-driven and popular) are more common in poor economic conditions. If the economy depends on international economic flows, then so does the leader's survival. While international flows may help the economy at large, decreasing the likelihood of a revolution, political leaders may benefit more personally

¹⁴ "UN: European Union's View on Human Rights Situation in Various States Contested in Third Committee." *M2 PRESS-WIRE*. 14 November 1997.

¹⁵ See Goodman and Jinks (2004); Simmons and Elkins (2004) for relevant discussion of policy diffusion.

under less democratic institutions. State leaders may be able to skim a fraction of the aid for themselves and their coalition of support. Similarly, there may be targeted trade benefits for their cronies. Under less constraining institutions, these benefits are more likely to be concentrated in the hands of the powerful, aiding the current regime.

Donors and trade partners may be aware of this dynamic, as economic inflows lengthen the tenure of these repressive regimes. European states, however, see this as an opportunity to leverage this existing relationship to potentially help human rights. While the question of compliance in the Human Rights Committee is still open, the European Union pushes the international human rights regime as a pathway to empower other sub-national actors against repressive regimes. While OP ratification may be a non-sincere commitment, the EU nonetheless praises participation as it may eventually lead to increased compliance.

2.4.2 Domestic Costs: Institutional Constraints

While states face demand from the European Union to allow individual petitions in the Human Rights Committee, leaders face varying costs to ratifying the ICCPR-OP based on domestic political institutions. The Human Rights Committee produces non-binding decisions and has little enforcement power. Perceived costs from allowing individual petitions derive from domestic politics. Petitions are a mobilization tool for domestic political opponents and increase the probability of pressure for policy change from political opposition, or even leader change. While the costs of individual petitions are still debated, there is suggestive case evidence that petitions increase pressure on the government and help bring about change. Lutz and Sikkink (2000) find that petitions in Uruguay in the 1970s amid widespread torture contributed to the demise of the dictatorship, compared to Paraguay where people did not have the same opportunity for individual mobilization because the regime had not ratified the ICCPR-OP. Additionally, Smith-Cannoy (2012) finds, focusing on new, transitioning governments in Eastern Europe and Central Asia, petitions may improve compliance with various UN treaties by revealing and publicizing poor compliance. I build upon these case studies and theorize how various domestic political institutions increase the costs of human rights petitions in repressive societies.

Simmons' (2009) work on domestic mobilization for human rights in international law shows the importance of domestic institutions. Simmons finds that judicial institutions raise the ex-post legal

integration costs in sincere ratifiers (rights-respecting governments), focusing on the differences between common and civil law systems. I differ from Simmons' focus on the domestic integration of international law by focusing on one component of institutions: constraints on the executive. Further, I adapt this concept to focus on strategic ratifiers, those states she calls "false negatives": governments that violate rights yet ratify international agreements.

Individual petition mechanisms differ from general human rights treaties because they are a *direct* form of anti-regime mobilization. Political opponents may use this international institution to confront their repressive regime and bring attention to poor human rights behavior. I argue that domestic political constraints on the executive, both judicial and legislative, increase the costs of ICCPR-OP ratification for a repressive regime. These constraints serve as accountability mechanisms, increasing the probability of pressure on the repressive leader. Repressive leaders are unlikely to fear complaints themselves, in part because their poor human rights behavior is often quite public and widely known. Regimes only fear mobilization when they may be held accountable, which may include policy change or leader removal. Executive leaders with effective political checks are more accountable to other domestic actors and thus fear greater repercussions for continuing to violate human rights while allowing individual legal complaints in the Human Rights Committee. These other actors can pressure for real change, and if the executive is unwilling to alter behavior, they may remove the leader from office. On the other hand, repressive leaders without these constraining institutions do not fear costs to the Optional Protocol ratification because, even if people do file legal petitions, there will be no effective pressure to change, allowing for continued favorable policies and continued tenure.

Judicial Independence

Judicial institutions vary in their ability to effectively constrain executive leaders. Executives may have great independence to act without much accountability to domestic judiciaries, or judicial institutions may effectively check the executive's power. While separation of powers and constraining institutions are often associated with democracy, this varies across regime types and different definitions of democracy (such as electoral, institutional, liberal, etc.). Independent judiciaries, commonly discussed in the international law and repression literatures, are comprised of autonomous judges that expect their decisions to

be respected by relevant actors, including the government (Linzer and Staton 2015). Independent judiciaries effectively constrain the behavior of the executive, limiting its power. Independent judicial systems, therefore, can enforce policy change. Given the strategic use of repression, limiting repressive policies after judicial pressure may indirectly threaten the executive's tenure. The leader may no longer be able to effectively suppress political opponents, increasing the probability of uprisings or leader removal.

Legislative Institutions

Similarly, legislatures may be empowered to question and independently investigate the executive, or they may, in effect, be controlled by the executive leader. Legislative institutions vary in their separate ability to constrain the executive, and repressive leaders fear this push-back when considering granting individuals international legal access. Constraining legislative institutions increase accountability for unpopular actions, including repressive policies in violation of the ICCPR treaty.¹⁶ Empowered legislatures, with the increased information and negative attention from the Human Rights Committee, can pressure the executive to change behavior. Constraining legislatures may also, similarly to independent judiciaries, indirectly threaten a leader's tenure by pressuring for and enacting policy change. Additionally, opposition legislators may directly remove the leader from power due to unfavorable policies (and this process varies among political institutions: democratic, parliamentary, presidential, etc.).

It is important to note that ratification of international treaties is often not an action taken by the executive alone. Rather, treaty ratification, including Optional Protocols, commonly must be approved by the legislature. The question of interest is not whether the legislature is involved or how, but rather how independent from the executive is the legislature. Many highly repressive and consolidated regimes require legislative approval for treaty ratification, but these legislatures may be essentially extensions of the executive. De facto independence and constraint, both legislative and judicial, on the executive is more important rather than de jure laws of ratification procedure.

¹⁶ Lupu (2015) focuses on legislative veto players, one component of legislative institutions. Lupu argues that legislative veto players increase costs of repression after treaty ratification and thus finds positive effects of ICCPR ratification when there are more legislative veto players.

2.4.3 Interaction: Benefits and Costs

The theory thus far has detailed the separate influence of international benefits and domestic costs, but leaders simultaneously balance benefits and costs. As with all policies, leaders seek to maximize the benefits of participation in the international human rights regime while minimizing any negative consequences. Figure 2.1 displays this interaction process, which begins with the international demand from the European Union. This demand prompts repressive regimes to consider the domestic costs. If the executive perceives low costs based on institutional constraints, the regime is more likely to ratify the ICCPR-OP.

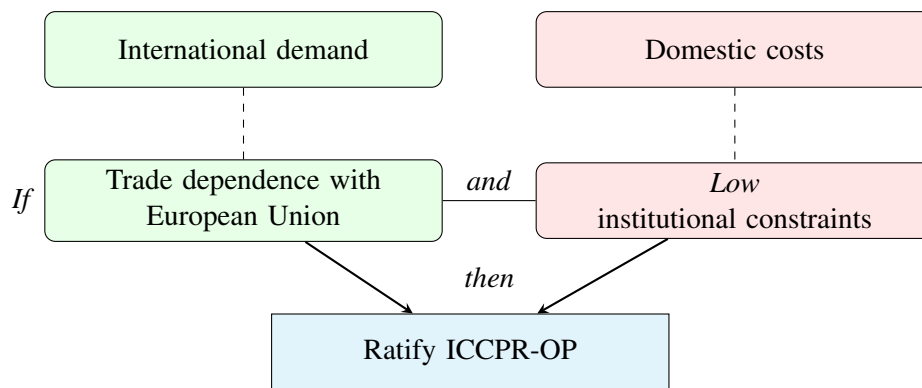


Figure 2.1: Why Bother? Considering International Demand and Domestic Costs

International costs and domestic benefits may exist, but, if so, they are secondary. Economic flows are thought of broadly here as benefits; they may increase or simply continue avoiding costs, where the counterfactual would be a decrease in flows without ratification. Due to the relatively low salience of the ICCPR-OP, positive reinforcement is more likely than punishment (decreased economic flows or negative attention). Naming and shaming is a popular strategy in international relations regarding human rights, but it often focuses on specific policies and violations rather than the lack of ratifying secondary legal institutions. Human rights non-governmental organizations (NGOs) do not spend much time and energy calling repressive governments to ratify individual petition mechanisms and instead focus their resources on publicizing violations and demanding policy change.

Are there domestic benefits to repressive regimes for allowing individual petitions? An alternate domestic story could be told: domestic institutional constraints increase the likelihood a state will ratify

the Optional Protocol because domestic actors can hold the executive accountable and successfully pressure for policy concessions. This follows the existing literature focused on the links between democracy and ratification of human rights treaties. The executive may face domestic benefits for ratifying individual petition mechanisms and signaling their commitment to their domestic audience because dictatorships face domestic incentives with organized opposition to ratifying human rights treaties (Conrad 2014; Holyer and Rosendorff 2011; Vreeland 2008). After treaty ratification, allowing individual petitions may serve as a similar domestic benefit, but its costs far outweigh the benefits when the executive routinely uses repression and has institutional constraints on power. The theory here focuses on repressive regimes, and this routine use of repression changes the calculus, increasing the costs of allowing individual petitions when they face other powerful domestic actors. These leaders employ repression strategically and thus have much to lose if they are forced to change behavior. The domestic benefits of signaling commitment to human rights are outweighed by the costs of being held accountable.

I theorize that repressive leaders facing international benefits—economic dependence on the EU—and low domestic costs—lack of institutional constraints on the executive—are more likely to ratify the ICCPR-OP and allow individual petitions. Given this strategic participation, why would the European Union still reward these governments? That is, if these governments are effectively able to avoid change (given the low institutional constraints), is the EU still willing to provide benefits? This strategic, and often insincere, participation is not hidden from European policy-makers (and scholarly research also focuses in a large part on these “insincere ratifiers”). Institutional constraints do vary over time, as other political actors gain more power and countries democratize. Ratification of the ICCPR-OP, however, locks in this commitment.¹⁷ Individual petitions are considered a crucial and meaningful tool in advancing human rights, so policy-makers are interested in repressive governments’ participation, even if perceived costs to the government are low and short-term change is unlikely. Future change is a possibility, and repressive regimes’ participation is critical in advancing global norms of increased monitoring in international institutions.

The interaction, weighing costs and benefits, leads to the following hypothesis:

¹⁷ No countries in this repressive sample have ratified and subsequently withdrawn. While rare, countries can reconsider this commitment: Jamaica and Trinidad and Tobago, neither considered repressive countries by this study’s operationalization, both denounced the Optional Protocol after ratification.

Repressive regimes more economically dependent on the European Union with lower domestic institutional constraints are more likely to ratify the ICCPR-OP.

2.5 Research Design

I analyze the International Covenant on Civil and Political Rights because it is one of the earliest treaties (adopted in 1966), has the largest state membership (173 States Parties), and has the largest number of petitions filed (2756 individual communications).¹⁸ Figure 2.2 shows the widespread ratification of the ICCPR First Optional Protocol allowing individual petitions. Countries shown here in red, Non-States Parties to the ICCPR-OP, may or may not ratify the ICCPR. For example, China has not ratified the ICCPR (but is a signatory) while Indonesia has ratified the ICCPR but not the OP. I focus on repressive regimes, those governments that systematically violate civil and political rights, making their decision to ratify the ICCPR-OP puzzling. This allows for exploration of the motivating puzzle, avoiding biased results of states which do not face domestic mobilization costs of the same degree.

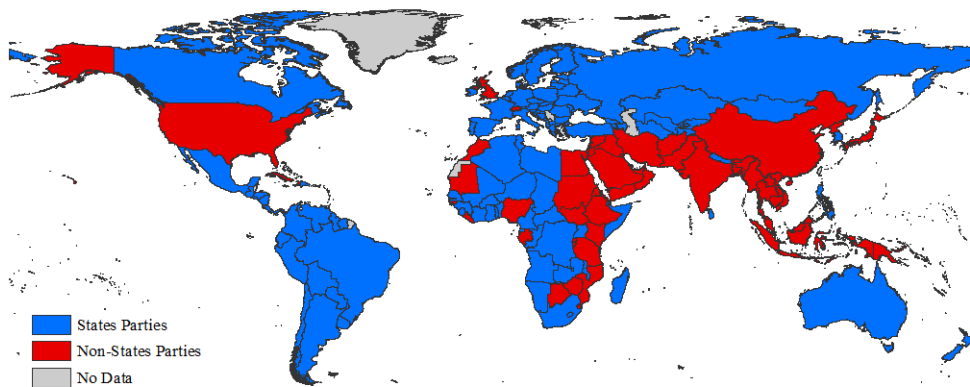


Figure 2.2: ICCPR-OP States Parties: Global Sample

I use physical integrity rights as measured by Fariss (2014) to subset the data. These data come from a “new, theoretically informed measurement model, which generates unbiased estimates of repression using existing data” (Fariss 2014, 297). Fariss uses several existing measures and introduces the changing standard of accountability of repression monitors to create a latent variable of state respect for human rights. Figure 2.4 shows the distribution of this variable, with a range of $(-3.77, 5.14)$ in the

¹⁸ Numbers as of February 2021. Latest update of petitions from March 2016 according to the UN website.

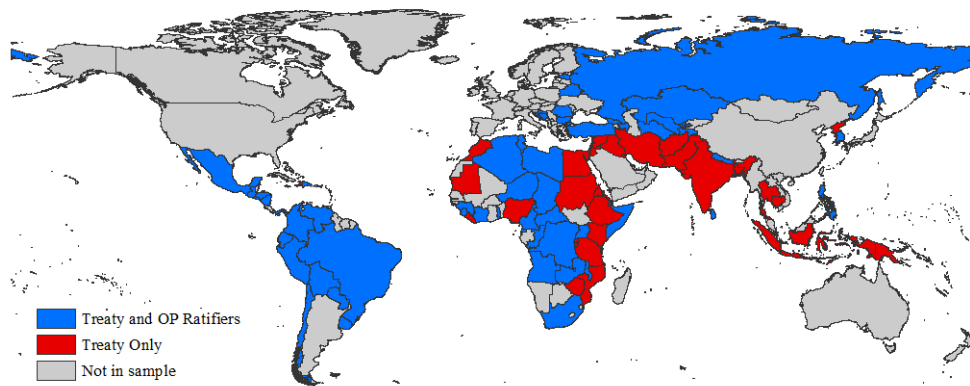


Figure 2.3: ICCPR-OP States Parties: Repressive Sample

global sample, where larger values represent greater respect for human rights. Figure 3.2 displays the 88 repressive countries in the sample of interest.

This analysis is restricted to countries that have ratified the ICCPR treaty, examining whether the state also ratified its Optional Protocol. A state may ratify both the treaty and its OP simultaneously which is quite common (approximately 54% of countries ratify both in the same year) or wait any number of years. I restrict the sample based on repression the year of OP ratification, or if they have not ratified the ICCPR-OP, the year the state ratified the ICCPR. Given the high proportion of countries that ratify both in the same year, this is a good counterfactual for those that have not ratified the Optional Protocol. The analysis I present here restricts the sample to those governments who have a latent measure below 0.1 the year of OP ratification or— if they did not ratify the Optional Protocol— the year of treaty ratification. This threshold is chosen for theoretical reasons examining the global distribution of respect for human rights. I am interested in governments that regularly engage in repression, in violation of the ICCPR, and want to include countries with both low and middle levels of respect for human rights (to keep meaningful variation among these countries) and exclude countries with high respect.

Given this is an arbitrary threshold of repression, I analyze different variations of this sample, and the results are robust across sample specifications included in the Appendix.¹⁹ It is important to note this sample is based on repression in a single *year* for each country and does not consider repression in the period leading up to or after ratification (either treaty or OP). Human rights policies are very stable and

¹⁹ I restrict the sample using values below the mean (Table 2.4 and Figure 2.10) or negative values (Table 2.5 and Figure 2.11).

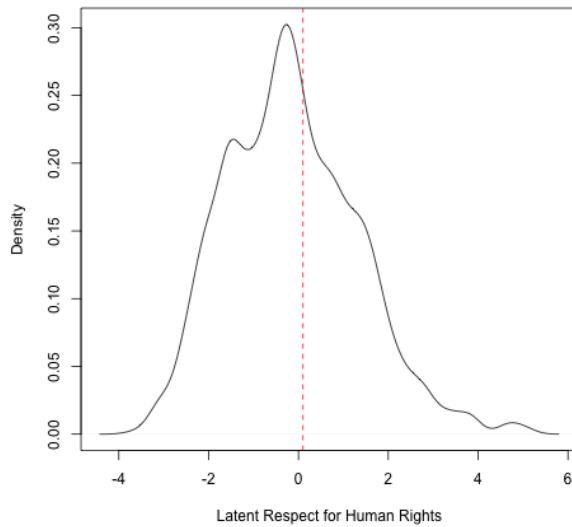


Figure 2.4: Global Sample Latent Respect for Human Rights

do not frequently vary dramatically year to year (Zanger 2000; Davenport 1995; Poe and Tate 1994), so this captures a larger trend of repression. This snapshot ensures I capture the simultaneity of policies: OP ratification with current repressive practices.

The dependent variable of interest is the year of ICCPR-OP ratification for each state. The data in country-year format is structured as follows. The sample begins in 1966 when the ICCPR-OP was open for ratification. Each state has a zero until the time they ratify the Optional Protocol, indicated by a one. At this time, the OP event occurs, and the country is removed from the sample, as is standard in event data. The variation comes from the differences in timing, i.e. how long they “survive” until the OP event occurs. Many states never ratify within the observational period; states can ratify the OP after this period has ended. Thus, the data are right-censored. The conventional approach for these “time-to-event” data uses duration models (also called survival or hazards models). This analysis models the time until the event: OP ratification. Given this temporal nature, I present a Cox proportional hazards model.²⁰ Out of

²⁰ I opt for a Cox model because its semi-parametric nature has fewer distributional assumptions than parametric models. The Cox model has one core assumption: the proportional hazards assumption. For each model, I test for a violation of the PH assumption by estimating, examining, and plotting the scaled Schoenfeld residuals. As expected, p-values are not statistically significant at standard significance levels for any variables. The global p-values for Models 1 through 4 respectively are 0.61, 0.64, 0.75, 0.76, which provides strong evidence that the PH assumption is not violated.

I also run a logistic regression with cubic time dichotomous variables as detailed in Carter and Signorino (2010). The results from this model are shown in Table 3.8, and the marginal effects plots are included in Figure 2.12 using Hainmueller, Mummolo

the 88 repressive countries in this sample displayed in Figure 3.2, 56 countries have ratified the OP, and 32 have ratified only the treaty. Costa Rica is the first country in the sample to ratify in 1968, and states have continued to join through Tunisia's most recent adoption in 2011. I discuss operationalizations of the theoretical, explanatory variables (which are all time-varying) here before presenting the analysis.

I measure economic ties with the European Union using both trade and aid dependence. Trade data (summing imports and exports) are taken from the International Monetary Fund's Direction of Trade Statistics.²¹ Aid data come from the World Bank World Development Indicators, along with GDP data (Graham and Tucker 2017; World Bank 2015; Feenstra, Inklaar and Timmer 2015). After dividing trade or aid flows by GDP, I log the ratio given the skewed distribution. For easier interpretation, I standardize these variables.²²

I measure constraining domestic institutions considering both the judicial and legislative branches of government. I use a latent variable of de facto judicial independence to capture powerful judicial constraints on the executive and the judicial system's effectiveness at large (Staton et al. 2019; Linzer and Staton 2015). I use the update of Linzer and Staton's (2015) Latent Judicial Independence, covering 1900-2015 which incorporates newer versions of its original, component indicators and adds measures from the Varieties of Democracy (V-DEM) project, specifically high court independence and high court compliance. Additionally, I use V-DEM's measure of legislative constraints on the executive (Coppedge et al. 2017; Pemstein et al. 2017). This variable asks, "To what extent are the legislature and government agencies (e.g., comptroller general, general prosecutor, or ombudsman) capable of questioning, investigating, and exercising oversight over the executive?"²³ This is distinct from the process of ratifying international agreements.

Figures 2.5 and 2.6 show the variation in domestic constraining institutions among repressive regimes. While repressive states do have lower judicial independence and legislative constraints than

and Xu (2019). My key results are robust to this model specification.

²¹ The European Union was not a political entity for the entire temporal sample. The IMF's Direction of Trade Statistics covers 29 countries for all periods. Of these European countries, Bulgaria, Croatia, and Romania are in my repressive sample. The results are robust to excluding these three countries.

²² All economic data are adjusted to constant 2012 USD.

²³ This index is formed by taking the point estimates from a Bayesian factor analysis model of the V-DEM indicators for legislature questions officials in practice, executive oversight, legislature investigates in practice, and legislature opposition parties.

the full, global sample, there is significant variation among repressive states in these two key variables. Repression and constraining domestic institutions are not highly correlated. Highly repressive regimes can have independent judiciaries. For example, both India and Guatemala (repression does decrease in Guatemala over time, particularly around 2000) have high judicial independence and widespread repression. It is important to note that for judicial independence, extremely low values are not meaningfully different. This is not a problem in the present analysis given the variation in the sample of interest.²⁴

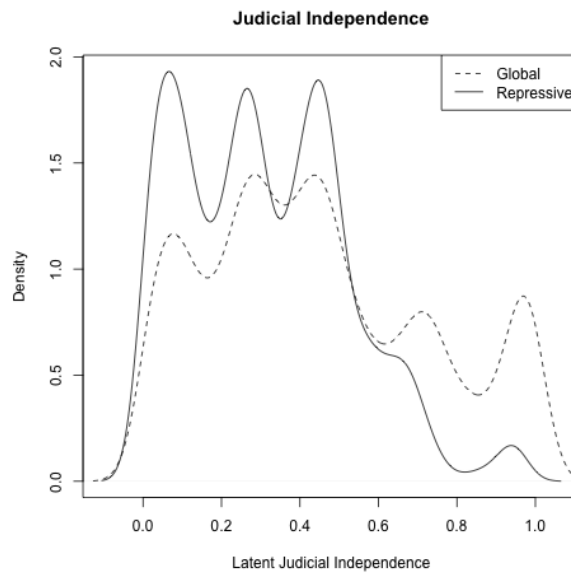


Figure 2.5: Repressive Regimes: Judicial Independence

I include several controls from the existing literature²⁵ including newly independent states (last 3 years) and a newly transitioned, democratic regime. Adapted from Simmons (2009), I measure whether a country has experienced a democratic transition in the sample period using Polity’s regime transition measure (Jagers and Gurr 1995). To capture non-institutional common democratic features, I include a measure of civil society from V-DEM (Coppedge et al. 2017; Pemstein et al. 2017).²⁶ Additionally, I

²⁴ This becomes a problem when I decrease the sample for robustness, decreasing the variation in judicial independence, leaving mostly low values. This is discussed with the robustness checks.

²⁵ For robustness, I include additional controls not presented here: financial crises (Smith-Cannoy 2012), executive job security (Conrad and Ritter 2019), and British legal system/common law (Simmons 2009). Table 2.7 includes financial crises, and Table 2.8 includes legal system type. Following Conrad and Ritter (2019); Young (2012); Cheibub (1998) I create a measure of executive job security using predicted values from a hazards model. I substitute this insecurity measure for my domestic institution variables, displayed in Table 2.9.

²⁶ Adding the popular measure of democracy Polity2 is problematic given one of its component variables is constraints on the executive.

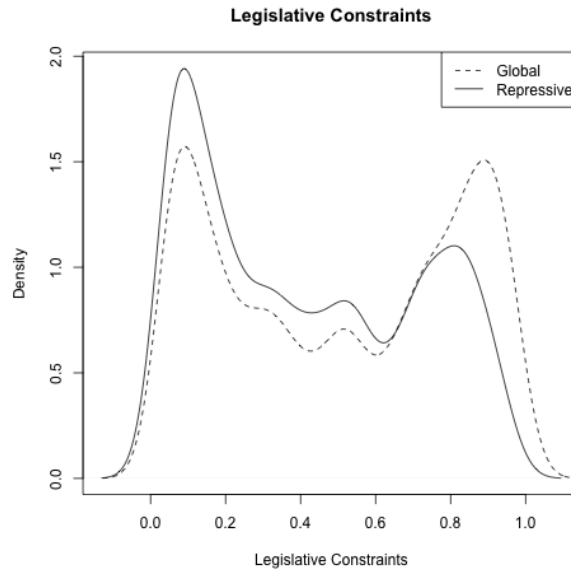


Figure 2.6: Repressive Regimes: Legislative Constraints

control for the levels of repression across countries (Fariss 2014) and the presence of civil war (Gleditsch et al. 2002). Countries may be ratifying the ICCPR-OP more simply as one of many international treaties, so I control for the number of intergovernmental organizations a country has joined in the previous year (taken from Correlates of War International Governmental Organizations Data Set Version 3.0). Due to the spatial clustering seen in Figure 3.2, I also control for regional membership: the proportion of regional (defined by UN sub-region) members that have ratified the OP in the previous year.²⁷ This regional variable also accounts for time and diffusion as other countries’ ratifications over time may influence others.

I use the “core civil society index” from V-DEM which asks, “How robust is civil society?... The core civil society index (CCSI) is designed to provide a measure of a robust civil society, understood as one that enjoys autonomy from the state and in which citizens freely and actively pursue their political and civic goals, however conceived” (Coppedge et al. 2017; Pemstein et al. 2017). The results are robust to using these component variables instead: civil society organization (CSO) entry and exit, CSO repression, and CSO participatory environment.

As a robustness check, I substitute (given the very high correlation between these two variables), an index of electoral democracy that includes neither institutional constraints on the executive nor human rights (Coppedge et al. 2017; Pemstein et al. 2017). The main results hold, shown in Table 2.10.

²⁷ This is robust to total counts as well as neighbor measures (both proportion and count).

2.6 Results and Discussion

Table 2.1 shows the results from the Cox proportional hazards models. The models show the four combinations of the two operationalizations of both independent variables: trade and foreign aid dependence on the European Union for economic dependence and judicial independence and legislative constraints for domestic political institutions. The table presents the traditional coefficients (rather than the hazard ratio) centered around 0 indicating no association and corresponding standard errors.²⁸ Positive coefficient values indicate that higher values of the independent variable increase the probability of OP ratification while negative coefficient values indicate that higher values of the independent variable decrease the probability of ratification.

The coefficients in Table 2.1 for the main variables of interest perform as expected: economic dependence (trade and aid) has a positive relationship with OP ratification while domestic constraining institutions (legislative and judicial) have a negative relationship with ratification for repressive states. The interaction is negative. For an easier and more intuitive presentation, I present the marginal effect of economic dependence on ICCPR-OP ratification, mediated by domestic constraining institutions in Figure 2.7.²⁹ Following standard hazard analysis, Figure 2.7 reports the central 50% confidence interval of the simulations, and the light shading represents the 95% confidence interval. The lines on the bottom of each figure by the x-axis represent the distribution of the moderator variables.

Trade dependence, displayed in the top two plots in Figure 2.7, increases the likelihood a repressive state ratifies the ICCPR-OP, but this effect is driven by low levels of domestic constraint. The influence of trade dependence disappears for higher levels of judicial independence or legislative constraints. At low levels of domestic constraints (with high sample density), a one standard deviation increase in trade dependence (given the standardized, logged variable), corresponds to approximately 0.95 unit expected log of the relative hazard of OP ratification, holding all other variables constant. In other words, a one standard deviation increase in trade dependence increases the probability of OP ratification

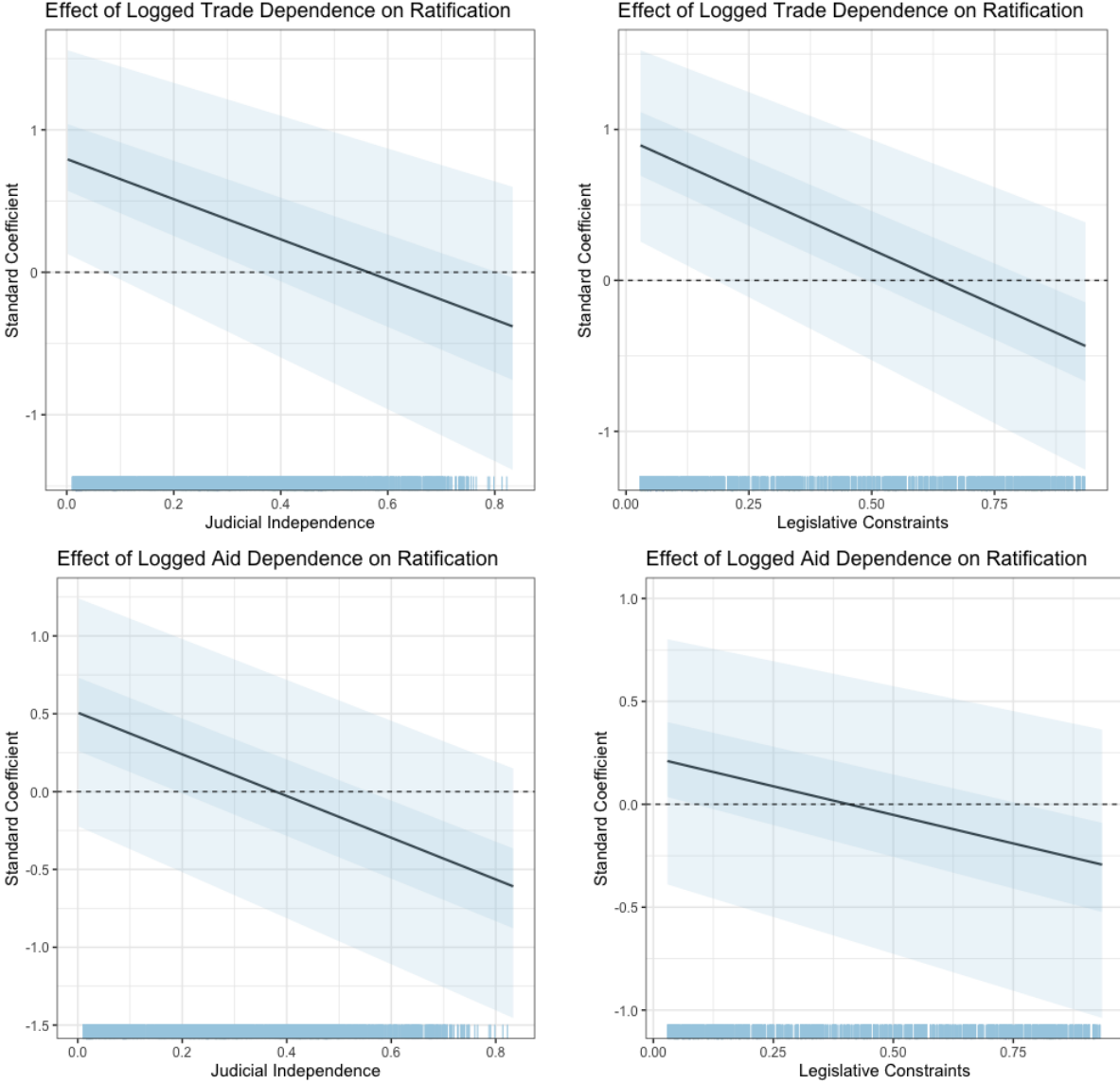
²⁸ The hazard ratio is the exponentiated coefficient and is a central statistic in survival analysis. An estimated hazard ratio of one indicates no association between the covariate and the hazard (i.e. experiencing the event, here OP ratification). Values above one indicate the covariate is associated with an *increased* hazard, and values below one a *decreased* hazard. Here, I opt for the traditional coefficient (not exponential, hazard ratio) for a more intuitive presentation. In line with other regression analyses, this is centered around zero instead of one.

²⁹ These figures use simPH, an R package developed by Gandrud (2015).

Table 2.1: Repression Sample, Cox Hazards Model

	ICCPR-OP Ratification			
	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.845* (0.364)	0.962** (0.335)		
Aid Dependence			0.507 (0.360)	0.229 (0.320)
Judicial Independence	-2.223* (1.055)		-2.863* (1.189)	
Legislative Constraint		-2.111** (0.693)		-2.389** (0.749)
Trade x Judicial	-1.511+ (0.908)			
Trade x Legislative		-1.480* (0.620)		
Aid x Judicial			-1.366+ (0.801)	
Aid x Legislative				-0.584 (0.591)
Civil Society	2.204* (0.884)	2.751** (0.903)	2.246* (0.948)	2.461** (0.920)
Physical Integrity Rights	-0.009 (0.216)	-0.093 (0.216)	0.015 (0.230)	-0.066 (0.223)
Civil War	-0.383 (0.465)	-0.474 (0.469)	-0.546 (0.479)	-0.588 (0.475)
Lagged IGO Change	0.084 (0.066)	0.077 (0.064)	0.051 (0.080)	0.037 (0.080)
Newly Independent	1.751+ (0.954)	1.726+ (0.892)	1.068 (0.927)	1.036 (0.913)
Newly Transitioned	0.934* (0.428)	0.831+ (0.427)	0.616 (0.444)	0.486 (0.429)
Regional Lag	-0.523 (0.631)	-0.363 (0.637)	-0.801 (0.658)	-0.511 (0.652)
N	3354	3360	2875	2881
R ²	0.009	0.011	0.006	0.007
R ² _{max}	0.120	0.120	0.121	0.121
Concordance	0.707	0.740	0.666	0.697

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



The plots show marginal effects from Models 1-4 of Table 2.1. I plot the marginal effect of economic (trade or aid) dependence on ICCPR-OP ratification on the y-axis for varying levels of domestic institutional constraints on the x-axis (judicial independence and legislative constraints). The ticks on the x-axis show the distribution of the moderating variable. The dotted horizontal line at zero indicates no association between the covariate and ratification.

Figure 2.7: ICCPR-OP Ratification Marginal Effects

by 150%.³⁰ This is not only a statistically significant but also a substantively large increase.

Aid dependence, on the other hand, is not statistically significant although a similar trend holds. I test for economic dependence using both trade and aid, but only trade dependence significantly explains OP ratification. Aid flows are notably driven by more geostrategic interests than trade, so aid-dependent countries may not feel the same pressure from donors. More so than aid, large and powerful economies can seek out alternative trading partners, so this implicit threat may pressure through trade rather than aid dependence. Alternatively, a simpler explanation is that the smaller sample given missing data on aid flows decreases the power.

I find support for my theory that economic dependence on the EU increases the probability of ratification while domestic institutional constraints decrease the probability of ICCPR-OP: repressive states are more likely to ratify the ICCPR-OP when they are trade dependent on the European Union yet face low domestic constraints. These results are robust to various specifications of the regression sample and additional controls shown in the Appendix.³¹

2.6.1 Treaty vs Optional Protocol

To test the argument that OPs follow a different theoretical mechanism than treaty ratification, I show here that the interaction between trade dependence and domestic institutional constraints explains OP but not treaty ratification. As discussed earlier, governments first select into ratifying the ICCPR treaty before they can consider ratifying its Optional Protocol. Here, I analyze repressive regimes' decision to first ratify the ICCPR treaty and compare the results to Table 2.1 and Figure 2.7.

To show that these theoretical variables drive OP and not treaty ratification, I run the same models on treaty ratification. This requires one modest adjustment: since I am interested in variation between those that ratified and those that did not, I must include repressive countries that did *not* ratify the ICCPR

³⁰ The percent change in the hazard is calculated by subtracting one from the exponential coefficient (hazard ratio) and multiplying by one hundred.

³¹ I note that judicial independence loses significance in some of the alternative specifications. This is not surprising given the decreased sample size. The coefficient point estimates remain similar, and the other results hold. Additionally, judicial independence is a latent variable. The data include a point estimate and a measure of uncertainty. The analysis presented in the main paper uses the point estimate, ignoring the uncertainty of the estimate. Following the method detailed in Crabtree and Fariss (2015), I incorporate this uncertainty with bootstrapped standard errors. The results in Table 2.11 support the core results.

(these countries were excluded in the prior analysis). This approach is consistent with the first stage of a “nested dichotomies” approach used elsewhere by political scientists to explain similar sequential data (Fox 2016; Findley 2012). In this framework, the primary analysis above represents the second stage of a nested dichotomies approach, since it limits the sample to only those repressive countries that ratified the treaty. There is little concern for selection bias in the main models because I control for the known factors that influence treaty ratification, drawn from a robust literature.³²

All repressive countries discussed earlier, shown in Figure 3.2, are included here as countries that ratified the ICCPR, and I include additional repressive countries that have *not* ratified the treaty. Thus, the question is: how should we measure countries as repressive without a singular year of ratification? Eight countries are considered “repressive” during the entire sample: Cuba, South Sudan, Saudi Arabia, North Yemen, South Yemen, China, Myanmar (Burma), and (South) Vietnam.³³ These eight countries could ratify the ICCPR any year since 1966 but have not. This treaty analysis includes 96 countries, 88 of which ratified the treaty and 8 which have not. Since the data structure for ICCPR ratification is identical to that of OP ratification, I use the same Cox survival model.³⁴

Table 2.2 and Figure 2.8 display the results of the hazards models explaining ICCPR ratification. Treaty ratification is consistently and significantly explained by the presence and strength of civil society but not the key interaction (trade dependence and domestic institutional constraints) of the previous analysis.³⁵ Domestic institutional constraints significantly lower the probability a repressive government ratifies the treaty (shown by models with and without this interaction term). Economic dependence, however, does not have a significant effect, independent or conditional on these domestic constraints. This lends empirical support to the theoretical argument that treaty and OP ratification are different. Because of

³² Additionally, I run the core models explaining OP ratification and include the eight repressive countries that have not ratified the treaty. This alternative specification includes the full population of repressive countries, not selected on treaty ratification. The results are robust, lending more evidence to the differences between treaty and OP ratification.

³³ Given the same threshold of repressive, most countries are either repressive in every year in the sample or only a few years (which is a small proportion). Only two countries are considered repressive a notable proportion of the data: Singapore (15 repressive years out of 51) and Malaysia (36 repressive years out of 51).

³⁴ I include the same control variables and adjust the regional lag variable from the prior analysis from OP to ICCPR regional ratifications.

Unlike the first stage, there is evidence that the proportional hazards assumption is violated. These results are robust to an alternative specification: logistic regression with cubic time variables shown in Table 2.12 and Figure 2.13.

³⁵ I note that Figure 2.8 indicates for extremely low levels of judicial independence and legislative constraints aid dependence increases the probability of treaty ratification. This is driven by the extreme values, and the effect is substantively smaller than for OP ratification. Moreover, Figure 2.13 displays a null result with the logistic specification (of special importance given the concern of the proportional hazards assumption in these Cox treaty models).

Table 2.2: ICCPR Treaty Ratification, Cox Hazards Model

	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.231 (0.259)	0.445+ (0.248)		
Aid Dependence			0.589* (0.268)	0.521* (0.237)
Judicial Independence	-1.445+ (0.830)		-1.475 (0.942)	
Legislative Constraint		-1.399* (0.582)		-1.473* (0.653)
Trade x Judicial	-0.439 (0.655)			
Trade x Legislative		-0.896+ (0.466)		
Aid x Judicial			-1.357* (0.665)	
Aid x Legislative				-0.987* (0.459)
Civil Society	1.666* (0.661)	1.943** (0.680)	1.531* (0.734)	1.823* (0.728)
Physical Integrity Rights	-0.123 (0.176)	-0.197 (0.177)	-0.199 (0.184)	-0.269 (0.181)
Civil War	-0.334 (0.346)	-0.431 (0.343)	-0.468 (0.359)	-0.567 (0.354)
Lagged IGO Change	0.005 (0.063)	-0.002 (0.062)	0.018 (0.066)	0.008 (0.067)
Newly Independent	0.654 (0.884)	0.716 (0.866)	0.880 (0.785)	0.807 (0.773)
Newly Transitioned	0.282 (0.365)	0.224 (0.363)	0.214 (0.395)	0.122 (0.390)
Regional Lag	-1.443* (0.591)	-1.516* (0.592)	-1.804** (0.627)	-1.798** (0.638)
N	3516	3524	2969	2978
R ²	0.005	0.006	0.007	0.008
R ² _{max}	0.165	0.164	0.166	0.166
Concordance	0.653	0.659	0.665	0.666

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

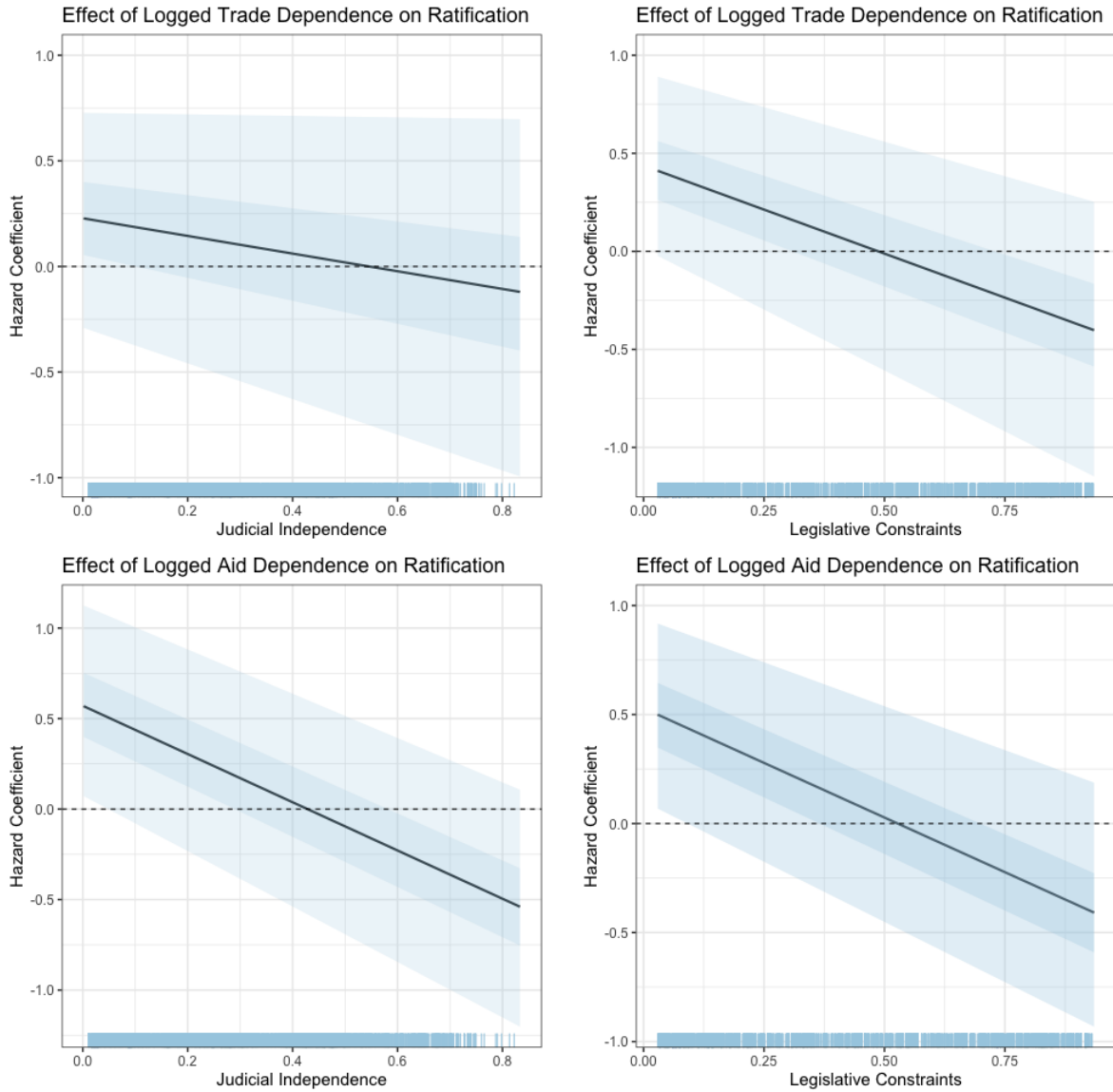


Figure 2.8: Treaty Ratification Marginal Effects

the increased perceived costs of the Optional Protocol, repressive regimes require international incentives to overcome these costs.

2.6.2 Return to Opening Examples

Recall the opening example of Liberia, a democratizing country that refused to ratify the ICCPR-OP when it ratified numerous human rights treaties in 2004. Liberia has the highest trade dependence on the European Union in this sample. As a result, there is a clear demand for OP ratification. Democratizing

Liberia, however, faced very high legislative constraints, increasing the costs of OP ratification. Before 2004, Liberia had not ratified the ICCPR. With this prior lack of treaty ratification, the transitional government was able to ratify the ICCPR treaty while avoiding the increased domestic costs of the Optional Protocol. The National Transitional Legislative Assembly, created from a peace agreement ending the civil war, included the previously warring parties (both government and rebels), civil society, and multiple political parties. The Legislative Assembly must approve actions proposed by the government before implementation, preventing unilateral policy-making. Economic dependence entices states to ratify the ICCPR Optional Protocol, but effective domestic institutional constraints place high costs on repressive governments.

On the other hand, Turkmenistan readily ratified the ICCPR alongside its Optional Protocol in 1997. At the time, Turkmenistan experienced average trade dependence with the European Union. Domestic political constraints were largely non-existent for President Niyazov's personalist totalitarian regime. There were few other powerful domestic political actors, so Niyazov perceived little cost to allowing individual petitions. Together, Liberia and Turkmenistan highlight the key interaction: trade dependence on the European Union incentivizes repressive governments to ratify the ICCPR-OP, but domestic institutional constraints raise the costs.

2.7 Conclusion

This paper explores one important component of international human rights law which has diffused to other issue-areas of international relations: non-state access. Access to non-state actors in international organizations has attracted recent scholarly attention (see: McNamara 2019; Sommerer and Tallberg 2016; Tallberg et al. 2013), and petition mechanisms in human rights law allow a unique form of non-state access: individual persons. This institution empowers individual victims of human rights abuse, giving them a forum in international law to confront their repressive government when domestic remedies are unavailable and/or ineffective.

I find that repressive regimes are more likely to ratify the ICCPR's Optional Protocol allowing individual complaints when the executive faces low domestic political constraints and stands to benefit

from high trade dependence with the European Union. The empirical analysis finds this key interaction explains OP but not ICCPR treaty ratification, supporting the theoretical framing differentiating the Optional Protocol because of petitions' direct mobilization. Liberia and Turkmenistan help illustrate the theory and suggest the timing of both ICCPR and OP ratification is important. Future work should explore the timing of joint or delayed ratifications.

After understanding repressive regimes' participation in international law, we can look to the next steps in this institution: usage by filing petitions and influence on compliance. If these complaints, as the United Nations states, do indeed "find [human rights standards'] most direct application,"³⁶ when are complaints filed? This institution is unlikely to have a strong deterrent effect without any complaints, where governments improve human rights to avoid having petitions filed at all. The Optional Protocol is likely to influence human welfare only if individuals file complaints against governments. Victims of government abuse may fear confronting a repressive regime as they have already suffered and may fear targeted retaliation, or simply leave in an environment of fear (Schoner 2022). Cole (2006) presents the first work analyzing the pattern of human rights petitions in the Human Rights Committee, but there is much more to learn, particularly focused on repressive regimes.

This analysis answers a critical puzzle in international relations: participation in international regimes despite poor compliance. Routine violators are often the most sought-after participants, but many avoid costly participation without certain benefits. I find that the interaction of international and domestic factors can influence governments' treaty ratification, accepting additional oversight and monitoring despite routine non-compliance. Non-state actor access in international law, designed to allow additional voices in the largely state-centric system, may improve compliance, dependent upon governments allowing this access, and non-state actor participation.

Chapter 2, in full, has been submitted for publication as a journal article and is currently under review. Rachel J. Schoner is the sole investigator and author of this paper.

³⁶ "Complaints procedures under the human rights treaties." Webpage

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2.8 Appendix

Table 2.3: US Dependence

	ICCPR-OP Ratification			
	Model 1	Model 2	Model 3	Model 4
US Trade Dependence	0.594 (0.395)	0.508 (0.336)		
US Aid Dependence			0.327 (0.323)	0.160 (0.324)
Judicial Independence	-1.940+ (1.034)		-3.192** (1.141)	
Legislative Constraint		-1.460* (0.693)		-2.368** (0.728)
US Trade x Judicial	-1.362 (1.009)			
US Trade x Legislative		-1.204+ (0.645)		
US Aid x Judicial			-1.256+ (0.734)	
US Aid x Legislative				-0.608 (0.604)
Civil Society	1.830* (0.860)	2.064* (0.887)	2.362* (0.960)	2.361** (0.909)
Physical Integrity Rights	0.025 (0.214)	-0.042 (0.209)	0.044 (0.228)	-0.044 (0.222)
Civil War	-0.235 (0.442)	-0.313 (0.441)	-0.443 (0.470)	-0.544 (0.469)
Lagged IGO Change	0.104 (0.064)	0.090 (0.063)	0.091 (0.080)	0.080 (0.079)
Newly Independent	0.813 (0.889)	0.960 (0.859)	1.103 (1.011)	1.158 (0.972)
Newly Transitioned	0.761+ (0.407)	0.684+ (0.390)	0.318 (0.422)	0.267 (0.411)
Regional Lag	-0.664 (0.625)	-0.549 (0.633)	-0.596 (0.633)	-0.390 (0.643)
N	3491	3497	2575	2578
R ²	0.007	0.008	0.008	0.008
R ² _{max}	0.116	0.116	0.135	0.135
Concordance	0.681	0.718	0.683	0.698

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

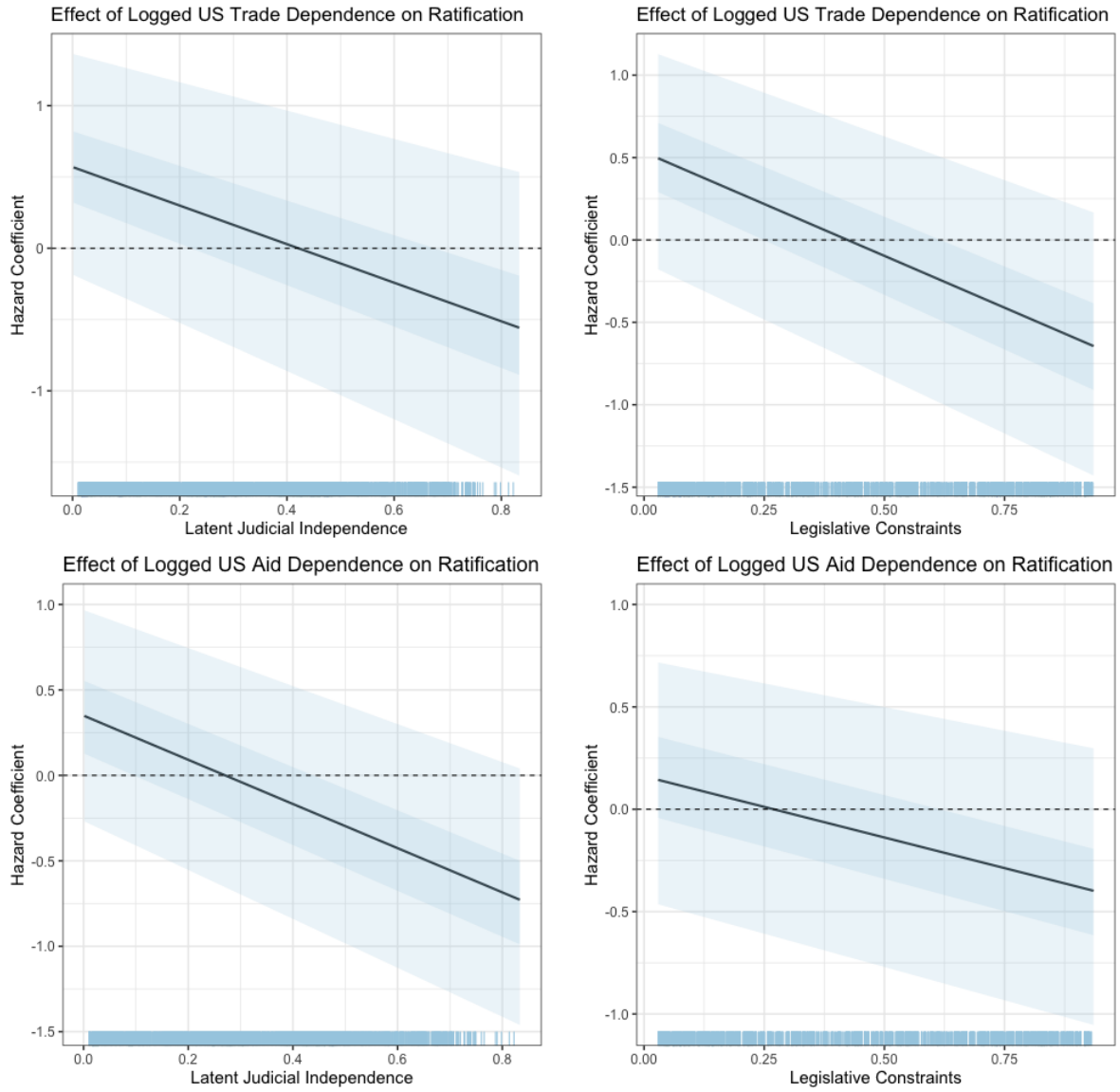


Figure 2.9: Marginal Effects: US Dependence

Table 2.4: Repression Sample: Below Mean Value

	ICCPR-OP Ratification			
	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.785* (0.371)	0.973** (0.344)		
Aid Dependence			0.510 (0.369)	0.290 (0.329)
Judicial Independence	-2.192* (1.084)		-2.675* (1.217)	
Legislative Constraint		-2.367** (0.736)		-2.558** (0.808)
Trade x Judicial	-1.291 (0.943)			
Trade x Legislative		-1.456* (0.656)		
Aid x Judicial			-1.367+ (0.826)	
Aid x Legislative				-0.770 (0.617)
Civil Society	2.080* (0.922)	2.703** (0.941)	2.332* (1.004)	2.512** (0.950)
Physical Integrity Rights	-0.040 (0.229)	-0.143 (0.230)	-0.010 (0.243)	-0.098 (0.233)
Civil War	-0.356 (0.473)	-0.428 (0.476)	-0.531 (0.490)	-0.584 (0.484)
Lagged IGO Change	0.104 (0.080)	0.093 (0.076)	0.103 (0.083)	0.093 (0.082)
Newly Independent	1.666 (1.019)	1.494 (0.966)	1.295 (0.957)	1.161 (0.941)
Newly Transitioned	0.998* (0.454)	0.950* (0.452)	0.564 (0.473)	0.490 (0.456)
Regional Lag	-0.551 (0.673)	-0.370 (0.676)	-0.815 (0.702)	-0.496 (0.691)
N	3147	3151	2715	2719
R ²	0.008	0.010	0.007	0.009
R ² _{max}	0.116	0.116	0.118	0.118
Concordance	0.703	0.744	0.680	0.711

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

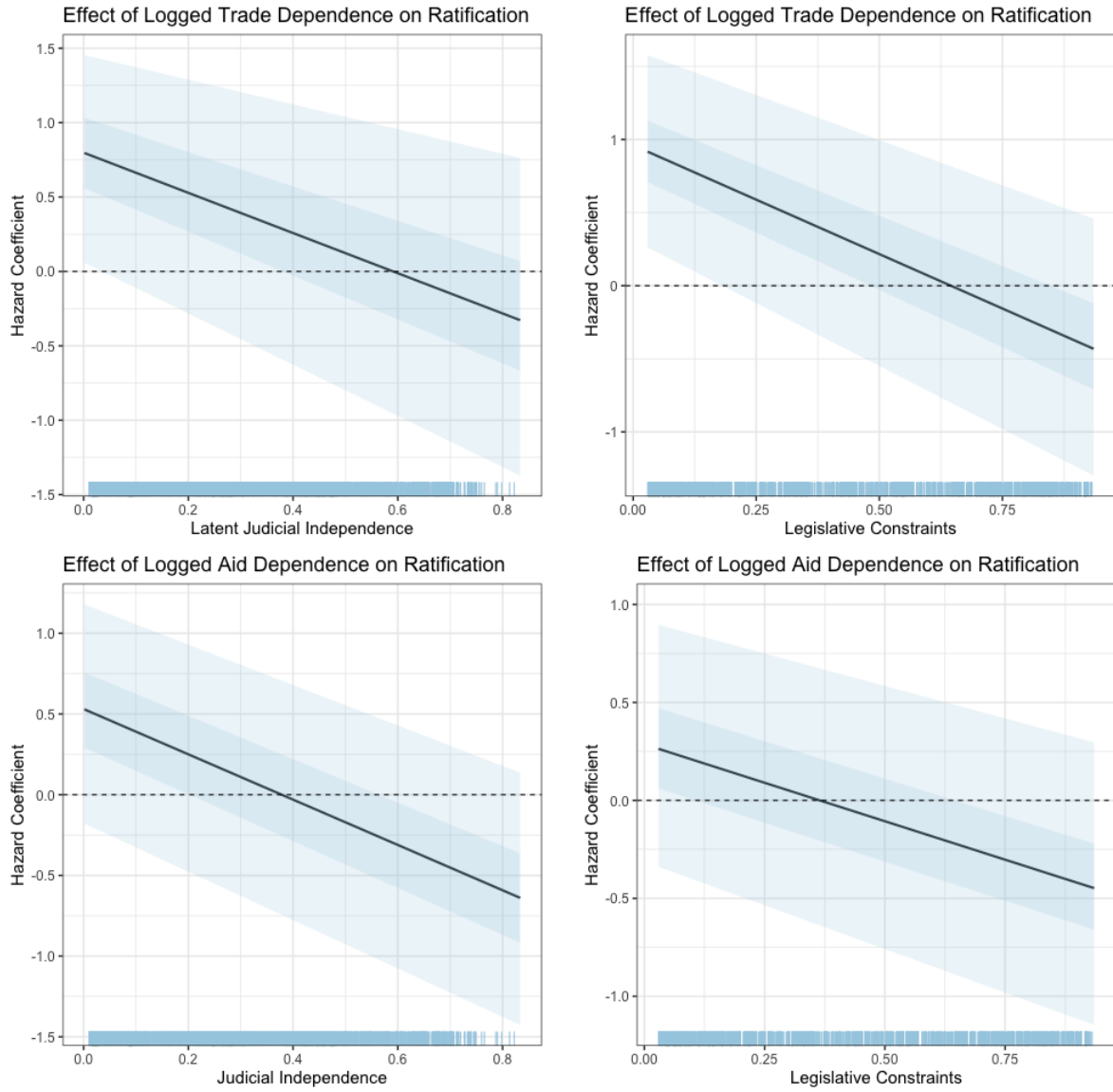


Figure 2.10: Marginal Effects: Below Zero Value

Table 2.5: Repression Sample: Below Zero Value

	ICCPR-OP Ratification			
	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.730 (0.450)	0.968* (0.392)		
Aid Dependence			0.621 (0.425)	0.285 (0.370)
Judicial Independence	-1.895+ (1.142)		-2.553+ (1.325)	
Legislative Constraint		-2.307** (0.782)		-2.573** (0.877)
Trade x Judicial	-0.720 (1.019)			
Trade x Legislative		-1.324+ (0.734)		
Aid x Judicial			-1.571+ (0.919)	
Aid x Legislative				-0.765 (0.679)
Civil Society	2.611* (1.021)	3.106** (1.043)	2.950** (1.107)	3.066** (1.058)
Physical Integrity Rights	-0.177 (0.268)	-0.243 (0.265)	-0.170 (0.273)	-0.239 (0.266)
Civil War	-0.338 (0.507)	-0.375 (0.511)	-0.418 (0.532)	-0.452 (0.524)
Lagged IGO Change	0.129+ (0.077)	0.121 (0.074)	0.163+ (0.084)	0.144+ (0.083)
Newly Independent	1.943+ (1.027)	1.486 (1.015)	1.446 (0.982)	1.201 (0.979)
Newly Transitioned	1.000* (0.476)	0.988* (0.478)	0.601 (0.510)	0.539 (0.488)
Regional Lag	-0.363 (0.741)	-0.237 (0.753)	-0.739 (0.770)	-0.352 (0.756)
N	2794	2796	2427	2429
R ²	0.010	0.012	0.009	0.011
R ² _{max}	0.108	0.107	0.107	0.107
Concordance	0.738	0.782	0.716	0.760

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

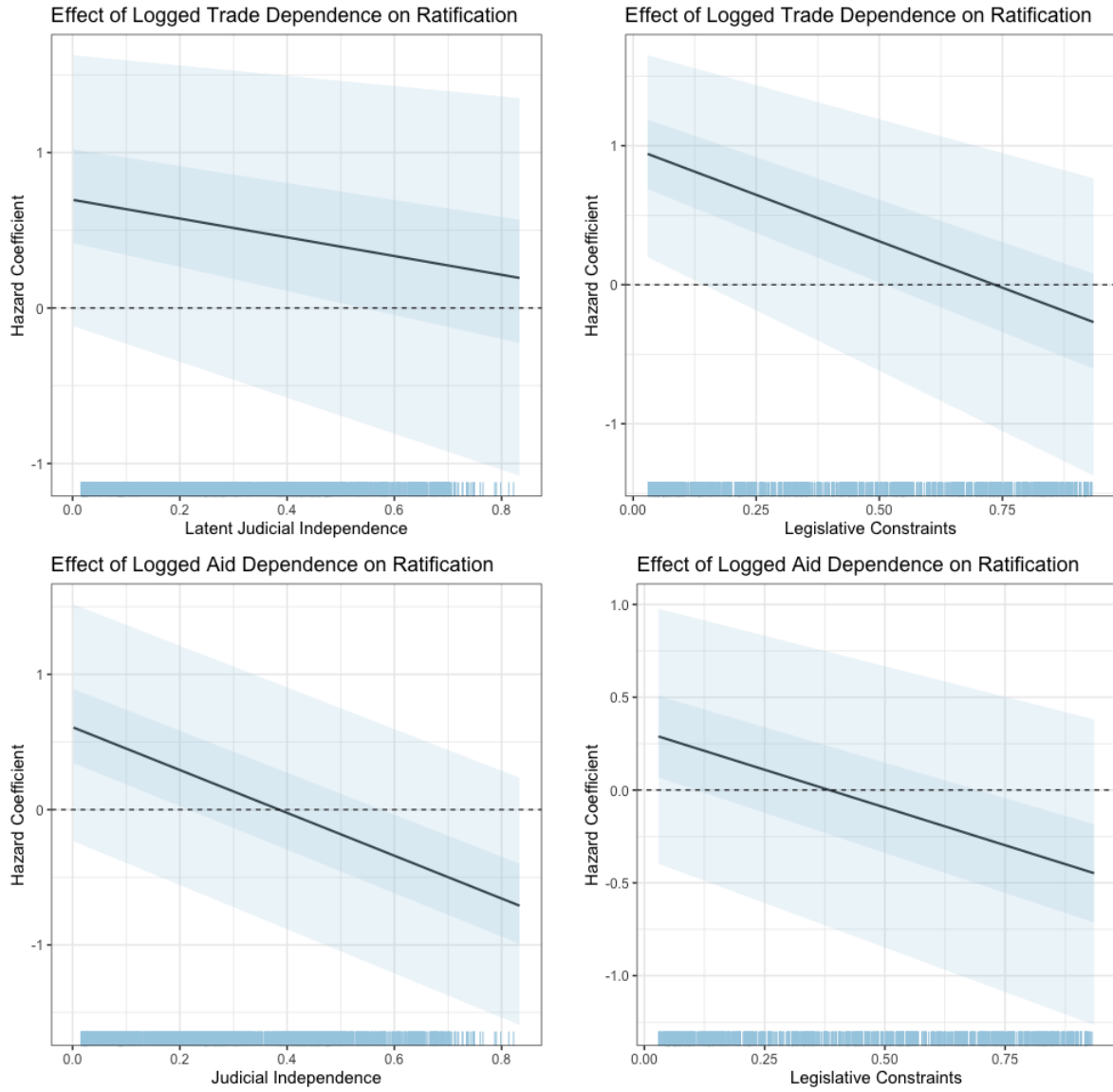


Figure 2.11: Marginal Effects: Below Zero Value

Table 2.6: Logistic Regression

	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.819** (0.300)	0.986*** (0.291)		
Aid Dependence			0.538+ (0.311)	0.253 (0.267)
Judicial Independence	-2.305** (0.866)		-3.005** (1.118)	
Legislative Constraint		-2.115*** (0.632)		-2.442** (0.757)
Trade x Judicial	-1.439+ (0.741)			
Trade x Legislative		-1.494** (0.517)		
Aid x Judicial			-1.345* (0.595)	
Aid x Legislative				-0.548 (0.483)
Civil Society	2.264* (0.890)	2.828** (0.893)	2.278* (0.958)	2.517** (0.917)
Physical Integrity Rights	0.014 (0.187)	-0.088 (0.192)	0.048 (0.215)	-0.060 (0.207)
Civil War	-0.365 (0.427)	-0.455 (0.435)	-0.531 (0.462)	-0.586 (0.451)
Lagged IGO Change	0.098 (0.063)	0.085 (0.060)	0.074 (0.074)	0.064 (0.072)
Newly Independent	1.066 (0.944)	1.165 (0.831)	0.695 (1.112)	0.635 (0.970)
Newly Transitioned	0.937* (0.392)	0.852* (0.380)	0.683+ (0.386)	0.540 (0.359)
Regional Lag	-0.623 (0.489)	-0.492 (0.489)	-0.892 (0.567)	-0.615 (0.581)
Time	0.013 (0.141)	0.010 (0.129)	0.402* (0.196)	0.378+ (0.194)
Time ²	0.002 (0.007)	0.001 (0.006)	-0.011 (0.008)	-0.010 (0.008)
Time ³	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
Constant	-4.819*** (1.025)	-5.034*** (0.992)	-7.966*** (1.573)	-8.123*** (1.597)
Num.Obs.	3354	3360	2875	2881
AIC	501.5	494.9	443.6	440.6
BIC	587.1	580.5	527.1	524.1
Log.Lik.	-236.732	-233.434	-207.781	-206.297

Standard errors are clustered by country.

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

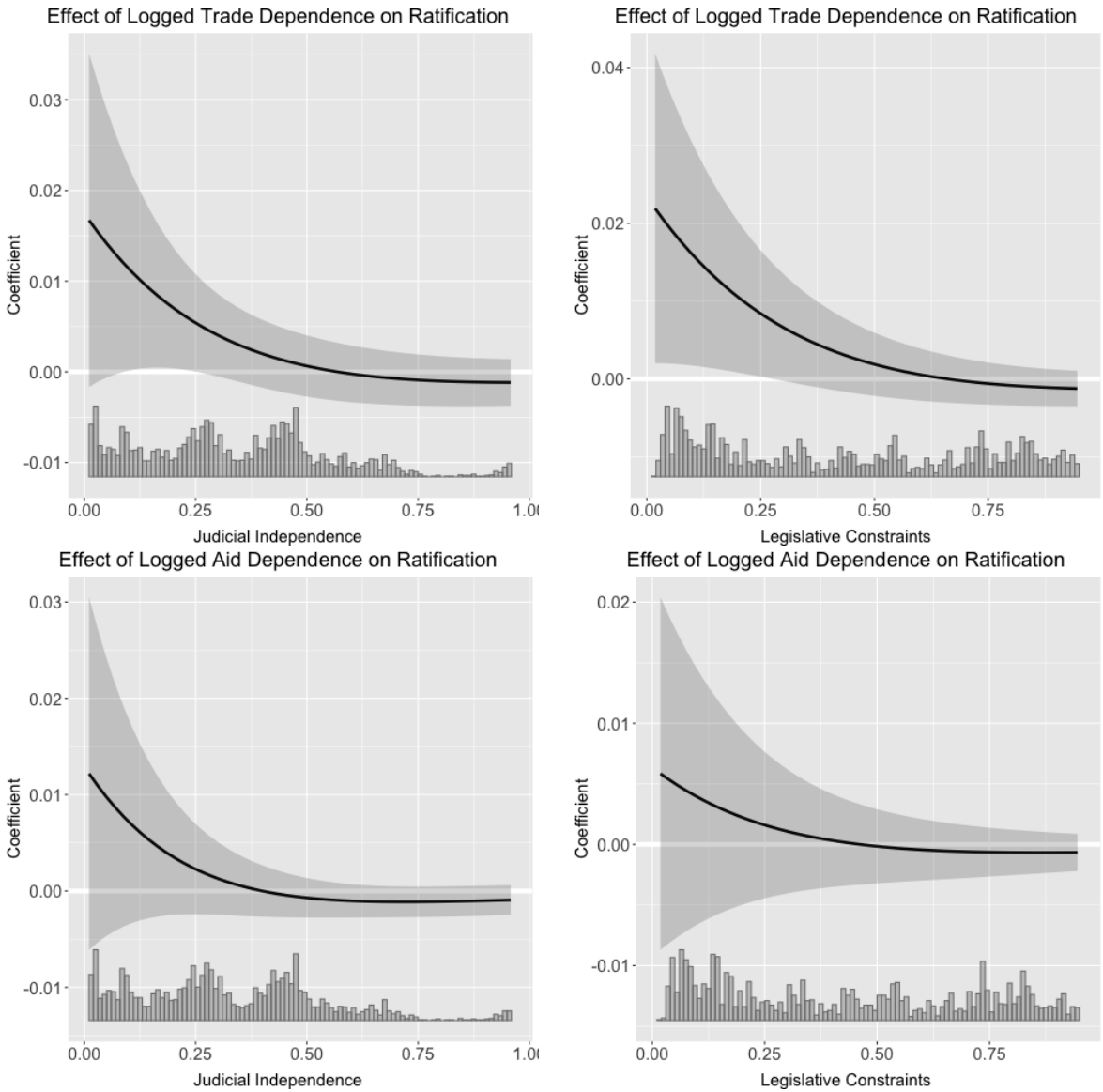


Figure 2.12: Logistic Regression Marginal Effects

Table 2.7: Financial Crisis

ICCPR-OP Ratification				
	Model 1	Model 2	Model 3	Model 4
Crisis	-0.122 (0.536)	-0.024 (0.538)	-0.059 (0.538)	0.033 (0.540)
Trade Dependence	0.837* (0.363)	0.959** (0.335)		
Aid Dependence			0.506 (0.360)	0.229 (0.320)
Judicial Independence	-2.225* (1.055)		-2.863* (1.189)	
Legislative Constraint		-2.110** (0.695)		-2.393** (0.750)
Trade x Judicial	-1.499+ (0.907)			
Trade x Legislative		-1.473* (0.619)		
Aid x Judicial			-1.366+ (0.801)	
Aid x Legislative				-0.583 (0.591)
Civil Society	2.208* (0.884)	2.748** (0.903)	2.247* (0.948)	2.462** (0.920)
Physical Integrity Rights	-0.012 (0.217)	-0.096 (0.216)	0.015 (0.230)	-0.066 (0.223)
Civil War	-0.387 (0.466)	-0.480 (0.470)	-0.545 (0.479)	-0.588 (0.475)
Lagged IGO Change	0.084 (0.066)	0.077 (0.064)	0.051 (0.080)	0.037 (0.080)
Newly Independent	1.752+ (0.954)	1.727+ (0.892)	1.067 (0.928)	1.035 (0.912)
Newly Transitioned	0.930* (0.428)	0.829+ (0.427)	0.615 (0.445)	0.487 (0.430)
Regional Lag	-0.516 (0.632)	-0.361 (0.637)	-0.798 (0.659)	-0.512 (0.652)
N	3348	3354	2871	2877
R ²	0.009	0.011	0.006	0.007
R ² _{max}	0.120	0.120	0.122	0.121
Concordance	0.708	0.741	0.667	0.697

Crisis data, taken from IMF Crisis Database, includes currency, systemic banking, and debt crises.

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

Table 2.8: British Legal System (Common Law)

	ICCPR-OP Ratification			
	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.626 (0.401)	0.774* (0.369)		
Aid Dependence			0.601 (0.397)	0.244 (0.343)
Judicial Independence	-2.200* (1.118)		-2.666* (1.297)	
Legislative Constraint		-1.972** (0.732)		-2.054** (0.789)
Trade x Judicial	-0.962 (0.973)			
Trade x Legislative		-1.115+ (0.675)		
Aid x Judicial			-1.274 (0.877)	
Aid x Legislative				-0.300 (0.647)
Civil Society	2.683** (1.004)	2.969** (0.993)	2.452* (1.079)	2.590* (1.038)
Physical Integrity Rights	-0.007 (0.250)	-0.109 (0.248)	0.039 (0.264)	-0.067 (0.253)
Civil War	-0.481 (0.509)	-0.528 (0.506)	-0.696 (0.529)	-0.727 (0.522)
Lagged IGO Change	0.133+ (0.076)	0.127+ (0.074)	0.077 (0.089)	0.071 (0.088)
Newly Independent	0.556 (1.200)	0.864 (1.178)	0.171 (1.299)	0.102 (1.277)
Newly Transitioned	0.860+ (0.478)	0.820+ (0.465)	0.801 (0.503)	0.703 (0.473)
Regional Lag	-1.351+ (0.733)	-1.098 (0.768)	-1.765* (0.789)	-1.528+ (0.815)
N	2812	2812	2388	2388
R ²	0.011	0.012	0.009	0.010
R ² _{max}	0.127	0.127	0.128	0.128
Concordance	0.713	0.738	0.693	0.714

Legal system data from Global Development Network Growth Database.

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

Table 2.9: Executive Leader Insecurity

ICCPR-OP Ratification		
	Model 1	Model 2
Trade Dependence	0.691* (0.347)	
Aid Dependence		0.638+ (0.336)
Job Insecurity	-0.242 (0.236)	-0.221 (0.255)
Trade x Job Insecurity	-0.374 (0.256)	
Aid x Job Insecurity		-0.355+ (0.199)
Civil Society	1.178 (0.784)	0.972 (0.835)
Physical Integrity Rights	-0.025 (0.219)	-0.063 (0.229)
Civil War	-0.333 (0.475)	-0.422 (0.486)
Lagged IGO Change	0.085 (0.065)	0.075 (0.080)
Newly Independent	1.722+ (0.942)	1.185 (0.913)
Newly Transitioned	0.979* (0.454)	0.773 (0.487)
Regional Lag	-0.509 (0.677)	-0.684 (0.709)
N	2851	2430
R ²	0.008	0.006
R ² <i>max</i>	0.131	0.133
Concordance	0.674	0.644

Legal system data from Global Development Network Growth Database.

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

Table 2.10: Electoral Democracy

	ICCPR-OP Ratification			
	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.746* (0.379)	0.812* (0.342)		
Aid Dependence			0.589 (0.388)	0.316 (0.336)
Judicial Independence	-1.279 (1.141)		-1.549 (1.244)	
Legislative Constraint		-1.497* (0.758)		-1.722* (0.806)
Trade x Judicial	-1.377 (0.956)			
Trade x Legislative		-1.357* (0.648)		
Aid x Judicial			-1.216 (0.856)	
Aid x Legislative				-0.407 (0.628)
Electoral Democracy	0.360 (1.406)	0.813 (1.375)	0.284 (1.522)	0.890 (1.471)
Physical Integrity Rights	0.074 (0.226)	0.031 (0.228)	0.021 (0.244)	-0.020 (0.238)
Civil War	-0.295 (0.475)	-0.346 (0.477)	-0.468 (0.492)	-0.474 (0.486)
Lagged IGO Change	0.098 (0.068)	0.090 (0.067)	0.078 (0.080)	0.066 (0.080)
Newly Independent	1.624 (1.011)	1.601+ (0.964)	0.841 (0.942)	0.844 (0.931)
Newly Transitioned	1.279* (0.509)	1.202* (0.521)	1.073* (0.524)	0.967+ (0.519)
Regional Lag	-0.497 (0.695)	-0.365 (0.691)	-0.855 (0.742)	-0.640 (0.718)
N	2850	2850	2428	2428
R ²	0.008	0.009	0.005	0.006
R ² <i>max</i>	0.131	0.131	0.133	0.133
Concordance	0.683	0.706	0.665	0.689

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

Table 2.11: Latent Variable Uncertainty

ICCPR-OP Ratification		
	Trade Dependence	Aid Dependence
Economic Dependence	0.819 (0.374)	0.491 (0.385)
Judicial Independence	-2.064* (1.013)	-2.718* (1.219)
Economic Dependence x Judicial	-1.448+ (0.898)	-1.276+ (0.878)
Civil Society	2.126 (0.945)	1.992 (1.064)
Physical Integrity Rights	0.010 (0.194)	0.069 (0.216)
Civil War	-0.470 (0.492)	-0.587 (0.526)
Newly Independent	2.022 (9.023)	1.823 (91.541)
Newly Transitioned	0.938 (0.470)	0.711 (0.470)
Regional Lag	-0.538 (0.615)	-0.843+ (0.648)
N	2851	2430

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

Table 2.12: Treaty Ratification: Logistic Regression

	Model 1	Model 2	Model 3	Model 4
Trade Dependence	0.605** (0.209)	0.745*** (0.207)		
Aid Dependence			0.224* (0.112)	0.125 (0.097)
Judicial Independence	-19.741* (8.693)		-6.784*** (2.044)	
Legislative Constraint		-20.824*** (6.220)		-4.205* (1.805)
Trade x Judicial	-1.025* (0.506)			
Trade x Legislative		-1.095** (0.364)		
Aid x Judicial			-0.528* (0.227)	
Aid x Legislative				-0.238 (0.183)
Civil Society	2.360** (0.869)	2.980*** (0.873)	2.282* (0.936)	2.632** (0.907)
Physical Integrity Rights	-0.007 (0.183)	-0.108 (0.189)	0.015 (0.205)	-0.079 (0.200)
Civil War	-0.329 (0.425)	-0.429 (0.432)	-0.506 (0.459)	-0.566 (0.454)
Lagged IGO Change	0.097 (0.063)	0.084 (0.060)	0.074 (0.074)	0.064 (0.072)
Newly Independent	1.113 (0.987)	1.171 (0.868)	0.777 (1.099)	0.690 (0.963)
Newly Transitioned	0.916* (0.399)	0.862* (0.387)	0.648 (0.395)	0.520 (0.357)
Time	0.020 (0.141)	0.019 (0.129)	0.417* (0.197)	0.387* (0.194)
Time ²	0.001 (0.007)	0.001 (0.006)	-0.012 (0.008)	-0.011 (0.008)
Time ³	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
Constant	5.446 (3.956)	7.611* (3.806)	-6.366*** (1.817)	-7.234*** (1.805)
Num.Obs.	3516	3524	2969	2978
AIC	503.7	496.8	445.8	442.7
BIC	590.0	583.1	529.8	526.6

Standard errors are clustered by country.

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

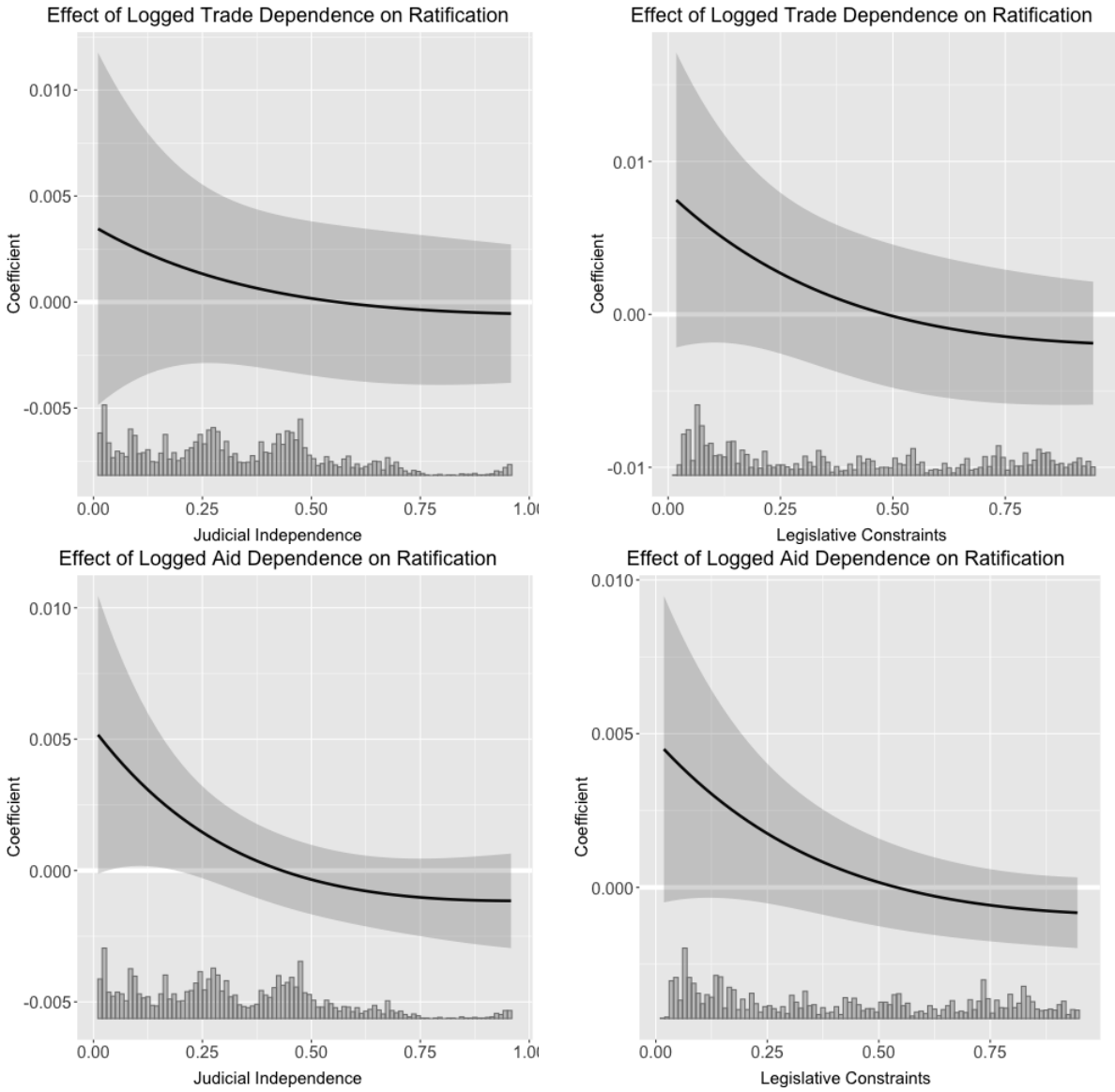


Figure 2.13: Treaty Ratification: Logistic Regression Marginal Effects

Chapter 3

Confronting a Repressive Regime:

Individual Petitions in the Human Rights

Committee

3.1 Abstract

Why do individuals file human rights petitions in international law against repressive regimes? Victims of human rights abuse face high personal costs of participation, including retaliation from the government against whom they are filing a complaint. Despite these costs, nearly one thousand petitions have been filed against repressive governments in the Human Rights Committee. If mistreated, political individuals and organizations file petitions as a part of their broader mobilization efforts to improve human rights. I find empirical support for this theory at both the country-year and petition levels of analysis. Employing a multi-methods approach including the collection of original data, interviews with Human Rights Committee members and civil society organizations, and cross-national quantitative analysis, I find that where civil society organizations are repressed, they are less likely to file petitions; rather, opposition politicians and civil society activists overcome the high personal costs and are more likely to file in these restrictive environments. I construct an original dataset on 984 petitions which codes the identities and motivations of individuals, the role of third-party representation, and the specific rights under contestation. This study of individual behavior improves our understanding of broader processes of mobilization, both domestic and international.

3.2 Introduction

On 7 November 1997, Rodger Chongwe filed a petition against Zambia in the Human Rights Committee alleging the state violated his rights to life, liberty, and security of person.¹ While traveling to a “major political rally to launch a civil disobedience campaign,” police tear-gassed and shot live ammunition at Mr. Chongwe’s vehicle. He was gravely injured but survived this assassination attempt, of which a medical doctor concluded, “Rodger Chongwe is lucky to be alive.” This was not an isolated incident; under President Chiluba and his Movement for Multiparty Democracy Party, the government routinely violated fundamental human rights.² Freedoms of expression, assembly, and association were

¹ Communication No. 821/1998. Initial submission 8 November 1997. Committee deemed Violation 25 October 2000.

² Information is taken from Zambia 1997 human rights reports from the US State Department (https://1997-2001.state.gov/global/human_rights/1997_hrp_report/zambia.html) and Human Rights Watch (<https://www.hrw.org/reports/1997/zambia/Zambia.htm>)

restricted, and the police committed extrajudicial killings, arbitrary arrests, and prolonged detentions under harsh conditions. After facing severe physical harm by the state, why did Rodger Chongwe file an international, legal complaint against Zambia, risking further abuse?

Mr. Chongwe is not alone. Approximately three thousand communications (also known as petitions or complaints) have been filed in the Human Rights Committee alleging violations of the International Covenant on Civil and Political Rights, of which nearly one thousand are against repressive governments. Individuals fear retaliation because they must submit their names and information to both the Committee and the government. Victims of human rights abuse risk further suffering if they complain against a government that has already demonstrated it is able and willing to repress. Filing an individual petition is a powerful, symbolic act as individuals stand up in international politics to confront their repressive government. Why do individuals put their lives at risk and file complaints?

Non-governmental organizations and political activists file international human rights petitions about specific instances of abuse as part of their broader mobilization efforts to reduce repression. The international relations literature focuses on the role of states, international institutions, and non-government organizations, leaving individual victims of abuse aside as passive targets of government repression. I show that victims of human rights abuse are powerful actors in global politics. This article contributes theoretically and empirically as the first study, to my knowledge, to systematically study individual-level motivations and behaviors in international law.

Building upon interviews with Human Rights Committee members and non-governmental organizations, I argue that there are factors that can reduce the expected costs for individuals sufficiently such that they are willing to file a complaint despite potential repercussions. People are largely unaware of this international remedy, facing information costs in addition to their fear of targeted retaliation. Third-party, civil society actors lower costs to victims, transferring the risk away from the individual and assisting them with this international process. When the regime limits opportunities for domestic mobilization, invested actors—both individuals and organizations—turn to international institutions. I expect a curvilinear, U-shaped relationship between petitions and physical repression: physical repression deters petitions although higher levels increase grievances and benefits of filing. Restrictions on domestic political mobilization increase petitions as political actors seek out alternative means of anti-regime mobilization.

Using cross-national quantitative analysis, my findings support the theory focused on individual costs as a barrier to international, anti-regime mobilization against repressive governments.

In addition to analyzing why victims file petitions, I extend the theory to analyze variation within petitions filed. Civil society organizations play a crucial role by serving as legal representation, but where they are unable to effectively exist, organize, and disseminate information, they are unlikely to be listed as representation. If petitions are filed in these restrictive environments, they come from political individuals, able to overcome the high personal costs of filing. I compile an original dataset of nearly one thousand communications to the Human Rights Committee against 56 repressive regimes. This dataset includes the nature of the alleged violation, treaty articles under contestation, legal representation, relevant dates, and identifying information of the individual. I record international ties (nationality and residence), prior political involvement, and any other personal information included in the communication (such as career, ethnicity, or religion). This fine-grained dataset allows for a personal look at individuals, their identities, background, and motivations. Examining petition characteristics, I find support for the theory centered around victims overcoming costs of international anti-regime mobilization.

This paper explores how individuals strategically interact with states, which contributes to both the mobilization and international human rights regime literatures. Individuals considering filing a petition face increased personal costs to mobilization compared to the more common collective action problem where they have a chance of remaining anonymous with cover from other mobilizers. This individual behavior against the state is fundamentally important for understanding broader processes of mobilization. The willingness of victims of human rights violations to file international petitions is critical for the effectiveness of these institutions, so understanding individual motivations is an important step in advancing human rights and international institutions.

3.3 Filing Individual Petitions

Individual petition, which allows individuals to file legal complaints against governments for failing to protect their rights, was first adopted in the European Court of Human Rights, established in 1959. Since then, individual petition mechanisms have been exported to all regional human rights courts

and all major United Nations human rights treaties.³ When a state ratifies a human rights treaty, it may additionally allow petitions, inviting victims of alleged treaty violations⁴ to bring complaints against the government. While the effectiveness of human rights treaties is questioned given their limited monitoring and enforcement power (Hathaway 2007; Hafner-Burton and Tsutsui 2007; Goodliffe and Hawkins 2006; Neumayer 2005; Hathaway 2002; Abbott et al. 2000), individual petition mechanisms were designed to address this problem. The United Nations states, “It is through these individual complaints that human rights are given concrete meaning.”⁵

3.3.1 Human Rights Committee

The Human Rights Committee (HRC) oversees the International Covenant on Civil and Political Rights (ICCPR), one of the broadest UN human rights treaties with near-universal membership. When ratifying the ICCPR (or anytime thereafter), states may additionally ratify its First Optional Protocol allowing individual complaints about treaty violations. Complaints are allowed on a state-by-state basis and based on government action rather than nationality or residence of persons. The breadth of the treaty allows complaints concerning a wide range of human rights, including freedom of religion, torture, fair trial, freedom of association, and discrimination. As Figure 3.1 shows, 116 states have ratified the ICCPR-OP, under which more than three thousand communications have been filed.

I focus on repressive regimes, those which routinely violate civil and political rights and are the main target of international human rights institutions. This paper examines 56 repressive regimes, determined at the time of ratification, displayed in Figure 3.2, with nearly one thousand petitions filed. I extend Schoner (2022a) and only analyze those states in blue, which have ratified both the treaty and Optional Protocol. I measure repression using physical integrity rights violations and include countries with both low and middle respect for these rights (Fariss 2014a, b) when they ratify the Optional Protocol, beginning at the time of OP ratification (that is, at the start of allowing individual petitions) and remaining

³ All nine core United Nations human rights treaty bodies may, under certain conditions, consider individual complaints from individuals. The individual petition mechanism for one of these bodies, the Committee on Migrant Workers, has not yet entered force.

⁴ I sometimes use the term “victim” alongside “individual” when referring to a person’s decision to bring a complaint alleging the state has violated treaty provisions. I acknowledge that these are alleged victims and alleged violations at this stage, and the Committee has yet to produce Views on the merits of these allegations.

⁵ <https://www.ohchr.org/EN/HRBodies/Petitions/Pages/1503Procedure.aspx>

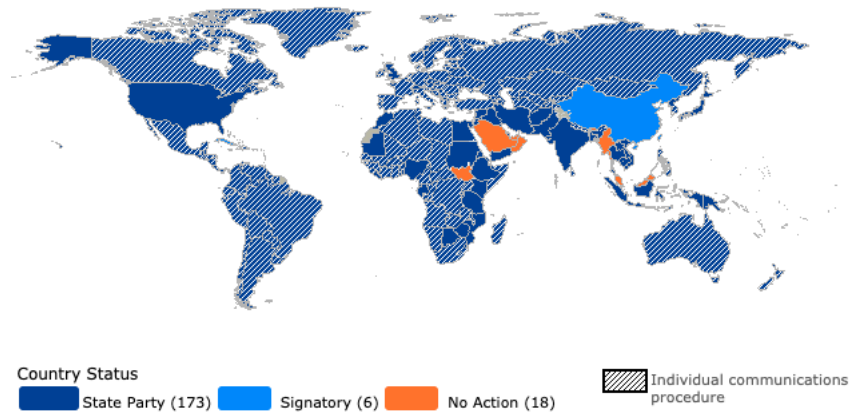


Figure taken from <https://indicators.ohchr.org/>

Figure 3.1: International Covenant on Civil and Political Rights

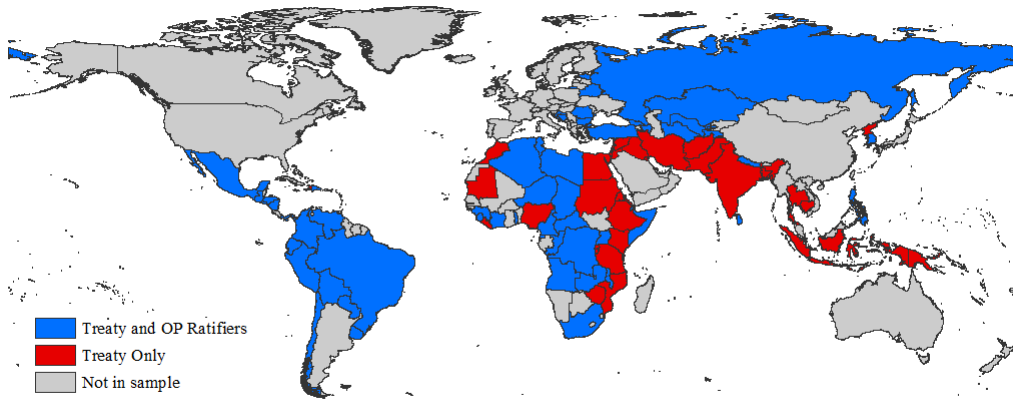


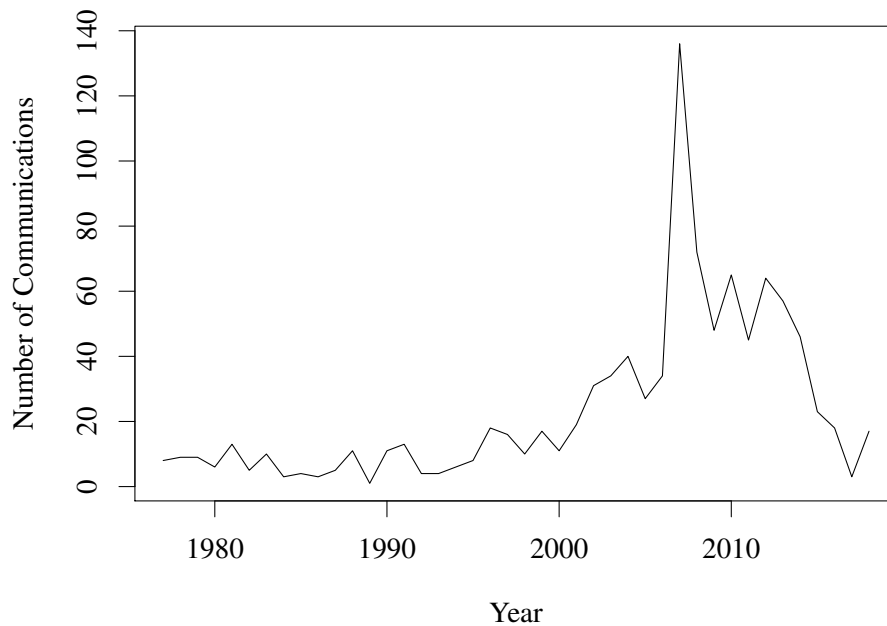
Figure 3.2: Repressive Sample

in the sample until the present.⁶

Once a state ratifies the ICCPR-OP, individuals can submit communications to the HRC alleging treaty violations. The Committee is comprised of 18 independent experts, elected by States Parties to four-year terms. These expert members are “persons of high moral character and recognized competence in the field of human rights,”⁷ mainly legal scholars and practitioners. The Committee, in addition to monitoring broader treaty compliance through general reports, produces “Views” on each communication. If deemed admissible, the Committee body of experts concludes whether the government violated any

⁶ Schoner (2022a) details this sample and explores how it changes minimally with moving the repressive threshold.

⁷ <https://www.ohchr.org/en/hrbodies/ccpr/pages/membership.aspx>



The dependent variable displayed here is detailed in the research design. The large spike in 2007 is driven by 100 near identical petitions filed against the Republic of Korea. The drop off in the most recent years is due to the delay in submission to published Views.

Figure 3.3: Petitions over Time

treaty provisions.

Petitions have increased over time, shown in Figure 3.3, in part due to the growing number of OP ratifications. Individuals must exhaust domestic remedies, show that the country is unable and/or unwilling to remedy the matter, provide detailed information regarding the alleged violation(s), and submit personal identifying information (including name and residency) so that the government can respond to the allegations. The State party can respond to the Committee regarding the admissibility of the claims and dispute any content. The Committee may facilitate a back-and-forth in which the alleged victim(s) and state submit more information. The Committee then rules on admissibility, and if deemed admissible, decides whether the State party violated any treaty provisions. Repressive regimes are found in violation the vast majority of the time: approximately 80% of these petitions are found in violation. Unlike courts, the HRC and other UN treaty bodies have no enforcement power.

3.4 Individual Petitions as Anti-Regime Mobilization

I argue that filing a petition in international law is a form of anti-regime mobilization. Individuals face information costs and fear retaliation from their repressive government. Non-governmental organizations can reduce both of these costs, serving as legal representation. Mr. Chongwe's filing against Zambia illustrates these mechanisms. Chongwe was the chairman of a 13-party opposition alliance and used the HRC petition as a form of anti-regime mobilization to further his criticism of the government and calls for change. He knew it would be costly for the Zambian government to target him after he fled to Australia, where he filed his communication: "He did not go back to Zambia, and has since this incident been residing in Australia, as he fears for his life."⁸ After fleeing to Australia, his physical well-being was much more secure.

Political mobilization takes many forms, including protesting in the street, joining a social movement, advocacy through an NGO, participating in the political process, or, in the extreme, taking up arms against the state. Filing a human rights petition is an easily measurable and public action, providing a unique study of why individuals mobilize. One Human Rights Committee member (or "expert") draws a parallel of submitting individual communications to participating in demonstrations:

People go and risk. And you can use these as a parallel: Somebody who goes out knowing full well that my chances are that I will be teargassed or worse, but they still go and do it. Or someone approaches us knowing there may be retaliation. They still do it. And I think it's the same dynamic.⁹

There is an extensive literature on political mobilization,¹⁰ with increasing attention on how individuals can overcome the collective action problem (see: Steinert-Threlkeld 2017; Lohmann 1994; Putnam 1993; Olson 1989). This area of research seeks to explain why individuals participate in these mass events, risking negative consequences when they have a chance of remaining anonymous and/or evading any harm. Human rights petitions are even more puzzling as a form of political mobilization: these individuals in a non-anonymous form of anti-government mobilization have arguably higher costs than collective

⁸ Communication No. 821/1998. Initial submission 8 November 1997. Committee deemed Violation 25 October 2000.

⁹ Interview with HRC Member 26 February 2020.

¹⁰ For political sociological literature focused primarily on political opportunity structures and resource mobilization, see Tarrow (2011); McAdam (2010); Cole (2006); Meyer (2004); McCarthy and Zald (1977).

action forms. This individual behavior against the state, designed to address grievances, is fundamentally important for understanding broader processes of mobilization. These persons are not overcoming the collective action problem but rather risk their livelihoods individually or in small groups. Petitioners have no cover from other mobilizers. They are not only voicing their public dissent but are, without any uncertainty, unable to remain anonymous.

Relatedly, legal scholars analyze when individuals bring domestic court cases (see: Conant et al. 2018; Tam 2012), and, when available, file subsequently to regional courts (Conant 2016). UN treaties are unique as quasi-judicial, global institutions lacking enforcement power. This method of mobilization involves three levels of actors: individuals, the state, and international institutions. International petitions serve as an institutional form of the “boomerang model” in which domestic actors bypass their repressive and unresponsive government by addressing their grievances to an international audience (Cole 2006; Keck and Sikkink 1998). The mobilization literature serves as a helpful frame to build the theory, focused on how individuals can overcome the high personal costs of filing petitions.

3.4.1 Victims of Human Rights Violations

Benefits of Filing a Petition

An individual’s interest can be thought of in two categories: personal remedies and broader policy change. Personal remedies for human rights violations include (but are not limited to) information about missing relatives, financial compensation, release from prison or reduction of time served, and bureaucratic remedies such as passport documentation. Second, petitions may be filed to change broader government policy. Actors may seek to improve respect for human rights under the current regime, or, more ambitiously, seek regime change. There is some evidence to suggest that individual petitions do improve respect for human rights under some domestic conditions. Lutz and Sikkink (2000) argue that the opportunity to file petitions in Uruguay in the 1970s amid widespread torture contributed to the demise of the dictatorship, compared to Paraguay where people did not have the same opportunity for individual mobilization because the regime had not ratified the ICCPR-OP. Uruguayan victims were accustomed to domestic mobilization through legal institutions before the dictatorship, and when these institutions

were no longer effective, they transferred focus to the HRC. They filed numerous complaints against the Uruguayan government, and the Committee repeatedly found the government in violation, calling for the release of political prisoners and provision of compensation. Additionally, Smith-Cannoy (2012) finds that petitions can improve compliance with UN treaties by revealing and publicizing poor compliance when paired with strong civil society.

Personal Costs

Information Costs Individual petition mechanisms in international human rights law are not well-known. More generally, international human rights institutions are not well-known and salient among the general public. If people are not aware of major human rights treaties, they are much less likely to know about this additional, more complicated institution. Not all states that have ratified a treaty allow petitions, and states do not allow petitions uniformly across UN treaties. How do victims of human rights abuse become aware of this international remedy and submit a communication to an international treaty body? People must actively search out international remedies, know what to search for, and spend time learning about the various institutions. Information has become increasingly more accessible over time with the invention and widespread usage of the internet. Victims of repression, however, often do not know what to search for on the internet, unaware of international remedies. Model petition forms are now available on the UN website from a simple internet search, but petitions require much detailed information and time, as communications with the Committee continue for a few years until the Committee produces Views.

Retaliation The largest cost of filing a petition against a repressive government is retaliation by the regime. One Human Rights Committee member details the potential retaliation:

Of course retaliation happens. There is quite a backlash against it, and it is taken quite seriously in Geneva. But that doesn't stop it. I am personally also surprised that people participate.¹¹

The Committee member goes on to discuss the human nature and personality of these individuals and how they can overcome this fear: “You meet them. They are basically courageous. I would emphasize

¹¹ Interview with HRC Member 26 February 2020.

that part."¹²

I argue that states, all else equal, would like to avoid this negative criticism and face low costs of targeted retaliation, making perceptions of the possibility of further repression high. As mentioned earlier, previous studies have found preliminary evidence suggesting that petitions can be effective in improving respect for human rights, sufficiently pressuring the government to change (Smith-Cannoy 2012; Lutz and Sikkink 2000). In a working paper, Schoner (2022*b*) presents preliminary evidence that repressive states do improve respect for physical integrity rights after petitions are filed in response to civil society's involvement and publicity. The Committee's violation rulings lend legitimacy to civil society's naming and shaming, and governments improve rights to save their reputation and deter threatening challenges to their power.

Governments strategically use repression to maintain power and deter challenges from political opposition (Franklin 2009; Shellman 2006; Davenport and Armstrong II 2004; Gartner and Regan 1996; Davenport 1995; Poe, Tate and Keith 1999), so decreasing repression amid increasing negative attention to improve their reputation is costly. The regime would prefer to continue physical repression alongside restrictions on civil liberties and political freedoms. In the interest of avoiding petitions, governments can employ targeted retaliation. The government has low costs to repress further because they already know the victim(s) and have detailed information,¹³ making retaliation relatively easy.¹⁴ Because individuals must first exhaust domestic remedies, the government is most likely already aware of these actors. The government might face increased costs for retaliation, drawing increased attention from the international community, but this is unlikely to deter it entirely. Moreover, the government need not actually retaliate. Repression is most effective as a deterrent. The most repressive societies often engage in little active repression as the environment of threat and fear effectively deters powerful challenges. Individuals who were already targeted by the state know the government is both capable and willing to repress; they

¹² Interview with HRC Member 26 February 2020.

¹³ Communications must include the details of all involved persons by full name, dates of alleged crimes, and country of residence. Full names may be kept from the public, in favor of initials, but the Committee must inform the accused government of the individual's identity so they can respond to the allegations.

¹⁴ It is important to note that the regime may have changed since the violations under consideration, especially if individuals wait a long period of time before filing a complaint. Complaints, however, are encouraged in a timely manner and can be rejected if there is a lengthy period of time since the alleged violation without justification. Further, petitions are only admissible to the Committee if domestic institutions were unable to remedy the issue, meaning the government is not sufficiently addressing the issue, even if it originated under a previous regime.

understand the grave costs of repression and thus fear retaliatory action.

While some governments may appear not to care about petitions filed in the HRC, retaliation against petitioners provides evidence of their interest in deterring this international action. Turkmenistan, one of the most closed and repressive countries in the world, has been the target of numerous communications focused primarily on their treatment of Jehovah's Witnesses (JWs). Over a dozen JWs have petitioned Turkmenistan for failing to respect their freedom of religion by arresting, jailing, and torturing individuals for their refusal to participate in compulsory military service. On 03 March 2012, Navruz Tahirovich Nasyrlyayev filed a petition while detained (for the second time, first detained three years earlier, both times suffering harsh prison conditions and torture by guards). Shortly thereafter, the government targeted his family: "Mr. Nasyrlyayev's family members suffered as well. Shortly after the Committee sent his complaint to the government of Turkmenistan for a response, police officers raided the family home in Dashoguz and severely mistreated his family members and their guests- apparently in retaliation for the complaint."¹⁵

Physical repression deters petitions as victims fear retaliation, but higher levels of repression result in greater grievances, creating a larger pool of potential petitioners. Moreover, higher levels of repression increase the expected benefits of filing petitions. I, therefore, expect physical repression to have a curvilinear, U-shaped relationship with the filing of petitions.

Hypothesis 1: Physical repression has a curvilinear, U-shaped, effect on the probability of filing a petition.

3.4.2 Civil Society Actors

Third-party actors play a crucial role in decreasing personal costs and assisting individuals in filing international, legal complaints. These civil society actors can be singular lawyers, law firms, or organizations. Human rights advocacy organizations may file petitions as one of many tools they use to pressure governments to improve the domestic political environment. These civil society actors are activist entrepreneurs, seeking out opportunities to accomplish their goals. For example, Collectif des Familles de Disparus en Algérie (Coalition of Families of the Disappeared in Algeria, CFDA) aims to bring truth and justice to the families of the disappeared. Nassera Dutour, its spokesperson, summarizes

¹⁵ 04 July 2017. "Will Turkmenistan Implement the UN Human Rights Committee Decisions?" Taken from JW.org

the organization's activities as pressuring for change as they "annoy the Algerian government as much as possible."¹⁶ CFDA has filed dozens of petitions on behalf of the disappeared's families in hopes of gaining more information from the Algerian government and achieving justice.

Information Costs

Civil society actors shift costs, both information and retaliation, away from the individual and take on these burdens. These organizations face lower information costs than victims and are more likely to know about individual petition mechanisms. Sometimes, lawyers and organizations luckily stumble across this international institution. One lawyer in the Philippines details how his large NGO, focused on domestic legal cases, found out about this international remedy and began submitting communications. He did not know of any international petitions against the government and recalls his process of learning about this option as he was working on a domestic death penalty case:

I started teaching human rights at that time at a university, and I remember coming across and teaching my students the UN Human Rights Committee, the ICCPR, and the First Optional Protocol. And so I raised this idea with our [organizational] secretary-general. And she said, 'Alright, go for it!' When you're defending someone, and their life is on the line, you leave no rock unturned. So, we tried it and filed the communication.¹⁷

As a result, this organization has filed numerous complaints, adding it to its toolkit in fighting domestic cases.

Retaliation

Repression is more efficient when targeting an actor involved in a range of mobilization efforts to deter numerous future actions. As such, it is more effective for a government to retaliate against an actor involved in multiple petitions rather than one. Civil society actors subsidize individuals' costs by transferring the risk of retaliation away from the victim to the lawyer and/or organization.

The Kazakhstan International Bureau for Human Rights and Rule of Law represents victims of human rights abuses domestically and internationally. Yevgeny Zhovtis, a human rights activist and

¹⁶ Interview on 12 March 2021.

¹⁷ Interview on 18 February 2021.

director of the Kazakhstan International Bureau for Human Rights and Rule of Law, differentiates the experience of victims of human rights abuse his organization represents compared to himself and his organization. First, he says that fear does not play a role in victims submitting complaints:

I cannot say they are scared... In general, there is not too much pressure to prevent the person from addressing the issue to the Human Rights Committee. More, it's a lengthy procedure...You have to wait 3 to 5 years for a result. Second, the person is tired of all these things.¹⁸

On the other hand, Mr. Zhovtis and his organization have been targeted repeatedly by the Kazakhstan government:

In 1999, the office of our organization was burned down. Arson. In 2004, somebody planted drugs in my car. In 2005, there was a huge tax inspection. In 2009, probably you read this, I was put in prison when involved in a traffic accident...[that was] politically motivated. Last year, we were suspended and fined again by the tax office, but then this decision was reversed.¹⁹

This repression and fear of repeated attacks, however, does not deter Mr. Zhovtis or his large organization. The Kazakhstan government has an interesting relationship with these activists, targeting to silence them but also inviting them to participate in the government, recognizing the role civil society plays:

But at the same time, I am a member of a number of governmental expert councils. I am participating in a number of hearings in the parliament. I am in good relations with a number of ministers. I am talking directly with the minister of justice... [with] no problem raising the phone...It's complicated, very strange.²⁰

Belarus, which has received over a hundred petitions in the Human Rights Committee for its restrictions on the freedoms of expression, assembly, and association, has targeted these third parties, involved in numerous complaints. Leonid Sudalenka has submitted seven petitions against Belarus between 2004 and 2012. Mr. Sudalenka is a prominent human rights defender, lawyer, and leads the Gomel branch of the Human Rights Centre Viasna. Later (in 2011 and 2012), he assisted and served as legal representation on two additional petitions. As a prominent activist and head of a domestic human rights

¹⁸ Interview on 25 February 2021.

¹⁹ Interview on 25 February 2021.

²⁰ Interview on 25 February 2021.

organization, Leonid Sudalenka has been the target of additional retaliation by the Belarusian government. Most recently, government forces detained Mr. Sudalenka on 18 January 2021. Just days before, law enforcement officials raided his organization's headquarters. These attacks on Mr. Sudalenka and his organization are not isolated as Front Line Defenders details, "Members of HRC Viasna have been under pressure since early May 2020. Many local representatives have been arbitrarily detained and subjected to judicial harassment or administrative arrests."²¹ Targeting Mr. Sudalenka as a prominent head of a civil society organization and petitioner is more effective as a deterrent than targeting each of the hundreds of individuals filing petitions. As political actors seek out fora for anti-regime mobilization, they turn to international institutions when they are unable to resolve the matter domestically.

Hypothesis 2: Petitions are more likely where domestic political mobilization is limited.

3.5 Petitions Filed in the HRC

3.5.1 Research Design

Repressive Sample

I define the repressive sample at the time of ICCPR-OP ratification, a single year for each country. Human rights policies are stable and do not frequently change dramatically year to year (Zanger 2000; Davenport 1995; Poe and Tate 1994). A state does not drop out of the sample if they improve respect for human rights (which does frequently happen with democratization, as it did in Chile and Estonia). I use Fariss' (2014a; 2014b) latent variable of physical integrity rights to restrict the sample to governments that have a value below 0.1 the year of OP ratification to measure countries with low and middle respect for human rights. I acknowledge this is an arbitrary threshold of repression, but this sample changes minimally with different specifications (as explored in (Schoner 2022a)). The 56 countries are shown in Figure 3.2 and listed in the Appendix in Table 4.2.

²¹22 January 2021 "Human Rights Defenders Leonid Sudalenka and Maryia Tarasenko Detained in Gomel." Taken from frontlinedefenders.org.

Dependent Variable

The dependent variable of interest is petitions filed in the Human Rights Committee. Table 4.2 in the Appendix shows the number of petitions against each country and the year each ratified the Optional Protocol.²² The first petition in the sample was filed in 1977, and the data continue through 2016. Petitions increase over time, in large part to new states ratifying the ICCPR-OP as shown in Figure 3.3. Communications are only published publicly after the Committee produces Views, which on average (with a large variation) takes four years, explaining the low numbers in the most recent years. The theory is focused on the probability of filing a petition, so I analyze a dichotomous variable indicating the presence of any petition filed. I present a logistic regression analyzing whether a petition was filed in a given country-year as well as a negative binomial regression exploring the count of petitions with similar results.²³ I restrict the sample through 2016 to account for the average length of time (4 years) from submission to the Committee's Adoption of Views, when they release the communication to the public. These data, updated in May 2021, have Committee Views through the end of 2016.

Explanatory Variables

I measure physical repression by a latent variable of physical integrity rights violations which is comprised of numerous datasets measuring (but not limited to) torture, extrajudicial executions, mass killings, and political imprisonment (Fariss 2014*a, b*).²⁴ To better reflect the theory and for ease of interpretation, I create an inverse score for "repression" by multiplying the latent variable by negative one. Now, higher values indicate increased violations of these rights. To test for the curvilinear, U-shaped relationship, I include linear and quadratic terms.²⁵

I measure domestic political mobilization by civil society organization repression (Coppedge et al. 2017; Pemstein et al. 2017). Varieties of Democracy (V-Dem) measures civil society or-

²² No country in this sample has ratified the Optional Protocol and subsequently withdrawn.

²³ Given the overdispersion in the data, I opt for a negative binomial rather than a Poisson.

²⁴ The analysis presented in the main paper uses the point estimate of this latent variable, ignoring the uncertainty of the estimate. I incorporate the uncertainty (standard deviation) of this latent variable in the Appendix, following the method detailed in Crabtree and Fariss (2015). The results, including bootstrapped standard errors, are presented in Table 3.7. These results support the core results shown in the paper.

²⁵ The inclusion of the quadratic term significantly improves model fit. Analyzing the OLS models, I compare a model with only the linear term and another with the addition of the quadratic term. ANOVA shows the model with the polynomial term is significantly better at capturing the data than the simpler model.

ganizations to include interest groups, labor unions, religious organizations (if engaged in civil or political activities), social movements, and traditional NGOs. Notably, political parties, businesses, and spiritual religious organizations are excluded, and these organizations must be at least nominally independent of government and economic institutions. The variable asks: "Does the government attempt to repress civil society organizations?" This captures the theoretical concept of non-governmental actors' ability to engage in political mobilization. Similar to the measure of physical repression, I create an inverse variable to capture "repression" by multiplying the variable by negative one.

Model Specifications

I include control variables to measure a country's resources, capacity, and size.²⁶ Countries with more resources may be more likely to experience petitions as actors have more material resources at their disposal. GDP measures a country's material resources. Countries experiencing civil or international war divert resources to fund the conflict. Civil war in particular produces unrest where individuals are concerned with stabilizing the domestic environment. I include a measure of population as more people constitute a larger pool of potential petitioners.

To control for domestic institutions, I include V-Dem's measure of judicial constraints (Coppedge et al. 2017; Pemstein et al. 2017).²⁷ Individuals must first try to remedy their situation using domestic legal institutions, so their effectiveness should decrease the number of petitions filed. Many petitions specifically detail the lack of judicial independence as a reason for being unable to remedy the matter domestically. I control for whether individuals have a regional court option, which may decrease the number of petitions filed in the HRC. I include a lagged dependent variable because actors learn, and previous petitions greatly increase the probability of petitions being filed. Standard errors are clustered by country. I present additional models with year fixed effects to account for time non-parametrically.

²⁶ I use World Bank Development Indicators for both GDP and population, logging both given their skewed distributions (World Bank 2015). I measure the presence of civil or international war from Gleditsch et al. (2002).

²⁷ I opt for this measure rather than a more comprehensive latent value of judicial independence from Staton et al. (2019); Linzer and Staton (2015) given temporal coverage. This latent variable is available through 2015 while V-DEM's judicial constraints variable is available for all years analyzed here.

3.5.2 Empirical Results and Discussion

Table 3.1 displays the results from the logistic regressions. Petitions are relatively uncommon in the data. Judicial constraints, as expected, decrease the number of petitions filed as individuals are more likely to find effective domestic remedies in the presence of judicial constraints. Regional courts also perform as expected with a large substantive and statistically significant effect: individuals with the option of a regional, human rights court are less likely to file in the HRC. States with higher levels of GDP are more likely to receive a complaint while population and war do not have significant effects. Most importantly, previous petitions significantly increase petitions filed in the future against the same country.

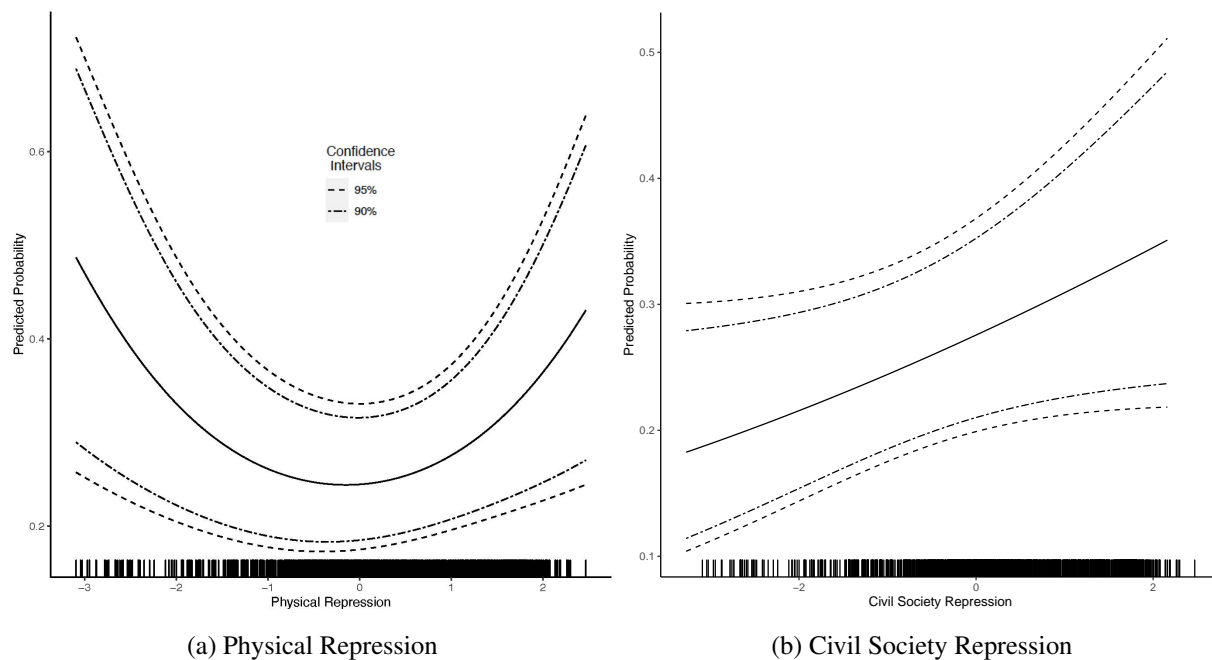


Figure 3.4: Predicted Probability of Filing a Petition

As expected, civil society repression increases the probability petitions are filed in the HRC although significance is dependent on model specification. There is evidence to support *Hypothesis 2* although this relationship is not robust to inclusion of year fixed effects. Later, I discuss the limitations of the current analysis given the sample size and model specifications.

Polynomial terms are difficult to interpret from regression results in table form, so I visualize the predicted probability of filing a petition in Figure 3.4 with 90% and 95% confidence intervals. I

Table 3.1: HRC Petitions: Dichotomous Indicator

	Model 1	Model 2	Model 3	Model 4
Repression: Physical Integrity Rights	0.002 (0.132)		-0.044 (0.148)	
Repression: Physical Rights Squared	0.110* (0.049)		0.118* (0.048)	
Repression: Civil Society		0.163+ (0.097)		0.166 (0.113)
Judicial Constraints	-1.111** (0.422)	-0.469 (0.517)	-1.200** (0.465)	-0.507 (0.564)
GDP (ln)	0.425*** (0.111)	0.424*** (0.102)	0.445*** (0.120)	0.449*** (0.114)
Population (ln)	-0.055 (0.163)	-0.070 (0.154)	-0.036 (0.173)	-0.078 (0.168)
War	0.178 (0.252)	0.256 (0.205)	0.295 (0.267)	0.346 (0.230)
Regional Option	-0.637** (0.225)	-0.578** (0.220)	-0.659** (0.245)	-0.573* (0.245)
Lagged DV	1.697*** (0.275)	1.699*** (0.268)	1.795*** (0.306)	1.802*** (0.301)
Constant	-10.542*** (1.462)	-10.399*** (1.556)		
Num.Obs.	1364	1364	1340	1340
AIC	1200.1	1199.0	1217.9	1217.8
BIC	1247.0	1240.7	1467.5	1462.2
Log.Lik.	-591.039	-591.496	-560.954	-561.895
FE: year			X	X

Standard errors are clustered by country.

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

simulate predicted probabilities relative to the key independent variables, physical and civil society repression, keeping other control variables at their mean and dichotomous (war, regional option) and count (lagged dependent variable) variables at their median value. Figure 3.4 uses simulated data from Model 1, and Figure 4.12 from Model 2 from Table 3.1, without year fixed effects for ease of simulations and interpretations.

Physical repression, as expected, has a U-shaped effect on the probability of filing a petition: the probability initially decreases as repression increases but increases after median levels of repression. As Figure 4.5 shows, the relationship is not statistically significant; however, given the sample size and numerous important control variables, the analysis might not have enough power to show this polynomial relationship. The regressions have approximately 1350 observations (dependent on model specification) with 56 clusters (standard errors are clustered at the country level). Given the scope of the research question, the study is limited based on repressive behavior, and countries only enter the sample when they ratify the Optional Protocol. The data will naturally grow over time, observing more years of countries that allow petitions and potentially with more repressive countries ratifying the OP. The raw data show a quadratic relationship, using a logistic or ordinary least squares regression, before adding control variables.

Moreover, several petitions explicitly mention the fear of retaliation, supporting the theory. As physical repression increases, victims are deterred from filing as they fear further harm. The motivating example of Roger Chongwe demonstrates how this fear drives victims to flee their country and subsequently file from their new residence. Similarly, Carlos Varela Nunez filed a petition against Uruguay on 27 October 1981 for the revocation of his passport as an Uruguayan national residing in the United States of America. The communication reads: “The author states that, since the time of the ‘passport renewal incident,’ he has been afraid to return to Uruguay for fear of reprisals because of his opinions and writings which have been critical of the Uruguayan Government’s human rights record and other matters. The author adds that he is convinced that returning to Uruguay would place him in grave physical danger.”²⁸ Mr. Nunez was a journalist critical of the Uruguayan government and an active member of the Uruguayan

²⁸ Communication No. 108/1981. Initial submission 27 October 1981. Represented by the International League for Human Rights. Committee deemed Violation on 22 July 1983.

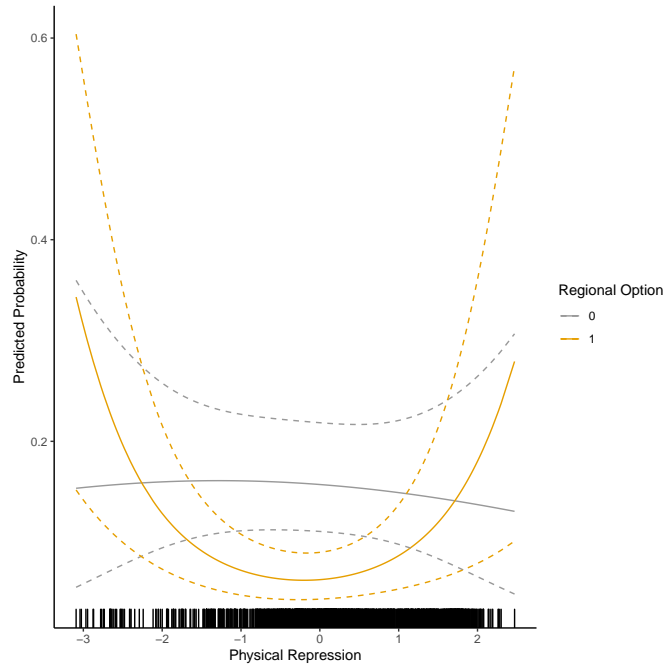


Figure 3.5: Predicted Probability of Filing a Petition by Regional Option

Social (opposition) Party.

Next, I explore whether there are conditional, heterogeneous effects of physical repression across countries. Aware of decreasing the effective sample size further and losing more power, I interact the physical repression terms with an indicator of a regional court option and display the predicted probabilities in Figure 3.5. Where there is a regional court, the expected U-shape is statistically significant at $\alpha = 0.05$. This suggests there are heterogeneous effects and requires further future analysis.

After understanding the probability a repressive regime receives a complaint in the HRC, what determines the *number* of petitions filed? Table 3.2 displays the output from negative binomial models, showing consistent results from the logistic regression with dichotomous variable. The same variables explain why petitions are filed and the number filed. The data is heavily skewed with few country-years with multiple petitions. Explaining the presence of any petition filed sufficiently explains the number of petitions filed against repressive regimes in the HRC.

Table 3.2: Number of Petitions Filed in the HRC

	Model 1	Model 2	Model 3	Model 4
Repression: Physical Integrity Rights	-0.011 (0.162)		-0.127 (0.138)	
Repression: Physical Rights Squared	0.113* (0.056)		0.088* (0.044)	
Repression: Civil Society		0.177+ (0.098)		0.100 (0.100)
Judicial Constraints	-0.585 (0.408)	0.104 (0.461)	-0.699 (0.459)	-0.181 (0.505)
GDP (ln)	0.526*** (0.155)	0.535*** (0.138)	0.445** (0.136)	0.480*** (0.125)
Population (ln)	-0.127 (0.212)	-0.155 (0.183)	0.019 (0.191)	-0.080 (0.174)
War	-0.162 (0.311)	-0.110 (0.237)	0.079 (0.266)	0.045 (0.236)
Regional Option	-0.979*** (0.245)	-0.916*** (0.252)	-0.931*** (0.230)	-0.892*** (0.226)
Lagged DV	0.306*** (0.085)	0.300*** (0.086)	0.301*** (0.089)	0.298*** (0.089)
Constant	-11.228*** (1.921)	-11.105*** (1.905)		
Num.Obs.	1364	1364	1340	1340
AIC	2338.7	2336.3	2335.8	2337.5
BIC	2385.7	2378.0	2585.4	2581.9
Log.Lik.	-1160.360	-1160.131	-1119.902	-1121.745
FE: year			X	X

Standard errors are clustered by country.

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

3.6 Variation Among Petitions

The theory discusses the incentives for individuals to file petitions and how they can overcome high personal costs, considering state retaliation and the role of third parties. I extend the theory to analyze the variation we should expect to see among petitions. Third parties play a crucial role in subsidizing personal costs, so where these organizations can effectively exist, seek out victims, and disseminate information, petitions should list their involvement. When involved, they are listed as “legal representation” on petitions. Some governments, however, restrict civil society organizations and information, limiting the ability of third parties to subsidize personal costs. If petitions are filed in these restrictive environments, they are less likely to be supported by third parties, so individuals must overcome costs themselves. Individuals facing the greatest benefits and those willing to incur these costs are likely to be politically active before filing. Persons critical of the regime and active in other forms of anti-regime mobilization are likely to overcome these costs and file petitions.

Hypothesis 3: Where civil society is repressed and information restricted, petitions are less likely to be supported by legal representation.

Hypothesis 4: Where civil society is repressed and information restricted, petitions are more likely to be filed by domestic, political individuals.

3.6.1 Original Data

Here, I introduce the original data I use to explore the characteristics of individual petitions in the Human Rights Committee. Compiled from reading each of the 984 petitions against 44 repressive countries shown in the Appendix’s Table 4.2,²⁹ these new data allow for fine-grained analysis of the theory focused on individual costs of participation in international law. It includes individual-level characteristics, so we can better understand and empirically test the motivations of victims who participate. The dataset also includes indicators of third-party involvement and their name(s) if specified.

This paper’s theory frames human rights petitions as anti-regime mobilization, another method of political activity for regime opponents to call and pressure for political change. This is evident in the

²⁹ Twelve countries have not had any petition filed against them in the Committee.

data: 42% of individuals who filed petitions were politically involved (broadly conceived) *before* filing a petition, including opposition party candidates, opposition party members, government bureaucrats, human rights activists, journalists, former presidential candidates, and former heads of state. For example, Rafael Marques de Morais is an Angolan activist and journalist. He served as the representative of the Open Society Institute in Angola and wrote several articles critical of the Angolan President in an independent newspaper. On 05 September 2002, Mr. de Morais petitioned the HRC against Angola for arrest, detention, and conviction for criticizing the Angolan President.³⁰ Additionally, Dobroslav Paraga, a human rights activist, and active member of the political opposition in Croatia, petitioned the HRC in 1996 for Croatia's persecution and repression, including torture, arbitrary arrest and detention, discrimination, infringements on judicial rights, political participation, and the freedoms of movement and expression.³¹

The new dependent variables are whether (1) petitions list representation and (2) petitions come from political individuals. 55% of communications are represented by counsel. The same lawyers and organizations often aid in filing multiple countries within the same or similar years. These third-party actors are both domestic and international. Here, I focus on opposition politicians and activists because these individuals have a clear, personal stake in the relevant policy and are most likely to overcome the costs associated with filing to confront their regime in international law. While 42% of petitions are filed from politically-oriented individuals, 13% are from opposition politicians and members and 5% are civil society activists.

To test *Hypotheses 3 and 4*, I use V-Dem's measures of (1) civil society organization repression as detailed earlier and (2) freedom of expression and alternative resources of information (Coppedge et al. 2017; Pemstein et al. 2017). The expression and information index asks: "To what extent does government respect press and media freedom, the freedom of ordinary people to discuss political matters at home and in the public sphere, as well as the freedom of academic and cultural expression?" (Coppedge et al. 2017; Pemstein et al. 2017). In line with the theory and other variables, I create a variable for "repression" rather than respect for rights. The index is bounded by 0 and 1, so I subtract the index values from 1 to create an expression and information repression variable.

³⁰ Communication No. 1128/2002. Initial submission 05 September 2002. Represented by the Open Society Institute and Interights. Committee deemed Violation on 29 March 2005.

³¹ Communication No. 717/1996. Initial submission 16 April 1996. Committee deemed Violation 4 April 2001.

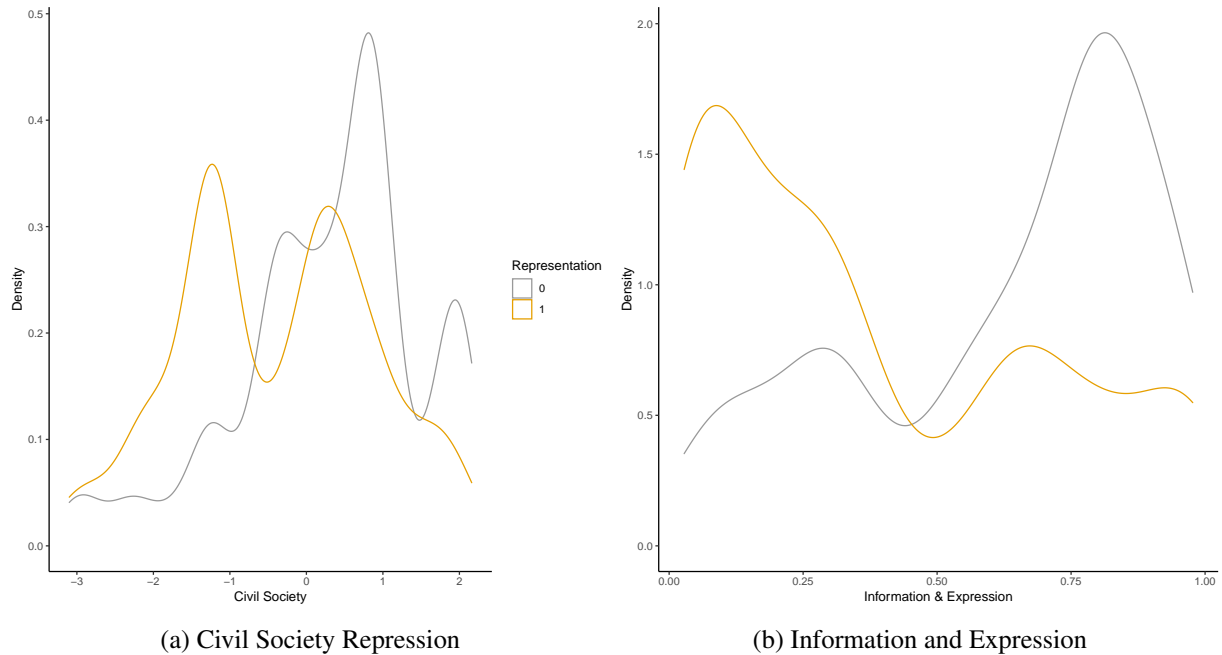


Figure 3.6: Petitions by Legal Representation

First, I present the raw data, displaying repression in the country-year a petition is filed. I then present an ordinary least squares regression of the dichotomous indicator. I opt for an ordinary least squares regression model for ease of interpretation, and, for robustness, I include logistic regression models in the Appendix (see Tables 3.8 and 3.9). I cluster standard errors by country.

3.6.2 Empirical Results and Discussion

Figure 3.6 shows repression (both civil society and information/expression) by the dependent variable representation. Supporting *H3*, Figure 3.6 and Table 3.3 show that petitions against *more* repressive regimes are less likely to be represented by legal counsel.³² These effects are both statistically significant and substantively large: a one-unit increase in civil society repression decreases the probability a petition has legal representation by 10%. A one-unit increase in information and expression repression (noting this variable is bounded between 0 and 1) has a 58% decrease in the likelihood a petition will list representation. Third-party actors are important guides in helping individuals file, but they are more active in representing victims where they are allowed to operate freely.

³² Table 3.8 displays the results from logistic regression models. The results are robust.

Table 3.3: Legal Representation

	Model 1	Model 2
Repression: Civil Society	-0.102* (0.044)	
Repression: Information and Expression		-0.582*** (0.162)
Num.Obs.	984	984
R2	0.069	0.143
R2 Adj.	0.068	0.142

Standard errors are clustered by country.

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

Jehovah's Witnesses submitting complaints concerning religious freedom for contentious objection to compulsory military conscription highlights the important role third party actors play. Jehovah's Witnesses (JWs) make up 12% of the petitions in this sample, concentrated in three countries: Turkmenistan, the Republic of Korea (ROK), and Turkey. JWs in Turkmenistan and ROK comprise the majority of cases filed in each country, and JWs in Turkey have filed two of four cases against the government. The severity of punishment varies across these countries, ranging from a small time in jail to torture. All are represented by counsel, almost all by two lawyers at the same Canadian law firm: Shane H. Brady and André Carbonneau, of W. Glen How & Associates LLP. Jehovah's Witnesses is a global religious organization, and military participation conflicts with their fundamental religious beliefs.³³ They have a history of conflict with governments around the world for their refusal to serve in the military. As a result, they have filed numerous legal complaints in multiple legal systems. Unsatisfied with domestic remedies, they submit these complaints to Human Rights Committee. As a religious organization, JWs facilitates this information among its members and connects them to lawyers with specific expertise. Information is vital, regardless of the domestic political environment, which varies dramatically among these three countries. Turkmenistan is one of the world's most repressive regimes while the ROK, at the time of communications, is a liberal democracy with relatively high respect for human rights and a strong civil society.³⁴

³³ <https://www.jw.org/en/jehovahs-witnesses/faq/why-dont-you-go-to-war/>

³⁴ The Republic of Korea was, at the time of Optional Protocol ratification in 1990, considered repressive. These petitions were filed in 2007.

Table 3.4: Political Individuals

	Opposition	Opposition	Activist	Activist
Repression: Civil Society	0.047*		0.017*	
	(0.019)		(0.008)	
Repression: Information and Expression		0.214**		0.084**
		(0.071)		(0.031)
Num.Obs.	984	984	984	984
R2	0.033	0.042	0.010	0.016
R2 Adj.	0.032	0.041	0.009	0.015

Standard errors are clustered by country.

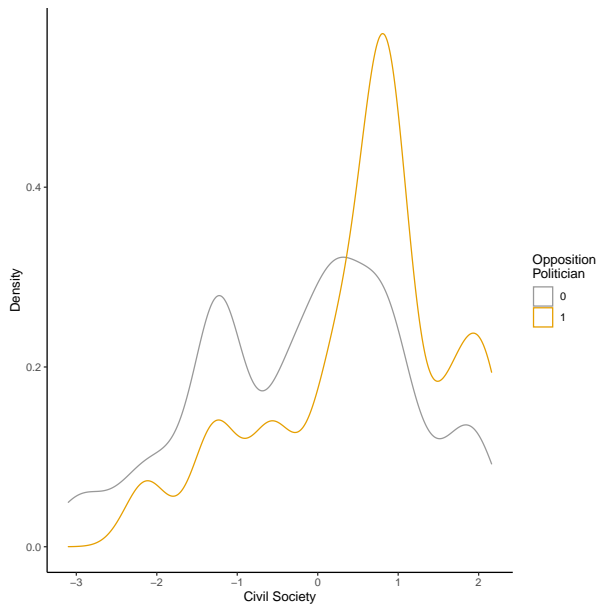
+ $p < 0.1$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Next, I test whether petitions under these restrictive environments are more likely to come from political individuals: (1) opposition politicians and members and (2) civil society activists. Figure 3.7 shows that petitions are more likely to come from political individuals where there are more restrictions. Table 3.4 displays the results from OLS regressions where the dependent variable is political individuals: opposition and activist.

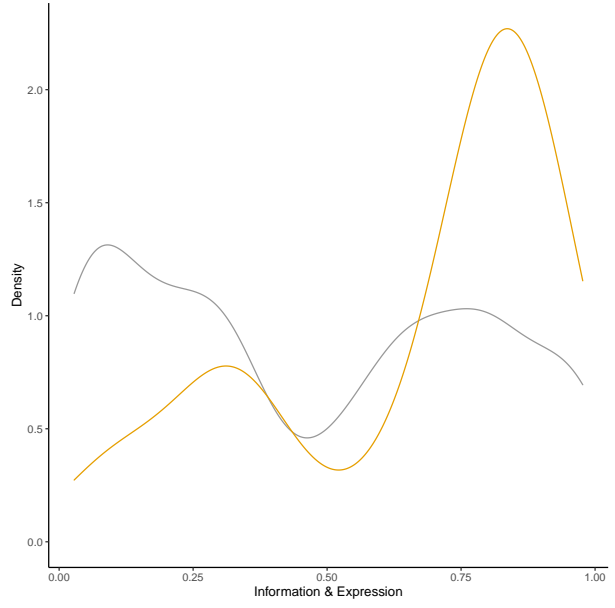
Although petitions are relatively uncommon from both opposition politicians and activists, petitions are significantly more likely to come from these political individuals when there are higher restrictions. A one unit increase in civil society repression is 5% more likely to be filed from an opposition politician and 2% more likely from an activist. Similarly, a one unit increase in information and expression repression (keeping in mind the variable is bounded by 0 and 1) has a 21% increase in probability of coming from an opposition politician and 8% from an activist. These are substantively small yet statistically significant effects. This suggests that political individuals with high stakes in human rights policies, when civil society is restricted and organizations are unable to assist individuals, seek out this international remedy.

3.7 Conclusion

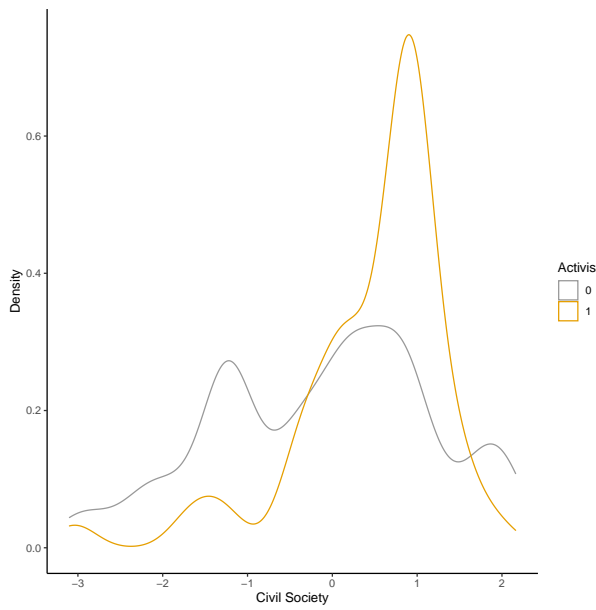
Victims of human rights abuse face high personal costs to participate in international, human rights law. When considering filing an international, legal complaint, they fear retaliation from a repres-



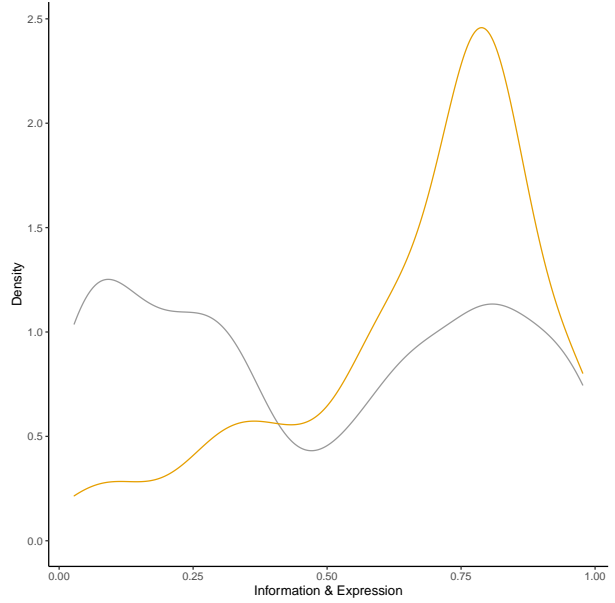
(a) Opposition Politician by Civil Society



(b) Opposition Politician by Information and Expression



(c) Activist by Civil Society



(d) Activist by Information and Expression

Figure 3.7: Petitions from Political Individuals

sive government. Civil society actors play a crucial role in subsidizing personal costs, transferring the risks away from the individual and taking them on as larger, mission-oriented organizations. I test this theory at two levels of analysis: (1) cross-national large-N analyzing where and when petitions are filed and (2) petition-level using novel data. I introduce an original dataset that allows for fine-grained theoretical and empirical contributions at the individual level of analysis. Civil society actors represent victims in the HRC by serving as legal representation but are more likely to represent victims in less restrictive environments, where they can effectively exist, organize, and disseminate information. In these restrictive environments, petitions are more likely to come from political individuals who can personally overcome the high costs of participation.

Individual human rights petitions are a unique form of mobilization because these persons do not face a collective action problem but rather face high targeted, personal costs. Collective action is fundamentally taken by individuals, so understanding this more costly form of political mobilization contributes to our understanding of broader processes of mobilization. I show how political actors, both individuals and organizations, mobilize in international law to confront their repressive governments.

Individual petition mechanisms provide a unique opportunity for victims of abuse to stand up in front of an international audience to call attention to repressive, domestic practices. These petitions can impose sufficient costs on governments, especially with the involvement of civil society actors (explored in detail in Schoner 2022*b*), to improve respect for human rights. For this international institution to be effective, however, individuals must participate and be willing to file petitions. Petitions are costly, so we must first understand why and how individuals file petitions before understanding the impact on compliance.

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3.8 Appendix

Table 3.5: ICCPR-OP States Parties

Country	OP Ratification Year	Petitions Filed
Belarus	1992	164
South Korea	1990	131
Russia	1991	87
Uruguay	1970	60
Algeria	1989	52
Uzbekistan	1995	51
Colombia	1969	45
Kazakhstan	2009	43
Tajikistan	1999	30
Nepal	1991	25
Turkmenistan	1997	23
Sri Lanka	1997	23
Democratic Republic of Congo	1976	21
Libya	1989	21
Angola	1992	19
Philippines	1989	19
Bosnia and Herzegovina	1995	17
Peru	1980	16
Cameroon	1984	15
Zambia	1984	15
Venezuela	1978	9
Panama	1977	8
Chile	1992	8
Ecuador	1969	7
Croatia	1995	7
Bulgaria	1992	7
Estonia	1991	7
Bolivia	1982	5
Paraguay	1995	5
Georgia	1994	5
Azerbaijan	2001	5
Togo	1988	5
Mexico	2002	4
Equatorial Guinea	1987	4
Turkey	2006	4
Dominican Republic	1978	3
Yugoslavia	2001	3
Romania	1993	2
Ivory Coast	1997	2
Central African Republic	1981	2
South Africa	2002	2
Nicaragua	1980	1
Sierra Leone	1996	1
Tunisia	2011	1

Table 3.6: HRC Petitions: Dichotomous Indicator (OLS)

	Model 1	Model 2	Model 3	Model 4
Repression: Physical Integrity Rights	0.002 (0.132)		-0.044 (0.148)	
Repression: Physical Rights Squared	0.110* (0.049)		0.118* (0.048)	
Repression: Civil Society		0.163+ (0.097)		0.166 (0.113)
Judicial Constraints	-1.111** (0.422)	-0.469 (0.517)	-1.200** (0.465)	-0.507 (0.564)
GDP (ln)	0.425*** (0.111)	0.424*** (0.102)	0.445*** (0.120)	0.449*** (0.114)
Population (ln)	-0.055 (0.163)	-0.070 (0.154)	-0.036 (0.173)	-0.078 (0.168)
War	0.178 (0.252)	0.256 (0.205)	0.295 (0.267)	0.346 (0.230)
Regional Option	-0.637** (0.225)	-0.578** (0.220)	-0.659** (0.245)	-0.573* (0.245)
Lagged DV	1.697*** (0.275)	1.699*** (0.268)	1.795*** (0.306)	1.802*** (0.301)
Constant	-10.542*** (1.462)	-10.399*** (1.556)		
Num.Obs.	1364	1364	1340	1340
AIC	1200.1	1199.0	1217.9	1217.8
BIC	1247.0	1240.7	1467.5	1462.2
Log.Lik.	-591.039	-591.496	-560.954	-561.895
FE: year			X	X

Standard errors are clustered by country.

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

Table 3.7: Physical Repression Latent Variable Uncertainty

	Model 1
Repression: Physical Integrity Rights	-0.006 (0.085)
Repression: Physical Rights Squared	0.095* (0.049)
Judicial Constraints	-1.119*** (0.293)
GDP (ln)	0.425*** (0.076)
Population (ln)	-0.057 (0.116)
War	0.207 (0.197)
Regional Option	-0.642*** (0.168)
Lagged DV	1.715*** (0.154)
Constant	-10.651*** (1.301)

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

Boostrapped standard errors, clustered by country.

Table 3.8: Logit Models for Robustness: Representation

	Model 1	Model 2
Repression: Civil Society	-0.445* (0.218)	
Repression: Information and Expression		-2.564** (0.860)
Num.Obs.	984	984
AIC	1283.2	1207.1
BIC	1292.9	1216.8
Log.Lik.	-639.576	-601.526

Standard errors are clustered by country.

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

Table 3.9: Logit Models for Robustness: Political

	Opposition	Opposition	Activist	Activist
Repression: Civil Society	0.473* (0.202)		0.395* (0.168)	
Repression: Information and Expression		2.059** (0.670)		1.977*** (0.578)
Num.Obs.	984	984	984	984
AIC	726.7	717.7	377.5	371.2
BIC	736.5	727.4	387.3	381.0
Log.Lik.	-361.339	-356.828	-186.742	-183.621

Standard errors are clustered by country.

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

Chapter 4

Naming and Shaming in the Human Rights Committee: Individual Petitions' Effect on Human Rights

4.1 Abstract

Can non-binding decisions by inter-governmental organizations improve respect for human rights? Much of the existing literature believes that international law has a limited effect, especially without enforcement mechanisms, in the countries where it's needed the most. Focused on repressive regimes, this paper analyzes petitions filed by victims of human rights abuse in the United Nations Human Rights Committee, the overseeing body of the International Covenant on Civil and Political Rights. As a form of naming and shaming, I theorize that Committee violation rulings may improve human rights when paired with civil society actors with the resources to publicize the findings to a global audience. I argue that petitions filed by individual victims serve as an effective personal frame, presenting a compelling and relatable narrative, and Committee rulings lend legitimacy to civil society's constant naming and shaming. This naming and shaming increases reputational costs for repressive regimes that are economically dependent on Western, liberal democracies. I use a multi-methods approach including quantitative analysis of aggregate measures of physical integrity rights and case studies focused on specific policies under contestation in the Committee. Leveraging an original dataset, I find that governments improve respect for the most severe abuses involving bodily harm immediately after violation rulings. These short-lived effects are driven by petitions where civil society actors are listed as representation and are only present in countries that are economically dependent on Western powers.

4.2 Introduction

Can non-binding decisions by inter-governmental organizations, without enforcement mechanisms, affect respect for human rights? Scholars have long been skeptical of international organizations' ability to effectively change state behavior without enforcement.¹ Specifically, many doubt the international human rights regime's ability to hold states accountable and improve human rights because of the lack of enforcement (see: Hafner-Burton and Tsutsui 2007; Hafner-Burton 2005; Hafner-Burton and Tsut-

¹ The enforcement approach is rooted in political economy and how actors can overcome the collective action problem (see: Tallberg 2002; Downs, Rocke and Barsoom 1996; Axelrod and Keohane 1985). The World Trade Organization's dispute resolution mechanism, for example, has been lauded as an example of increased enforcement increasing compliance.

sui 2005; Hathaway 2002) although this has garnered increased push-back with theoretical and empirical support (see: von Stein 2015; Simmons 2009; Neumayer 2005). Nonetheless, some of these international institutions seem to matter (see: DeMeritt and Conrad 2019; Vadlamannati, Janz and Berntsen 2018; von Stein 2005). I argue international organizations that publicize noncompliance without enforcement power can be effective when they can convince global audiences.

United Nations treaty body decisions are best conceptualized as a form of naming and shaming. Committee violation rulings on individual petitions can be an effective form of naming and shaming because of two key elements: (1) personal framing and (2) third-party legitimacy. Petitions detail specific, personal instances of abuse that serve as an effective frame. Personal narratives are convincing, relatable, and resonate with global audiences more than aggregate descriptions. Second, Committee bodies' more objective nature lends legitimacy and credibility to civil society's constant naming and shaming. Civil society actors play a crucial role in finding and assisting victims, lowering their costs of participation (Schoner 2022a). They continue by publicizing Committee rulings, which increase attention on repressive governments and harm a state's reputation. Therefore, I expect Committee violation rulings to improve respect for rights under consideration, especially when individuals have legal representation. Additionally, these treaty bodies' violation rulings increase reputational costs for repressive regimes that are economically dependent on Western, liberal democracies.

This paper uses a multi-method approach to analyze the UN Human Rights Committee (HRC), the overseeing body of the International Covenant on Civil and Political Rights. I focus on a subset of countries, repressive regimes, who routinely violate the treaty provisions. Naming and shaming works differently in repressive countries, and I am interested in changes in repression in repressive regimes. In countries that have high respect for human rights, domestic actors (including coalitions of non-governmental organizations) are most likely to pressure the government to remedy these issues. Because repression is strategic and accrues benefits to the regime, repressive governments require costs to be imposed to change behavior. In these cases, pressure is likely to come from both domestic and international actors. Prior findings are largely driven by countries with high respect for human rights, and these repressive countries are where international organizations have the most potential to change behavior. Therefore, I exclude countries with high respect for physical integrity rights at the time of ratifying the

ICCPR's Optional Protocol, which allows for individual petitions.

Using original data on individual petitions in the HRC, I disaggregate human rights into the specific rights under contestation. The quantitative analysis focuses on physical integrity rights broadly, and case studies, including interviews with civil society actors, examine specific government policies. I find that violation rulings are associated with improved respect for human rights although this correlation fades over time. The results are driven by petitions with third-party legal representation, highlighting the importance of civil society actors. Moreover, the empirical analysis demonstrates the importance of reputation concerns based on relevant audiences as the main effect is driven by states that are economically dependent on the European Union and the United States.

This work improves our understanding of the effectiveness of naming and shaming in international relations, and the conditions under which it can improve human rights. Scholars debate whether naming and shaming is effective as some find positive effects (DeMeritt 2012; Krain 2012), negative effects (DeMeritt 2012; Hafner-Burton 2008), or state scope conditions (Hendrix and Wong 2013; Murdie and Davis 2012; Wright and Escribà-Folch 2009). Further, naming and shaming can affect different human rights differently as governments seek to appease criticism while maintaining the benefits of strategic repression (DeMeritt 2012; Hafner-Burton 2008). I discuss how UN treaty bodies possess unique characteristics, but these findings apply to the wide variety of types of naming and shaming by a variety of global actors.

This paper shows that quasi-judicial international institutions, those unable to enforce legally binding decisions, can nonetheless affect state behavior. Repressive regimes selectively allow this additional monitoring when they perceive the ability to avoid the costs (Schoner 2022*b*), and individual victims face high costs of participation (Schoner 2022*a*). While some governments ignore these petitions, the findings here suggest that this costly participation can be effective. Importantly, victims of abuse and civil society can interact within inter-governmental organizations to affect state behavior. Understanding the conditions under which petitions can lead to improved respect for human rights is crucial for advancing human welfare and realizing the role international institutions play.

4.3 UN Treaty Bodies

Committee bodies monitor the implementation of United Nations human rights treaties. Committees have two main tasks: viewing states' regular reports and reviewing individual petitions (also referred to as communications or complaints).² The former is the main, time-intensive role of the Committees, examining periodic reports, addressing concerns, and making recommendations to states in the form of "concluding observations." Additionally, all core UN human rights treaties have an individual petition mechanism.³

States allow individual petitions to each treaty on a state-by-state basis. For the International Covenant on Civil and Political Rights, states ratify its First Optional Protocol to allow victims of human rights violations to submit complaints to the overseeing Human Rights Committee. After a state ratifies the Optional Protocol, any individual can file a complaint alleging that the government has violated a treaty provision. Common in international law, complaints must be focused on violations *after* ratification. Victims themselves must be involved in the process, submitting the complaint unless there is reasonable justification: the main victim is missing, detained, dead, or they have given explicit permission with reasoning for another to file on their behalf. Civil society actors are often involved, listed as legal representation on the submission.⁴

This paper focuses on the Human Rights Committee, but the theory applies to all UN monitoring bodies. The International Covenant on Civil and Political Rights is one of the broadest treaties, covering a range of rights, including freedom from torture, the right to a fair trial, the right to family, and freedom from discrimination. Almost all countries have ratified the ICCPR, and more governments allow complaints in the HRC than any other treaty body. Since the ICCPR and its First Optional Protocol were open for ratification in 1966, over three thousand petitions have been filed, the most of all treaties.

Before discussing what effect these petitions and Committee violation rulings may have on state repression, we must understand selection: (1) when and why do governments allow this additional over-

² Committees are also able to consider inter-state complaints. There have been none filed in the Human Rights Committee. In 2018, three inter-state complaints were submitted to the Committee on the Elimination of All Forms of Discrimination, the first such communication across all treaties.

³ The individual petition mechanism for one of these bodies, the Committee on Migrant Workers, has not yet entered into force.

⁴ For more information about the HRC Membership and the process of filing petitions, see the Appendix.

sight, inviting this criticism, and (2) when and why do victims of human rights abuse file petitions? Schoner (2022*b*) analyzes why repressive regimes allow human rights petitions, drawing attention to their blatant violations of treaty provisions. Schoner argues that repressive regimes face international incentives to signal their commitment to the European Union, a global power with a strong and continued interest in the global human rights regime. These governments, however, face domestic costs and only bind themselves to agreements that will not be enforced domestically, when there are few institutional constraints on the executive. Empirically, she finds that repressive regimes are more likely to ratify the ICCPR-OP allowing individual petitions when they are trade dependent on the EU while facing lesser institutional constraints, both legislative and judicial.

Once these repressive regimes selectively allow petitions, why do individual victims file human rights petitions in international law against repressive regimes? Schoner (2022*a*) details the high costs of participation victims face, including retaliation from the government. If mistreated, political individuals and civil society organizations file petitions as part of their broader mobilization efforts to improve human rights. This paper continues analyzing petitions filed in the Human Rights Committee, testing for any effect of these mobilization efforts. Civil society plays a crucial role in subsidizing the costs of individual participation, both information costs and the fear of retaliation, and their involvement does not stop at filing. I argue that civil society organizations continue to publicize these petitions and subsequent violation rulings, using the HRC to add legitimacy and credibility to their naming and shaming.

4.4 Committee Violations as Naming and Shaming

Here, I discuss the Human Rights Committee as a forum for naming and shaming, situating this paper within the broader literature and detailing the unique aspects of individual petitions. Committee violation rulings name and shame governments for failing to respect the rights they committed to in the treaty. Similar to human rights courts, the Committee (in part) focuses on individual cases rather than more aggregate government behavior. Unlike courts, quasi-judicial Committee bodies lack any enforcement. I expand on the large naming and shaming literature focused on both inter-governmental and non-governmental actors, highlighting the role civil society actors play, serving first as representation on

complaints then publicizing the case, increasing pressure on the government to improve respect for human rights.

Scholars first focused on naming and shaming by NGOs, finding mixed effects. Hafner-Burton (2008) states, “The evidence shows that naming and shaming is not all cheap talk,” (690) but it can improve, worsen, or have no effect on government abuses. Increasingly, scholars have broadened the view of naming and shaming to include not just human rights advocacy organizations (Park, Murdie and Davis 2021; Hendrix and Wong 2013; Meernik et al. 2012; Murdie and Davis 2012) but also inter-governmental organizations including UN treaty bodies (Kahn-Nisser 2019, focused on concluding observations country reports), the Universal Periodic Review (Terman and Voeten 2018), the International Labor Organization (Koliev and Lebovic 2018), and the UN Human Rights Council/Commission (Vadlamannati, Janz and Berntsen 2018; Ausderan 2014; DeMeritt 2012; Lebovic and Voeten 2009, 2006). Some scholars argue any effects of naming and shaming are conditional on domestic politics, including regime type (Hendrix and Wong 2013) and type of dictatorship (Wright and Escribà-Folch 2009). Committee rulings on individual petitions are unique among these organizations for the following reasons:

1. States voluntarily delegate this authority (not universal jurisdiction).
2. Individuals initiate this process in inter-governmental organizations (rather than state to state or NGO shaming of states).
3. The content is focused on individuals and specific instances of violations rather than aggregate behavior.

As with all forms of naming and shaming, Committee rulings reveal information, publicizing poor behavior by governments for failing to respect human rights. This information can then be used by “stakeholders and broader civil society to reveal and criticize discrepancies between the conduct of governments and their projected self-images” (von Staden 2018, 350). I argue there are two key components to human rights petitions and subsequent violation rulings: (1) petitions serve as an effective personal frame, focusing on specific victims of abuse, and (2) the Committee serves as a third party, international actor and provides legitimacy to civil society calls for change.

4.5 Theory

How do petitions filed in the Human Rights Committee, one UN treaty monitoring body, affect respect for human rights? Committee violation rulings increase the international salience of abuses, and this increased salience leads to pressure on repressive governments. Violation rulings are particularly salient because of their (1) personal frame and (2) increased legitimacy from a (relatively) objective international institution. This increased salience can pressure some governments to improve respect for human rights when civil society actors publicize these rulings and when governments are concerned about their international reputation. Specifically, I argue economic dependence on Western, liberal democracies increases pressure on governments to improve respect for human rights. I discuss how this effect is likely short-run and the possibility of strategic substitution.

It is important to consider the selection into this stage, detailed earlier, where there is the potential for retaliation for filing complaints. Although retaliation does occur, this grounded fear is most important and effective as a deterrent for victims filing, without actual repression (Schoner 2022a). There is an inherent tension here, analyzing the effect of these petitions and Committee rulings on respect for human rights: they may be an increase in repression after filing (targeted, personal retaliation) compared to a decrease associated with naming and shaming, which I theorize below.

I argue that improvement in respect for human rights is most likely not after *filing* a petition (although this is a possibility I test for) but after *violation rulings*. Committee Views are, on average, published four years after the communication is submitted (with large variation). Any targeted retaliation is likely to occur in this period and thus should not greatly affect the theoretical or empirical analysis of violation rulings. Further, any targeted retaliation is small and rather unlikely to be picked up in aggregate measures.

This leads to the question of the conceptualization of respect for human rights and compliance. The current theory and empirical analysis are focused on broad respect for human rights. I consider compliance with treaty provisions at large rather than individualized, targeted remedies. Targeted remedies are important to study as well but are more limited in scope (which has current data limitations to be discussed in the research design). Future steps in this research agenda will expand to consider both broader

and targeted compliance. Governments strategically substitute repressive tactics (Dragu and Lupu 2021; DeMeritt and Conrad 2019; Payne and Abouharb 2016; Lupu 2013), so analyzing only targeted remedies may miss an important component.

4.5.1 Personal Frames

Research across fields shows that “personal narratives appear to be the most consistently successful, increasing individuals’ knowledge on the issue, their emotional reaction to the issue, and as a consequence, leading them to reject the practice and participate in a campaign to remand its cessation” (McEntire, Leiby and Krain 2015, 421).⁵ Human rights groups regularly focus on narratives and storytelling, carefully crafting the most compelling narrative strategies for their campaigning and advocacy. Open Global Rights published an article on “Be the narrative: How embracing new narratives can revolutionize what it means to do human rights.”⁶ Similarly, Human Rights Funders Network discusses storytelling and how “Stories Help Human Rights.”⁷ Large, well-known, international IGOs like Amnesty International and Human Rights Watch regularly publicize individual victims of human rights abuse in their campaigns. Amnesty International publishes lists of political prisoners and has successfully launched writing campaigns to free imprisoned persons.

Schaffer and Smith (2004) detail the history and usage of narratives in human rights advocacy, including the importance of trauma, traumatic remembering, and the Holocaust. Discussing the commodification of narratives of suffering on the global market, they discuss the commodification of narratives of suffering on the global market, where “publishers and media conglomerates recognize that stories of suffering and survival sell to readers” (12). Human rights advocacy groups strategically use this powerful device: “In the midst of the transits that take stories of local struggle to readerships around the world, NGOs and activists enlist stories from victims as a way of alerting a broader public to situations of human rights violations. They also solicit and package stories to attract readerships” (14). These narratives sometimes serve as “lightning rods in rights campaigns” (16) with the potential for great efficacy (although the

⁵ See also McEntire, Leiby and Krain (2017); Small, Loewenstein and Slovic (2007).

⁶ Gomez, Krizna and Thomas Coombes. “Be the Narrative: How Embracing new narratives can revolutionize what it means to do human rights.” Webpage

⁷07 November 2013. In Focus: Storytelling and Social Change: How Stories Help Advance Human Rights Webpage

author discusses the limitations such as depersonalization through recontextualization).

Petitions give a name and face to broader repression, forming powerful, personal narratives. Individual petitions complement and expand on other forms of mobilization by civil society actors and may effectively pressure repressive governments to change.

4.5.2 Third-Party Legitimacy

I argue that the involvement of a UN treaty body provides third-party legitimacy to civil society's calls for naming and shaming. There is no shortage of scholarly work on the legitimacy of international institutions, including the UN human rights treaty bodies. In addition to theoretical discussions of legitimacy challenges to international institutions (Ulfstein 2018; Alter and Helfer 2013; Carrubba and Gabel 2013; Danner 2003), recent work has increasingly focused on elite and public opinion (Dellmuth et al. 2021; Chapman and Chaudoin 2020). Here, I do not argue about the legitimacy of the UN human rights bodies (see Ulfstein 2018, for discussion of the variety of legitimacy challenges the HRC and other Committees face).⁸ I use a popular definition of legitimacy to be synonymous with validity, presented with justification, rather than a more common political science definition of the belief that authority is appropriately exercised within established institutional arrangements (Kentikelenis and Voeten 2021; Tallberg and Zürn 2019). Instead, I argue that the Committee bodies are seen as *more* objective and credible than victims of human rights abuse or their representation. This relative objectivity provides legitimacy, *i.e.* Committee rulings provide evidence and justification to civil society's calls for change. The relevant comparison here is the calls for change by the victim(s) and any third-party representation *without* any Committee ruling.

The involvement of a non-aggrieved actor helps validate claims of wrongdoing and calls for change. There is an important distinction between the violations themselves and these Committee rulings, as Park, Murdie and Davis (2021) detail shame in international politics: "It is the public condemnation of human rights violations, rather than the violations themselves, that matter for third-party actions" (173). While civil society groups can use petitions as a focal point for their campaigns, Committee violation

⁸ Future research can explore the perceived legitimacy of treaty bodies, although this faces challenges because these institutions are not well-known.

rulings make these campaigns more powerful. Committee violation rulings, therefore, should have more substantial effects than petitions.

UN naming and shaming is more powerful than NGO shaming (Esarey and Demeritt 2017, who analyze bilateral aid flows rather than respect for human rights). Thus far, scholars have focused on the political nature of UN inter-governmental organizations such as the UN Commission on Human Rights (Esarey and Demeritt 2017; Lebovic and Voeten 2009, 2006) and Universal Periodic Review (Terman and Byun 2022; Terman and Voeten 2018), exploring how global politics affects inter-governmental naming and shaming and the effects this may have on state behaviors, especially aid flows. Here, I shift the focus to a less politicized IGO, UN treaty bodies, and argue that their more objective nature lends credibility and legitimacy to NGO naming and shaming. The Committee rules upon the evidence presented to the body of experts and produces a View, which often, but not always, condemns governments and demands change.

H1 *Violation rulings* will increase respect for human rights.

4.5.3 Civil Society

Civil society organizations play a key role in broader mobilization and publicity efforts and the importance of reputation. Schoner (2022a) highlights the central role civil society actors play in subsidizing costs to individuals, informing them of this remedy, and protecting them from potential retaliation. Their involvement, however, does not end when the Committee produces a View. These organizations use petitions as part of their broader mobilization efforts, publicizing the petitions filed and the Committee's subsequent rulings.

Depending on the type and scale of the organization, they may post this information on their website, release reports, hold press conferences, and/or network with other organizations and activists. They release this information to the media, both domestically and internationally, and offer interviews to those interested. Additionally, civil society actors send this information to other actors, including other IGOs, powerful states and organizations such as the United States and the European Union, and larger, more well-known organizations such as Amnesty International. The Collectif des Familles de Disparus en Algérie (CFDA) is an NGO focused on achieving truth and justice for the families of the disappeared. The

CFDA has filed 15 communications in the Human Rights Committee concerning the enforced disappearances committed in the 1990s. In addition to their international legal filings, they advocate in a variety of domestic and global institutions. The CFDA regularly advocates in the European Parliament, European Council, and the European Commission as well as UN bodies in Geneva. Additionally, they attend the African Commission on Human and Peoples' Rights and events such as the World Social Forum.⁹

H2 Violation rulings' effect on human rights will increase with involvement of *civil society actors*.

4.5.4 Reputation Concerns

Naming and shaming relies on an audience; actors must care about the norm violations. Committee violation rulings increase reputational costs to governments for continuing to violate human rights. Krain (2012) discusses how naming and shaming of the most severe human rights abuses can effectively pressure for change:

Naming and shaming should force perpetrators to reduce the severity of these ongoing atrocities [genocide or politicide] in order to shift the spotlight, save their reputation, reframe their identity, maintain international legitimacy and domestic viability, and ease pressure placed on them by states or IOs.

Thus far, I have discussed the pressure civil society places on the government to change behavior. The government is also a strategic actor. How do human rights petitions and subsequent Committee violation rulings affect the government's repression calculus? I consider the costliness of this form of naming and shaming for repressive regimes and discuss how states respond to improve their reputation, maintain domestic power by reducing domestic challenges, and redirect focus.

This pressure may cause some states to alter behavior out of shame rather than longer-term norm adoption (Risse, Ropp and Sikkink 2013). Petitions bring negative attention governments would rather avoid, all else equal. Reputational costs increase with media coverage and both international and domestic pressure, highlighting the importance of organizations with resources for a broader publicity effort. Different states may be more responsive than others, dependent on democratic institutions or reliance on foreign actors. Petition violation rulings, with their effective personal frame and increased credibility,

⁹ Collectif des Families de Disparus en Algérie: Plaidoyer (*Advocacy*)

are fuel for domestic actors to use in challenging the regime and can be used to question the legitimacy of the government. Governments are threatened when powerful domestic actors use effective ways to mobilize their base and potentially attract new supporters. Additionally, international actors may pressure the regime to improve respect for human rights.

Petitions, especially with the increased legitimacy from violation rulings, may question the legitimacy of the regime. Petitions, with their increased efficacy detailed above due to their personalized nature, are fuel for domestic actors to use in challenging the regime. Governments are threatened when powerful domestic actors use effective ways to mobilize their base and potentially attract new supporters. Additionally, international actors may pressure the regime to improve respect for human rights after the petitions' publicity. Different states may be more responsive to either domestic or foreign actors, dependent in part on democratic institutions and economic structure.

I argue that economic dependence is one important pathway demonstrating the importance of reputation. Schoner (2022*b*) shows that trade dependence on the European Union incentivizes repressive regimes to ratify the ICCPR-OP allowing individual petitions. I extend this theory and argue that repressive regimes that are economically dependent on Western, liberal countries are more likely to alter their behavior and improve respect for human rights. Not all global actors are concerned about reputation for respecting human rights, but Western powers make human rights (alongside democracy and good governance) core components of their foreign policy. Schoner (2022*b*) focuses only on economic ties with the European Union because of the United States' skepticism of the global human rights regime, particularly institutions with high legalization. Committee violation rulings, however, are a form of naming and shaming that both the EU and US are likely to be concerned with. Therefore, I hypothesize that HRC violation rulings will improve respect for human rights in countries that are economically dependent on either the US or EU, the two major powers of which I refer to collectively as "Western, liberal states."

H3 Violation rulings' effect on human rights will increase when countries are *economically dependent on Western, liberal states*.

The state has options in considering how to save its reputation, deter domestic challenges, and minimize foreign disapproval. The government can respond to the Committee violation in many ways,

addressing: (1) the specific individual's situation and providing a personal remedy, (2) the specific policies under contestation, and (3) the rights under contestation more broadly, with or without altering the relevant policies. For example, if an individual files a complaint against a government for torture, the government can respond by (1) remedying the individual's case, (2) changing the torture policy, improving torture practices for the foreseeable future, or (3) improving respect for physical integrity rights, including torture and/or killings, or other political or civil liberties. Governments strategically substitute repressive tactics (Dragu and Lupu 2021; DeMeritt and Conrad 2019; Payne and Abouharb 2016; Lupu 2013; Hafner-Burton 2008), so if a policy under contestation is considered too costly to change, the regime may decide to improve respect for human rights to improve their reputation while limiting costs.

To summarize, the theory presents the following hypotheses:

Hypotheses:

H1 *Violation rulings* will increase respect for human rights.

H2 Violation rulings' effect on human rights will increase with involvement of *civil society actors*.

H3 Violation rulings' effect on human rights will increase when countries are *economically dependent on Western, liberal states*.

4.6 Research Design

Following Schoner (2022b, a), I focus on a subset of the human rights detailed in the International Covenant of Civil and Political Rights: physical integrity rights. In future research, I plan to broaden this to include other freedoms and liberties. I begin by defining the repressive sample, measured by respect for physical integrity rights at the time of Optional Protocol ratification. Leveraging original data on petitions in the HRC detailing the nature of the (alleged) violations, relevant dates, and Committee decisions, I present a multi-method research design. First, I analyze physical integrity rights in a cross-national quantitative analysis. I pair this statistical analysis with qualitative plausibility probes in Algeria and Belarus. Finally, I discuss alternative explanations and analyze naming and shaming by other actors.

4.6.1 Repressive Sample

I measure repression at the time of Optional Protocol ratification using a latent measure of respect for physical integrity rights from Fariss (2014); Schnakenberg and Fariss (2014), where higher values indicate greater respect. Countries enter the sample at the time of OP ratification, if they have a value below 0.1, continuing prior analysis of repressive countries' decision to ratify the Optional Protocol (Schoner 2022*b*) and victims' decisions to file petitions (Schoner 2022*a*). I use 0.1 as a threshold for repression; states with a latent measure below 0.1 are considered "repressive." Because this is an arbitrary threshold, previous work explores the minimal changes to the sample and initial results with threshold adjustments. This threshold aims to capture those with low and medium respect for human rights, excluding those countries with high respect for human rights. Figure 4.1, where each line represents a country, shows the large heterogeneity in this sample. Many countries do greatly improve respect for human rights over the decades after ratification. For example, South Korea meets the definition of repressive when it ratified the OP in 1990 but later democratizes and significantly improves human rights. Similarly, Uruguay, Estonia, and Croatia all contemporaneously have high respect for human rights although they were considered repressive at the time of OP ratification.¹⁰

I restrict the sample based on the dependent variable because there are heterogeneous treatment effects for states with high respect for human rights and those with low or medium respect. This paper is only interested in these low- and middle-respect countries. Moreover, current data for Committee violation rulings are only available for this sample, not the full, global sample. States drop out of the sample if and when they surpass this threshold, 0.1, for three consecutive years. Once states reach this threshold, I consider them in the "high" respect category, and they thus drop out of the sample because I am interested in estimating treatment effects for low and middle respect countries. I note this removes the uncommon possibility of improving above this threshold but reverting. 31 countries improve respect for human rights above 0.1 for at least one year, and 26 countries improved for at least 3 consecutive years, exiting out of the sample. For robustness, I present the analysis for the full sample (no countries exit), shown in Tables 4.6 and 4.7.

The sample includes 56 repressive countries beginning the year of their ICCPR-OP ratification,

¹⁰ Uruguay ratified the ICCPR-OP in 1970, Estonia in 1991, and Croatia in 1995.

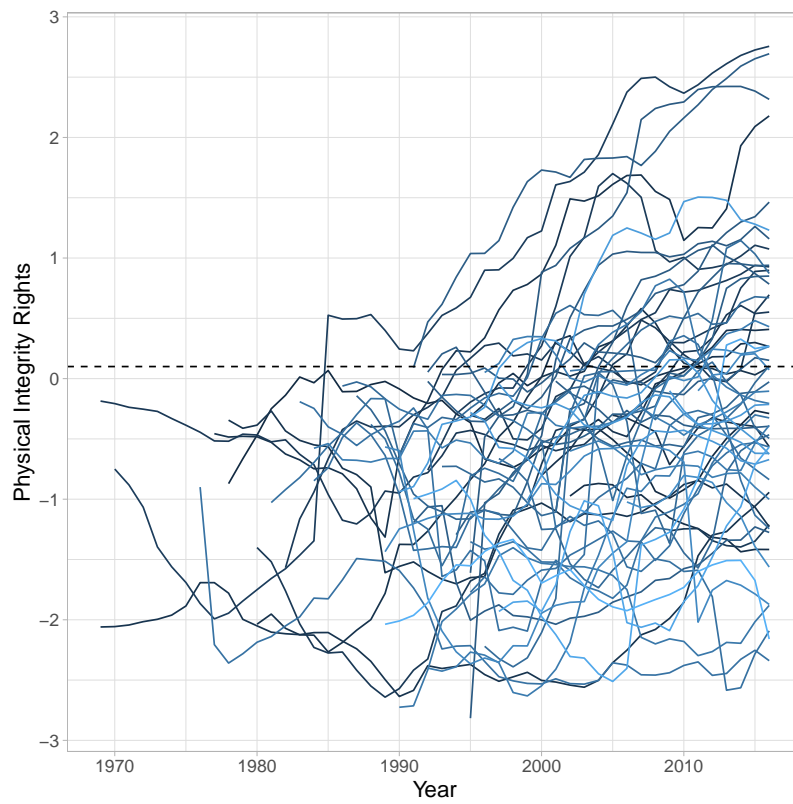


Figure 4.1: Physical Integrity Rights Panel

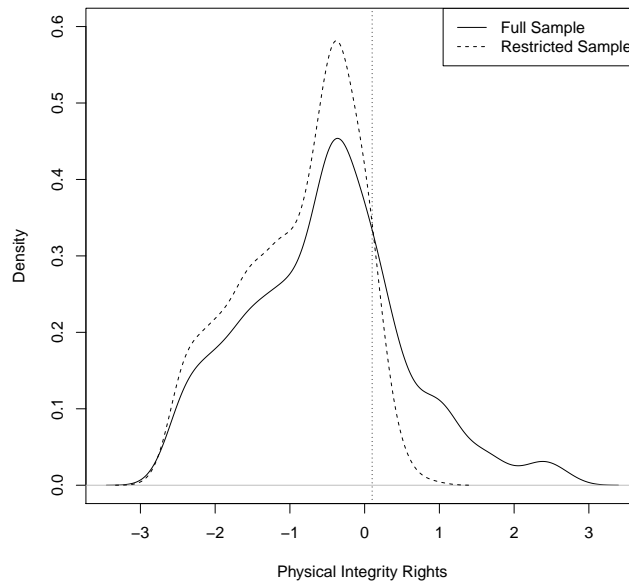


Figure 4.2: Distribution of the Dependent Variable

ranging from 1969 to 2011, through 2016, and the unit of analysis is country-year. I restrict the sample through 2016 to account for the average length of time (4 years) from submission to the Committee’s Adoption of Views, which is when they release the communication to the public. These data, updated in May 2021, have Committee Views through the end of 2016. Countries are in the sample for an average of 21 years.

4.6.2 Dependent Variable

The dependent variable of interest is respect for physical integrity rights, capturing an aggregate measure of related rights including torture, extrajudicial killings, and enforced disappearances. I use this aggregate measure given current data limitations and supplement it with qualitative work to disaggregate the rights and policies.¹¹ Figure 4.2 shows the distribution of the dependent variable for both the full representative sample and the restricted sample of interest, where countries exit after improving repressive practices. The DV ranges from -2.82 to 2.76 with a mean of -0.54 and a standard deviation of 1.07 .

¹¹ Data under development from von Staden and Ullmann (2021) focused on specific remedies is of particular interest in future research.

4.6.3 Explanatory Variable

The key explanatory variable is Committee violation rulings. These come from an original dataset of 984 petitions filed against 44 repressive countries (12 have had no petitions filed against them in the Committee), introduced in Schoner (2022a). These data include details of the alleged violation, individual characteristics of the victim, third-party representation listed, Committee Views, and dates of submission and Views. These data allow me to distinguish the rights under contestation for each submitted complaint. Many petitions include allegations of a variety of rights violations, and I code a petition as “physical integrity” if a physical integrity right is listed as one of the alleged violations. Table 4.1 shows the number of total Views from the HRC against each state, the number of violation rulings, and the number of violation rulings on physical integrity rights. The full data, without countries exiting with rights improvement, is shown in Appendix Table 4.4. The data are skewed, with most countries (and thus most country-years) without any petitions filed or rulings, and the statistical analysis is robust to excluding key outliers. Most petitions result in violation rulings: 78% of all submissions result in violation rulings, and 65% of physical integrity petitions result in violation rulings.

The first statistical model includes contemporaneous count variables for physical integrity rights violation rulings for each country-year.¹² The maximum value of PI violation rulings in a given country-year is 8: Uruguay (1981), Uruguay (1983), and Algeria (2013). I also run a model with PI petitions filed in a given year. The maximum value of PI petitions for a country-year is 10: Uruguay (1981), Algeria (2008), and Turkmenistan (2012). The first statistical model includes contemporaneous variables, capturing a simultaneous relationship among the variables within a given year. It is reasonable to measure the variables in the same year given the Committee’s expectation for a quick response from the State party. The end of each violation ruling produced ends with the following:

Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant... the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee’s Views. The State party is also requested to publish the present Views to have them widely disseminated in the official languages of the State party.

¹² The main results are robust to a dichotomous indicator rather than a count variable.

Table 4.1: Violations in the Human Rights Committee: Restricted Sample

Country	Views	Violation Rulings	Physical Integrity Violations
Belarus	122	104	17
Russia	64	33	19
Uruguay	49	40	34
Uzbekistan	43	36	29
Colombia	36	19	10
Algeria	27	25	24
Tajikistan	25	22	21
Democratic Republic of Congo	21	18	14
Libya	21	20	18
Sri Lanka	21	16	12
Turkmenistan	17	16	15
Philippines	17	13	10
Peru	15	14	10
Zambia	15	10	8
Cameroon	11	9	6
Kazakhstan	9	7	3
Nepal	9	9	9
Panama	8	2	0
Ecuador	5	5	4
Georgia	5	5	5
Togo	5	4	1
Venezuela	4	3	1
Chile	4	0	0
Azerbaijan	4	3	2
Equatorial Guinea	4	4	4
South Korea	4	3	0
Dominican Republic	3	3	2
Bolivia	2	2	2
Croatia	2	1	1
Bulgaria	2	0	0
Côte d'Ivoire	2	1	1
Central African Republic	2	2	1
Angola	2	2	2
South Africa	2	1	1
Turkey	2	2	0
Mexico	1	0	0
Nicaragua	1	1	1
Paraguay	1	1	0
Yugoslavia	1	1	0
Sierra Leone	1	1	0
Tunisia	1	0	0
Guatemala	0	0	0
Honduras	0	0	0
El Salvador	0	0	0
Brazil	0	0	0
Bosnia and Herzegovina	0	0	0
Romania	0	0	0
Estonia	0	0	0
Niger	0	0	0
Guinea	0	0	0
Chad	0	0	0
Republic of Congo	0	0	0
Uganda	0	0	0
Somalia	0	0	0
Djibouti	0	0	0
Malawi	0	0	0

The Committee meets multiple times a year, and my data include the exact date, allowing for careful qualitative analysis.

I expect any effects to be short-term because of short-lived media cycles, where the core mechanism is civil society advocacy and publicity. Media cycles, both domestic and international, move quickly and focus on the day's news and abuses. Because respect for human rights is a sticky measure, improvement may be within the same year or the following year. I do not expect this to have a long-last effect because short-term improvement appeases critics while minimizing costs. I include a contemporaneous measure of PI violation rulings as well as lags for one, two, and three years to measure for lasting effects.

To test *Hypothesis 2* concerning civil society involvement, I use an indicator of whether each petition has listed third-party representation. I separate PI violation rulings into two separate variables: (1) petition has listed representation and (2) petition has no representation listed. 62% of violation rulings concern petitions with third-party involvement. Listed represented may be a human rights organization such as Track Immunity Always (TRIAL International, based in Geneva, Switzerland), World Organization Against Torture (also based in Geneva), or Kazakhstan International Bureau on Human Rights and Rule of Law. Alternatively, representation may be a single individual. This often is a staff member from such an organization (which may not be easy to determine from publicly available information), an individual lawyer, or a law firm. These lawyers generally cannot publicize the rulings like civil society organizations, but often there is an organization behind the scenes. For example, numerous lawyers including Shane H. Brady and André Carbonneau represented the many petitions filed by Jehovah's Witnesses. All JWs filing complaints are represented by counsel, and these two lawyers (who represented the majority of submissions) are at the same Canadian law firm: W. Glen How & Associates LLP. There is surely some JW organizational power behind this, so only indications of lawyers and not organizations do not preclude the involvement of broader organizations with the ability to publicize the rulings and increase pressure on the regime.

For *Hypothesis 3*, I examine economic dependence on the European Union and the United States. Trade data (summing imports and exports) are taken from the International Monetary Fund's Direction of

Trade Statistics.¹³ After dividing trade by GDP, I log the ratio given the skewed distribution.¹⁴ Finally, I standardize these measures of trade dependence for a more intuitive presentation.

4.6.4 Quantitative Analysis

I run an OLS regression with clustered standard errors by country, a lagged dependent variable because past levels of repression significantly predict repression, country fixed effects, and a linear time trend. This specification helps address heteroskedasticity and autocorrelation. The presence of civil society has been strongly linked to respect for human rights (see: Chaudhry and Heiss 2022; Wong 2012; Keck and Sikkink 1998), and this theory discusses how civil society helps publicize Committee rulings and increase pressure on repressive governments to improve repression. I include a measure of domestic civil society, which has its limitations given the importance of international actors (which is better captured in the listed representation on individual petitions). I include a measure of civil society in all models, using Varieties of Democracy's (V-Dem) civil society index which asks, "How robust is civil society?" (Coppedge et al. 2017; Pemstein et al. 2017).¹⁵ I include controls standard in the literature: judicial independence (Staton et al. 2019; Linzer and Staton 2015), war (civil or international), (logged) population, and (logged) GDP.¹⁶ The Appendix includes models with year fixed effects in Table 4.9 with similar results. I also present a first difference model where the dependent variable is the change in physical integrity rights in a given country-year, and Table 4.10 shows the results are robust to this alternative specification.

¹³ The European Union was not a political entity for the entire temporal sample. The IMF's Direction of Trade Statistics covers the following countries for all periods: Austria, Belgium, Belgium-Luxembourg, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, and the United Kingdom. Of these European countries, Bulgaria, Croatia, and Romania are in my repressive sample. The results are robust to excluding these three countries.

¹⁴ All economic data are adjusted to constant 2012 USD.

¹⁵ V-Dem provides the following clarification: "The sphere of civil society lies in the public space between the private sphere and the state. Here, citizens organize in groups to pursue their collective interests and ideals. We call these groups civil society organizations CSOs. CSOs include, but are by no means limited to, interest groups, labor unions, spiritual organizations if they are engaged in civic or political activities, social movements, professional associations, charities, and other non-governmental organizations. The core civil society index CCSI is designed to provide a measure of a robust civil society, understood as one that enjoys autonomy from the state and in which citizens freely and actively pursue their political and civic goals, however conceived."

¹⁶ I measure the presence of civil or international war from Gleditsch et al. (2002). I use World Bank Development Indicators for both population and GDP, logging both given their skewed distributions (World Bank 2015).

Table 4.2: Respect for Physical Integrity Rights

	Model 1	Model 2	Model 3	Model 4	Model 5
Physical Integrity Violations	0.021*	0.016+	0.009	0.009	
	(0.009)	(0.008)	(0.011)	(0.010)	
Physical Integrity Violations _{t-1}		0.014	0.001	-0.001	
		(0.012)	(0.015)	(0.017)	
Physical Integrity Violations _{t-2}			0.039	0.036+	
			(0.023)	(0.020)	
Physical Integrity Violations _{t-3}				0.014	
				(0.011)	
Physical Integrity Petitions					0.006
					(0.013)
Civil Society Index	0.197	0.198	0.250+	0.249+	0.194
	(0.137)	(0.136)	(0.132)	(0.134)	(0.138)
Judicial Independence	-0.127	-0.133	-0.255	-0.316	-0.123
	(0.231)	(0.228)	(0.212)	(0.208)	(0.233)
War	-0.229***	-0.229***	-0.211***	-0.209***	-0.230***
	(0.039)	(0.040)	(0.043)	(0.045)	(0.040)
Population (ln)	-0.245	-0.231	-0.310*	-0.328*	-0.262+
	(0.149)	(0.146)	(0.130)	(0.137)	(0.156)
GDP (ln)	0.038+	0.038+	0.054**	0.051*	0.037+
	(0.021)	(0.021)	(0.018)	(0.020)	(0.021)
Time	0.007*	0.007*	0.007*	0.007*	0.008*
	(0.003)	(0.003)	(0.003)	(0.003)	(0.004)
DV _{t-1}	0.857***	0.857***	0.884***	0.880***	0.858***
	(0.025)	(0.025)	(0.021)	(0.025)	(0.026)
N	992	992	939	889	992
R ²	0.944	0.944	0.949	0.950	0.944
R ² <i>ad justed</i>	0.940	0.940	0.946	0.946	0.940

All models include country fixed effects. Standard errors are clustered by country.

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

4.7 Results and Discussion

Table 4.2 shows the main results exploring the relationship between violation rulings on respect for physical integrity rights. As expected, robust civil society is correlated with increased respect for human rights. In support of my theory, I find that *violation rulings* in the HRC are associated with *increased* respect for these rights at standard levels of statistical significance. The contemporaneous variable has the lowest uncertainty (standard error), and this uncertainty increases with the lagged variables. This suggests that violation rulings do significantly improve respect for human rights in the short term, although the effect quickly fades. As a placebo test, I include a lead variable, testing if physical integrity violation rulings are associated with respect for human rights in the *previous* year. Shown in Appendix Table 4.8, I find no significant effect, as expected. In other words, future violations have no significant association with respect for human rights.

Additionally, only violation rulings, not filing petitions, are significantly associated with improved respect for human rights. An increase in the number of petitions filed in the HRC is *not* associated with any change in respect for PI rights. This lends support to the theoretical importance of the Committee's third-party legitimacy. Additionally, civil society actors likely focus their publicity efforts after the violation ruling, not at the time of submission.

The key independent variable, violation rulings, is statistically significant but substantively small. This variable does not explain a large amount of variation in the dependent variable. This is not surprising because repression is a complex political behavior with numerous input factors. However, *any* statistically significant change in respect for human rights is important. The dependent variable measures abuses including torture and extrajudicial killing, so a very small increase may reduce bodily harm and killings.

To test *Hypothesis 2*, I separate violation rulings on whether the alleged victim is represented by a third party. The results are shown in Figure 4.3 (with full table in Appendix Table 4.5). The significant relationship in the model is driven by violation rulings that list third-party representation. Rulings without a third party listed are not significantly associated with any change in repression. Next, I interact violation rulings with a measure of domestic civil society with the marginal effects shown in Figure 4.12 (full results are in Appendix Table 4.11). The interaction is not statistically significant, and there is no meaningful relationship between PI rulings, domestic civil society, and respect for PI rights. This is not surprising because of the variety of ways civil society can become involved. These third parties need not be domestic actors and are often international organizations (as mentioned before, many of which are located in Western Europe) that would not be picked up in this measure.

Next, I discuss the interaction between trade dependence and PI rulings. Figure 4.5 displays the marginal effects plots, and full results from the models are included in Appendix Table 4.11. In support of *H3*, I find that the positive effect of violation rulings on PI rights is driven by observations with higher trade dependence on both the EU and the US.

4.7.1 Qualitative Analysis

I supplement the quantitative analysis with a qualitative analysis of two countries: Algeria and Belarus. I use these two cases as illustrative, plausibility probes, which are particularly useful in combi-

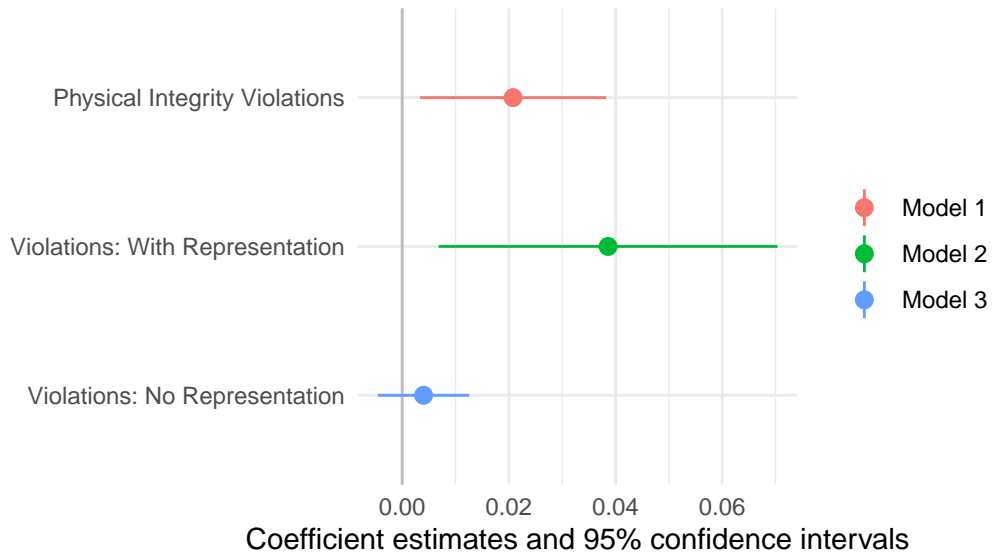


Figure 4.3: Violation Rulings by Representation

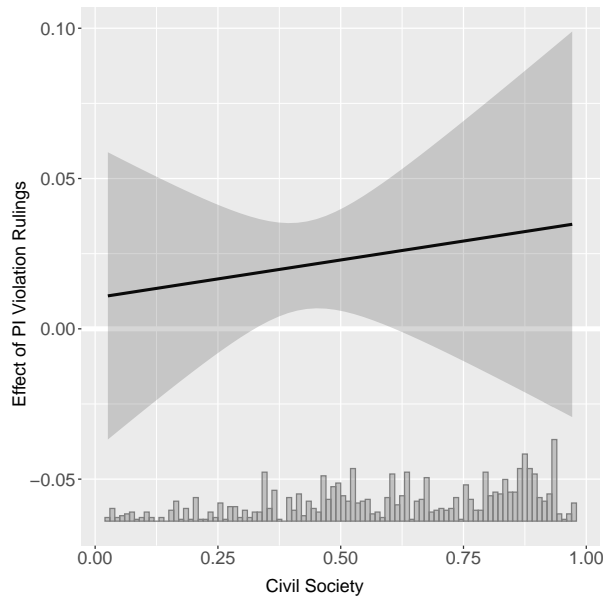


Figure 4.4: Violation Rulings and Civil Society

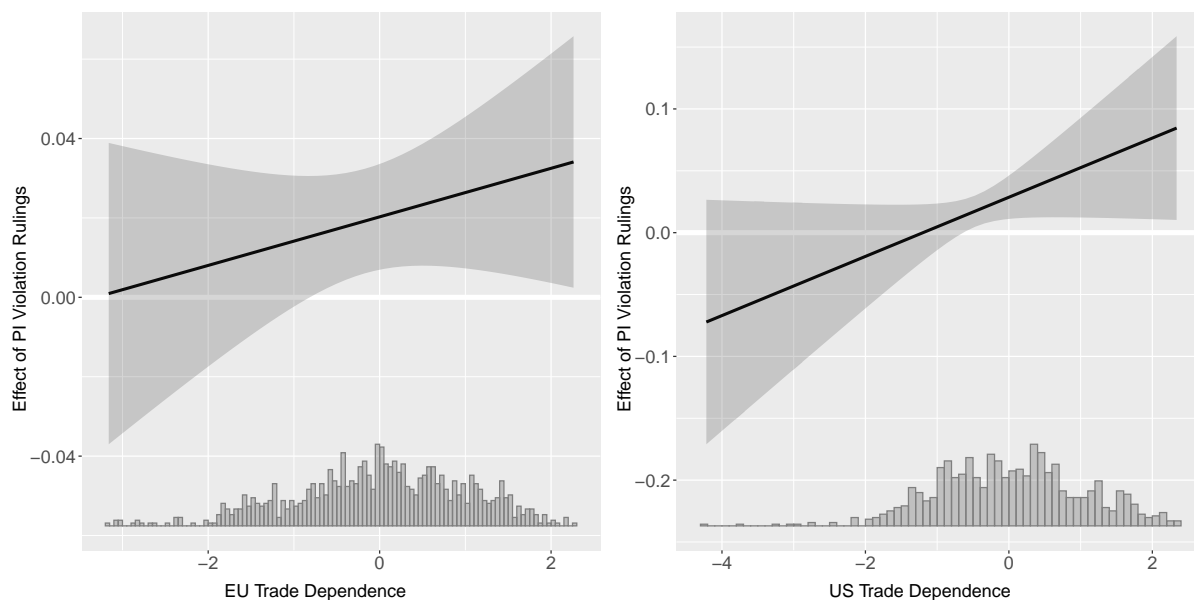


Figure 4.5: Trade Dependence

Note: The two figures have different y-axis markings.

nation with statistical analysis (Levy 2008). I seek to explore the plausibility of this theoretical argument and unpack the aggregate, quantitative data. Here, I am able to explore the mechanism, where Committee violation rulings, when publicized by third parties, increase negative attention to the repressive government and harm its reputation. Additionally, I disaggregate the physical integrity rights and analyze the policies under contestation in the Committee.

I choose Algeria and Belarus, two countries with extreme X values that are well explained by the model (low residuals). I avoid Uruguay, another country with high X values because of data limitations due to the timing of Uruguayan filings, concentrated in the 1980s. Algeria improved respect for human rights, in line with the number of PI violation rulings, while the dependent variable for Belarus remained constant over time, despite its many violation rulings. This provides important and interesting variation on the dependent variable.

Algeria ratified the OP in 1989 and exits the sample in 2013. Belarus remains repressive throughout the sample, from its ratification in 1992 through the end of the data in 2016. First, I discuss Algeria, which has the highest number of PI rights violations in the full sample (Table 4.4) and 24 PI violations in the sample of interest. Belarus has the greatest number of views in Table 4.1, and a small but not

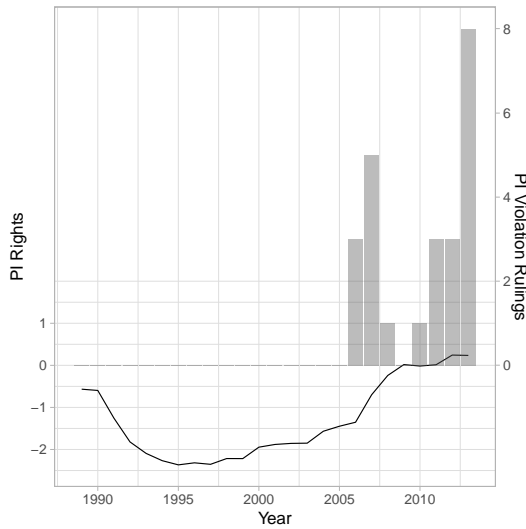


Figure 4.6: Algeria

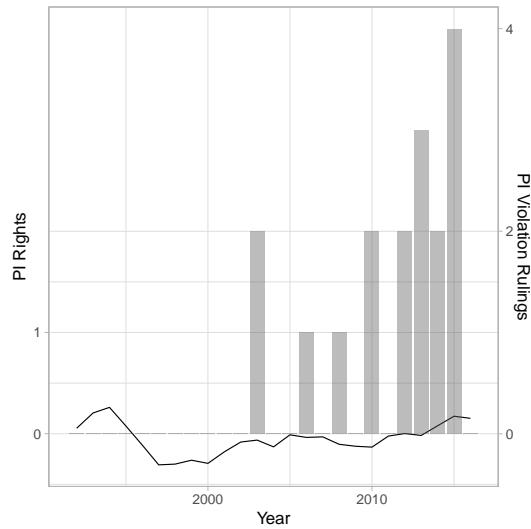


Figure 4.7: Belarus

Figure 4.8: Physical Integrity Rights and Committee Violation Rulings over Time

negligible portion are focused on physical integrity rights. These cases allow for exploration of variation among rights detailed in the ICCPR, PI rights specifically, and potential strategic substitution.

4.7.2 Algeria

Algeria improved respect for physical integrity rights in the 2000s, especially in the second half of the decade, which coincides with several Committee violation rulings. Figure 4.6 shows the dependent and independent variables over time. Low residuals indicate the model explains this variation well, but is it simply a trend driven by other factors and the lagged dependent variable? First, I unpack the dependent variable and explore what is driving this improvement in the data. Then, I use an interview and online sources to discuss the possible connection between violation rulings and improvement in PI rights.

From analyzing Amnesty International reports of Algerian human rights in the 2000s,¹⁷ the improvement in this decade seems to be due to, in part, a decrease in political killings. There was political violence over the years between the state and armed groups, with civilian killings decreasing. Figure 4.6 shows a general increasing trend with a large increase beginning in 2007. In 2006, “some 400 people were killed as a result of continuing violence, including dozens of civilians.” Similarly, in 2007, “More

¹⁷ Ref World. *Amnesty International* Webpage

than 300 people were reported to have been killed by either armed groups or government security forces during the year, including over 70 civilians.” In 2008 there was no mention of confirmed civilian killings in the political killings section of the report, and in 2009, political killings were no longer a component of the report. Instead, the 2009 report mentioned counter-terrorism, where terrorist groups were responsible for civilian killings and the government was responding in an appropriate military capacity.

Almost all (21) of the 24 PI violation rulings against Algeria concerned enforced disappearances from the civil conflict in the 1990s. Families of the disappeared are alleging violations of the right to life, freedom from torture, and the right to an effective remedy. Despite these many petitions, filed from 2000 through 2009, the government refuses to provide remedies, investigate the disappearances, provide information to the families, prosecute those responsible, or provide compensation to the families. All 24 of these petitions ruled upon before 2013 were represented by third parties. I discuss the role civil society played in publicizing these rulings and the attention it gathered, which might have pressured the Algerian government to improve respect for other rights that were deemed less costly, including lessening civilian killings in fighting terrorism.

Nassera Dutour, spokesperson for Collectif des Familles de Disparus en Algérie (Coalition of Families of the Disappeared in Algeria, CFDA), highlighted the importance of their broader advocacy networks and how the Algerian government values its reputation:

“Algeria has not followed or implemented any of the recommendations that were made by the Committee so far. The thing is, since these recommendations are public, they’re visible by all. So what we have seen, other associations have referenced those cases, the communications that have been made regarding Algeria. For example, referenced the Boucherf case in Algeria. That has been a problem for the Algerian government. They are very susceptible. They are very aware of their image, and they want to keep this image of being better than they actually are...Otherwise, the recommendations have not yielded much.”¹⁸

Despite the lack of remedies, CFDA does perceive these petitions have an effect. She was happy to share that the continued filings and responses in the Human Rights Committee “continues to annoy Algeria as much as possible,” and “The Algerian government gets angry.” CFDA strategically advocates and publicizes these rulings to a broad audience. An Al Jazeera article (Osman 2021) recently summarized the work CFDA and other organizations have done in the Committee:

¹⁸ Interview on 12 March 2021.

“After families could not obtain redress at the domestic level, several turned to the United Nations human rights mechanisms. However, the authorities refused to respond to individual complaints and resorted to the charter to challenge their admissibility, stating the text provided a “global framework” and constituted, in itself, a domestic remedy addressing the issue of the missing. To date, the UN Human Rights Committee has issued 44 decisions on Algerian cases, but none has been implemented.”

CFDA, a self-described “small organization,” regularly partners with larger organizations, such as Amnesty International, to advocate against the Algeria government for improved practices. Although outside the relevant dates (in part due to the wealth of information in more recent times with the widespread usage of the internet), CFDA partnered with 15 other organizations, including Amnesty International, Reporters Without Borders, and Human Rights Watch, to publish a joint press release supporting the European Parliament’s calls for action on Algerian human rights and demanding broader “collective public action from the international community.”¹⁹ CFDA states the goal of this press release was “to urge the European Union and its Member States to more severely condemn the management of human rights by the Algerian authorities, during a meeting held between the European Union and representatives of the Algerian government which took place a few days after the publication.”²⁰

In the mid-late 2000s, Algeria attracted increasingly negative attention from global actors. The relatively small NGOs filing these cases, CFDA as well as TRIAL- Swiss Association against Impunity and Alkarama for Human Rights Foundation, sufficiently publicized these actions to Algeria’s most relevant audiences, including Amnesty International and the US State Department. AI’s 2007 report detailed the 2006 HRC Adoption of Views concerning the unlawful detainment without trial and torture of Malik Medjnoun.²¹ The US State Department reports note these rulings as well: “In March 2006 the UN Human Rights Committee issued its first ruling on enforced disappearances in the country. The Committee found that the government violated several provisions of the International Covenant on Civil and Political Rights when it failed to protect the rights and life of Salah Saker and Riad Boucherf, who Disappeared in 1994 and 1995 respectively.”²² Although the Algerian government refuses to remedy the enforced

¹⁹ November 27, 2022. Amnesty International, “Algeria: European Parliament calls for action on human rights and expresses solidarity with demonstrators”

²⁰ Collectif des Families de Disparus en Algérie: Nos Actions

²¹ Communication No. 1297/2004 submitted by Ali Medjnoun regarding his son, Malik Medjnoun, on 11 June 2004. Committee deemed Algeria in violation 14 July 2006.

²² Ref World. “2007 Country Reports on Human Rights Practices- Algeria”

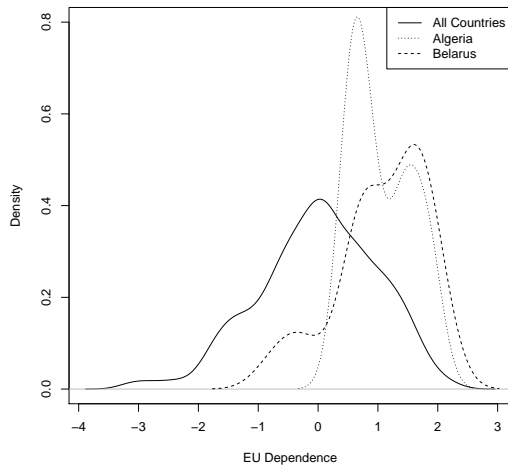


Figure 4.9: EU Trade Dependence

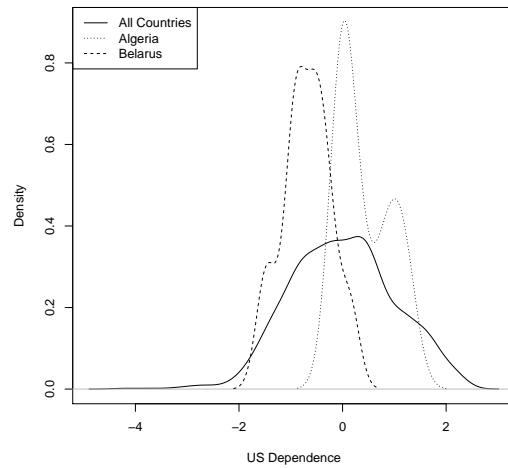


Figure 4.10: US Trade Dependence

disappearances under review in the HRC (by providing information to the families, investigating the disappearances, or providing compensation), Algeria has improved respect for physical integrity rights during the same time as the HRC published violation rulings that were widely and strategically publicized to global actors. This case illustrates the publicity and reputational mechanisms present, although alternative explanations have yet to be ruled out.

Algeria has relatively high trade dependence on both the EU and US, shown in Figures 4.9 and 4.10. This supports the other qualitative evidence that Algeria cares about its global reputation regarding human rights.

4.7.3 Belarus

Despite scores of petitions filed against Belarus over the years, Belarus has not improved its respect for human rights. Many of the petitions have focused on non-PI rights— political and civil liberties. President Lukashenko has not changed the civil law suppressing the freedoms of expression and assembly, a main target of the petitions. Numerous petitions detail allegations of torture and enforced disappearances. Figure 4.7 displays the PI rights and violation rulings over time. PI rights, while there are some natural fluctuations in the latent variable, have stayed quite flat without meaningful differences (the magnitude here is approximately 1/10 of that of Algeria). Why has Belarus not improved respect for

human rights despite the numerous violation rulings?

Most of the petitions against Belarus, particularly those concerning civil liberties, are filed by individuals without third-party involvement. Individual activists and politicians use the HRC as a form of international anti-regime mobilization. Of the 17 PI petitions that resulted in Belarusian violation rulings, approximately three-quarters (13) have listed representation. Similar to Algeria, these are not large international organizations filing. Here, human rights lawyers and small organizations are assisting victims of Belarusian human rights abuse. Many of the third parties here are human rights lawyers and defenders, including Raman Kisliak and Andrei Paluda. The Helsinki Committee has also been involved in numerous petitions. Despite third-party involvement, these petitions seemingly have little to no effect on Belarusian policies and practices.

This is likely due to the different reputational concerns of Belarus. Figure 4.9 shows Belarus' relatively high economic dependence on the European Union. This would suggest, like Algeria, that Belarus is concerned with the EU's perception, but this is missing a large part of the story. After President Lukashenko took office in 1994, the relationship between Belarus and the European Union deteriorated, and the EU has condemned his regime for authoritarianism and poor human rights and has imposed sanctions. In contrast, Lukashenko has very strong economic ties with Russia, where the Kremlin also regularly violates human rights and is unconcerned with these practices in his allies. Unlike the EU, Russia is rather unconcerned with global human rights and does not pressure its partners to join these institutions or improve respect for human rights. Belarus trades significantly more with Russia than the EU, and this trade dependence is exceptionally high, shown in Figure 4.11. This highlights the importance of overall dependence, not simply one targeted dependence. Russia serves as an important outside option, so it is not as concerned with the European Union and its reputation for human rights.

4.7.4 Alternative Explanations

Repression is complex, and many factors determine a regime's decision on when and how to use repressive tactics on its population. Past levels of repression are highly predictive of repression, indicated by the significance of the lagged dependent variable in all models. Here, I discuss alternative explanations, focusing on one (of many) possible explanations for changes in respect for PI rights and perhaps

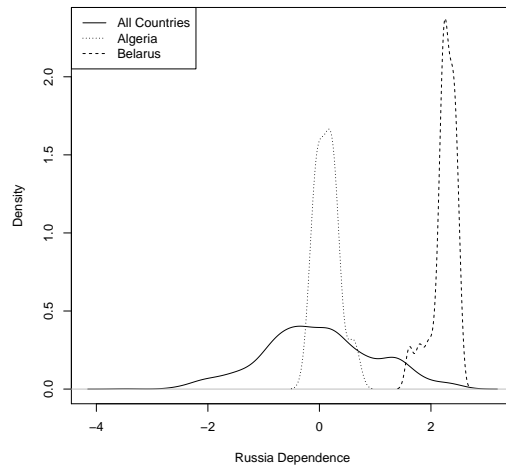


Figure 4.11: Russian Trade Dependence

also the significance of the PI Violation rulings in the statistical models. These rulings are only one form of naming and shaming. As discussed earlier, a variety of both non-governmental and inter-governmental organizations name and shame governments in hopes of improving respect for human rights. Does naming and shaming by other organizations correlate with the key explanatory variable here, Human Rights Committee violation rulings? Could these alternatives be driving the results?

Existing data for naming and shaming is limited, particularly before 1990 and in recent years. Here, I discuss two alternative forms of naming and shaming, present the correlations between these data and Committee rulings, and include these new variables in my models. I present one alternative IGO naming and shaming, the Human Rights Council (DeMeritt and Conrad 2019), and one dataset comprised of INGO human rights shaming (Murdie and Davis 2012). Data from the UN Human Rights Council is limited from 1995 to 2011, losing many observations. Additionally, the Human Rights Council has only shamed 4 countries concerning physical integrity rights with 8 instances in this sample: Bosnia (1995, 1996), Belarus (2003, 2004, 2005), Equatorial Guinea (1997), and Turkmenistan (2003, 2004). This is not correlated with my Committee violation rulings, shown in Appendix Table 4.12.

Next, I use a measure of international non-governmental human rights organizations (HROs) from Murdie and Davis (2012). They use events data from the Integrated Data for Event Analysis, which uses all Reuters Global News Services reports concerning HROs. They narrow it down to 432 international

Table 4.3: Human Rights Council and NGO Shaming

	Model 1	Model 2	Model 3	Model 4	Model 5
Physical Integrity Violations	0.021* (0.009)		0.004 (0.015)		0.021 (0.021)
Council Shaming		0.157 (0.154)	0.156 (0.154)		
NGO Shaming				-0.004 (0.008)	-0.004 (0.008)
Civil Society Index	0.197 (0.137)	0.155 (0.198)	0.162 (0.199)	0.277 (0.274)	0.314 (0.278)
Judicial Independence	-0.127 (0.231)	-0.172 (0.281)	-0.177 (0.284)	-0.343 (0.417)	-0.376 (0.420)
War	-0.229*** (0.039)	-0.220*** (0.046)	-0.219*** (0.046)	-0.274*** (0.060)	-0.271*** (0.060)
Population (ln)	-0.244 (0.149)	-0.174 (0.191)	-0.170 (0.191)	-0.279 (0.252)	-0.272 (0.254)
GDP (ln)	0.038+ (0.021)	-0.001 (0.028)	-0.002 (0.029)	0.051* (0.025)	0.052* (0.025)
DV _{t-1}	0.857*** (0.025)	0.807*** (0.038)	0.808*** (0.038)	0.756*** (0.036)	0.755*** (0.037)
Time	0.007* (0.003)	0.012** (0.004)	0.012** (0.004)	0.012* (0.006)	0.012* (0.006)
N	994	548	548	500	500
R ²	0.944	0.956	0.956	0.955	0.955
R ² <i>adjusted</i>	0.941	0.950	0.950	0.949	0.949

All models include country fixed effects. Standard errors are clustered by country.

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

NGOs that have a mission statement that focuses on core human rights from the *Yearbook of International Organizations*. Murdie and Davis produce a count variable of the number of HRO conflictual events that occurred toward a government in a given year. These data begin in 1992 through 2007. This measure is also uncorrelated with the key variable of interest, shown in Appendix Table 4.13.

I substitute these alternative measures of international naming and shaming for my Committee rulings variable, shown in Table 4.3. These new variables are not statistically in any models, without or without the Committee variable. In these new models, the core finding of this paper is no longer statistically significant. This is likely due to the great decrease in sample size and restriction to a few years, greatly decreasing the variation in the data. As an exploration, I remove country fixed effects and the core result is statistically significant with this alternate model specification, shown in Appendix Table 4.13. Data limitations restrict this quantitative exploration of alternative explanations, but this analysis

suggests there is little concern of collinearity with other international forms of naming and shaming and thus they are unlikely to drive the main result.

4.8 Conclusion

United Nations human rights treaty bodies are quasi-judicial institutions and lack enforcement power. Therefore, the functions of these Committees are best thought of as naming and shaming. Committees produce Views on individual petitions, deciding whether allegations made by victims disclose violations of treaty provisions. I argue these petitions, focused on individual circumstances of alleged abuse, are an effective personal narrative and frame, differentiated from other forms of naming and shaming commonly used in inter-governmental organizations. Further, the Committee's violation rulings provide legitimacy and credibility to civil society's constant pressure. Civil society plays an important role in publicizing these rulings which may harm states' reputations. Not all repressive governments are concerned about the poor reputational effects of these rulings, and trade dependence on Western powers seems to drive these concerns.

Focused on repressive regimes, I find statistical support for this theory. Committee violation rulings do improve respect for physical integrity rights when third-party actors are involved. Two case studies, Algeria and Belarus, highlight the role of civil society and suggest that these rulings are effective only when the government cares about its international reputation. These effects are driven by countries with high trade dependence on the US or EU. Although these effects are substantively small, any change in respect for human rights is meaningful.

This research highlights a core function of international institutions: providing information and identifying non-compliers (Keohane 1984, 1982). Committees provide additional information to domestic and international actors, supporting civil society's more constant naming and shaming. Both domestic politics, particularly the presence of civil society, and international relations combine here to affect compliance. Naming and shaming in inter-governmental organizations is not limited to the Human Rights Committee or even human rights as an issue-area. The Paris Agreement, for example, functions primarily through naming and shaming (Falkner 2016).

Civil society plays a crucial role in both filing these complaints (Schoner 2022a) and publicizing the rulings. There is a wide variety of third-party representation, and these actors may be domestic or international. This paper adds to a growing literature on non-state actor access in international institutions, and the role third parties play in international politics(see: Brutger 2022; McNamara 2019; Sommerer and Tallberg 2016; Tallberg et al. 2013). Future research will explore this variation in civil society actors.

This paper shows that quasi-judicial international institutions, that lack enforcement power and have low levels of obligation (Abbott et al. 2000), can be an effective forum for naming and shaming. These human rights institutions have the potential to have a real effect in the most repressive countries, where there is the most concern and greatest potential for improvement. By involving relevant third-party civil society actors, victims of human rights abuse can effectively improve government practices, if the government is sensitive to its global reputation.

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4.9 Appendix

4.9.1 Committee Body Membership

Each treaty body is comprised of “independent experts who are persons of high moral character and recognized competence in the field of human rights”²³ who are “nominated and elected for fixed, renewable terms of four years by State parties. The elections of half of the committees’ members are staggered every 2 years to ensure a balance between continuity and change in committee composition. All elected members serve in their personal capacity.”²⁴ Guidelines detailed in the General Assembly resolution 68/268 encourage states to consider “equitable geographic distribution, the representation of different forms of civilization and the principal legal systems, balanced gender representation and the participation of experts with disabilities when nominating experts for Committee elections.” These monitoring bodies are generally less politicized than other inter-governmental organizations and institutions although there is, to my knowledge, no scholarly work exploring the make-up of these Committees and their effect on Committee behavior.

²³ <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/Membership.aspx>

²⁴ <https://www.ohchr.org/EN/HRBodies/Pages/ElectionsofTreatyBodiesMembers.aspx>

4.9.2 Process: Inside the HRC

When a victim of human rights abuse submits a communication to the HRC, they must provide detailed information about the alleged violation in addition to basic personal information. The case is then transmitted to the State party for an opportunity to comment. The author of the communication is then able to comment on the State's observations on admissibility and merits. This process can go back and forth. The Committee first considers the admissibility of the complaint, meeting the formal requirements including *ratione temporis*. Many complaints are considered inadmissible, often for failure to exhaust domestic remedies (this international institution serves as a second, complement to domestic institutions) or failure to sufficiently substantiate claims. Finally, if deemed admissible, the Committee produces a decision on the merits of the communication, concluding whether the state violated any treaty provision. If the Committee decides the state has violated the treaty, it recommends remedies, including compensation, and ends with "The State party is also under obligation to take all steps necessary to prevent similar violations from occurring in the future." The Committee asks for follow-up information from the state to monitor compliance. These statements, however, are not legally binding, and treaty bodies have no enforcement power.

4.9.3 Appendix Tables and Figures

Table 4.4: Violations in the Human Rights Committee: Full Sample

Country	Views	Violation Rulings	Physical Integrity Violations
South Korea	126	122	2
Belarus	122	104	17
Russia	64	33	19
Uruguay	60	45	36
Algeria	43	41	40
Uzbekistan	43	36	29
Colombia	36	19	10
Tajikistan	25	22	21
Democratic Republic of Congo	21	18	14
Libya	21	20	18
Sri Lanka	21	16	12
Turkmenistan	17	16	15
Philippines	17	13	10
Peru	16	15	10
Bosnia and Herzegovina	16	15	15
Zambia	15	10	8
Nepal	13	13	13
Cameroon	11	9	6
Kazakhstan	9	7	3
Panama	8	2	0
Chile	7	0	0
Ecuador	6	6	4
Croatia	6	3	3
Bulgaria	6	1	0
Estonia	5	1	0
Georgia	5	5	5
Togo	5	4	1
Venezuela	4	3	1
Azerbaijan	4	3	2
Equatorial Guinea	4	4	4
Dominican Republic	3	3	2
Paraguay	3	3	2
Yugoslavia	3	2	1
Bolivia	2	2	2
Romania	2	1	0
Côte d'Ivoire	2	1	1
Central African Republic	2	2	1
Angola	2	2	2
South Africa	2	1	1
Turkey	2	2	0
Mexico	1	0	0
Nicaragua	1	1	1
Sierra Leone	1	1	0
Tunisia	1	0	0
Guatemala	0	0	0
Honduras	0	0	0
El Salvador	0	0	0
Brazil	0	0	0
Niger	0	0	0
Guinea	0	0	0
Chad	0	0	0
Republic of Congo	0	0	0
Uganda	0	0	0
Somalia	0	0	0
Djibouti	0	0	0
Malawi	0	0	0

Table 4.5: Respect for Physical Integrity Rights: Representation

	Model 1	Model 2	Model 3
Physical Integrity Violations	0.021* (0.009)		
Violations: With Representation		0.039* (0.016)	
Violations: No Representation			0.004 (0.004)
Civil Society Index	0.197 (0.137)	0.194 (0.138)	0.193 (0.139)
Judicial Independence	-0.127 (0.231)	-0.122 (0.235)	-0.126 (0.234)
War	-0.229*** (0.039)	-0.234*** (0.039)	-0.231*** (0.040)
Population (ln)	-0.245 (0.149)	-0.238 (0.147)	-0.255 (0.155)
GDP (ln)	0.038+ (0.021)	0.036+ (0.021)	0.037+ (0.021)
Time	0.007* (0.003)	0.007* (0.003)	0.008* (0.004)
DV _{t-1}	0.857*** (0.025)	0.853*** (0.025)	0.858*** (0.026)
N	992	992	992
R ²	0.944	0.944	0.944
R ² <i>adjusted</i>	0.940	0.941	0.940

Standard errors are clustered by country.

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

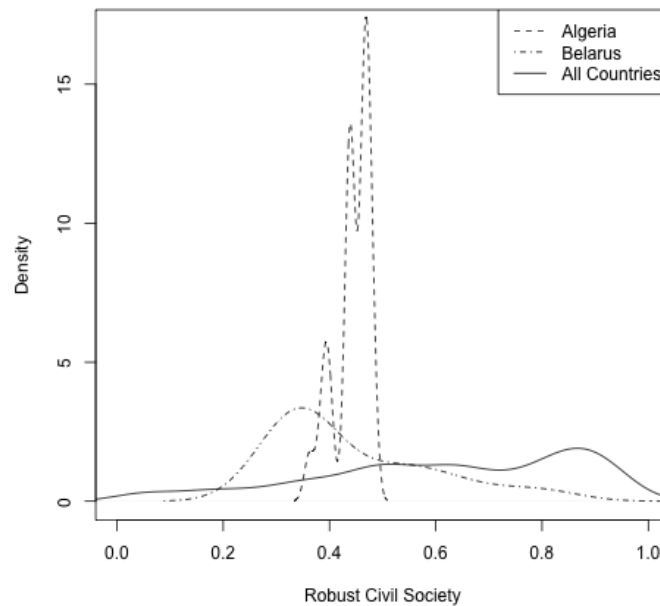


Figure 4.12: Civil Society

Table 4.6: Respect for Physical Integrity Rights: Full Sample

	Model 1	Model 2	Model 3	Model 4	Model 5
Physical Integrity Violations	0.009 (0.008)				
Physical Integrity Violations _{t-1}		0.009 (0.010)			
Physical Integrity Violations _{t-2}			0.035** (0.012)		
Physical Integrity Violations _{t-3}				0.020+ (0.011)	
Physical Integrity Petitions					0.001 (0.012)
Civil Society Index	0.237+ (0.135)	0.238+ (0.136)	0.274* (0.131)	0.276* (0.137)	0.234+ (0.133)
Judicial Independence	-0.075 (0.194)	-0.078 (0.195)	-0.150 (0.187)	-0.208 (0.183)	-0.086 (0.189)
War	-0.212*** (0.037)	-0.213*** (0.037)	-0.194*** (0.037)	-0.188*** (0.038)	-0.213*** (0.037)
Population (ln)	-0.246* (0.113)	-0.248* (0.113)	-0.310** (0.110)	-0.340** (0.125)	-0.249* (0.116)
GDP (ln)	0.033 (0.021)	0.033 (0.021)	0.047* (0.019)	0.044* (0.020)	0.033 (0.021)
Time	0.008** (0.003)	0.008** (0.003)	0.008** (0.003)	0.009** (0.003)	0.008** (0.003)
DV _{t-1}	0.867*** (0.024)	0.867*** (0.024)	0.893*** (0.019)	0.891*** (0.021)	0.867*** (0.025)
N	1234	1234	1180	1129	1234
R ²	0.972	0.972	0.975	0.975	0.972
R ² <i>adjusted</i>	0.971	0.971	0.974	0.974	0.971

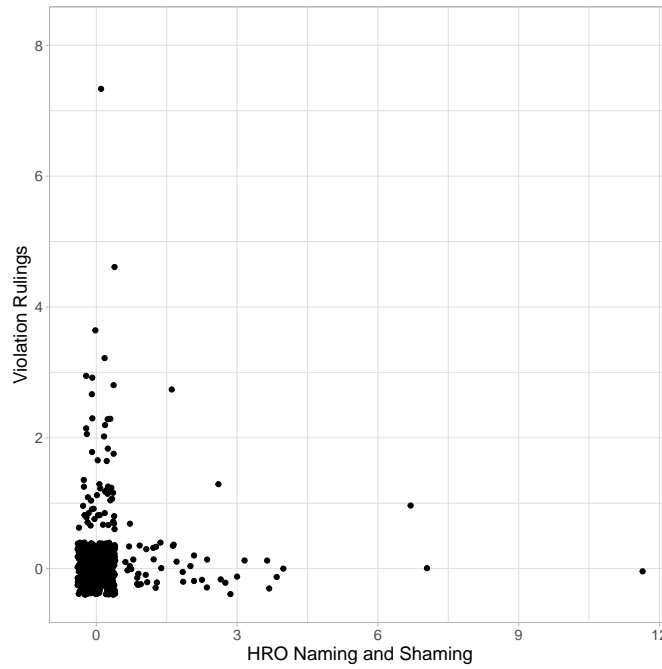


Figure 4.13: Correlation: Violation Rulings and HRO Naming and Shaming

Table 4.7: Respect for Physical Integrity Rights by Representation: Full Sample

	Model 1	Model 2	Model 3
Physical Integrity Violations	0.009 (0.008)		
Violations: With Representation		0.015 (0.011)	
Violations: No Representation			0.001 (0.000)
Civil Society Index	0.237+ (0.135)	0.236+ (0.135)	0.233+ (0.136)
Judicial Independence	-0.075 (0.194)	-0.079 (0.194)	-0.087 (0.191)
War	-0.212*** (0.037)	-0.214*** (0.036)	-0.213*** (0.036)
Population (ln)	-0.246* (0.113)	-0.243* (0.113)	-0.249* (0.113)
GDP (ln)	0.033 (0.021)	0.032 (0.021)	0.033 (0.021)
Time	0.008** (0.003)	0.008** (0.003)	0.008** (0.003)
DV _{t-1}	0.867*** (0.024)	0.865*** (0.024)	0.867*** (0.024)
N	1234	1234	1234
R ²	0.972	0.972	0.972
R ² <i>adjusted</i>	0.971	0.971	0.971

All models include country fixed effects. Standard errors are clustered by country.
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table 4.8: Respect for Physical Integrity Rights: Future Violations

	Model 1
Physical Integrity Violations _{t+1}	0.010 (0.016)
Civil Society Index	0.195 (0.144)
Judicial Independence	-0.117 (0.240)
War	-0.231*** (0.040)
Population (ln)	-0.262 (0.158)
GDP (ln)	0.044* (0.020)
Time	0.007+ (0.004)
DV _{t-1}	0.856*** (0.025)
N	974
R ²	0.942
R ² <i>adjusted</i>	0.938

All models include country fixed effects. Standard errors are clustered by country.
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table 4.9: Respect for Physical Integrity Rights: Year Fixed Effects

	Model 1	Model 2	Model 3	Model 4	Model 5
Physical Integrity Violations	0.021* (0.009)				
Physical Integrity Violations _{t-1}		0.023 (0.014)			
Physical Integrity Violations _{t-2}			0.047** (0.017)		
Physical Integrity Violations _{t-3}				0.030+ (0.016)	
Physical Integrity Petitions					0.007 (0.012)
Civil Society Index	0.281+ (0.166)	0.280 (0.170)	0.345* (0.171)	0.336+ (0.176)	0.272 (0.165)
Judicial Independence	-0.214 (0.230)	-0.225 (0.231)	-0.337 (0.224)	-0.384+ (0.228)	-0.209 (0.231)
War	-0.232*** (0.039)	-0.232*** (0.040)	-0.219*** (0.043)	-0.212*** (0.045)	-0.232*** (0.039)
Population (ln)	-0.241 (0.150)	-0.240 (0.145)	-0.325* (0.142)	-0.390* (0.156)	-0.254+ (0.151)
GDP (ln)	0.030 (0.024)	0.030 (0.024)	0.043+ (0.023)	0.039 (0.027)	0.028 (0.025)
DV _{t-1}	0.856*** (0.024)	0.856*** (0.024)	0.878*** (0.021)	0.879*** (0.026)	0.858*** (0.025)
N	994	994	940	889	994
R ²	0.947	0.947	0.952	0.951	0.947
R ² <i>adjusted</i>	0.941	0.941	0.946	0.944	0.940

All models include country and year fixed effects. Standard errors are clustered by country.

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

Table 4.10: First Differences: Respect for Physical Integrity Rights

	Model 1
Physical Integrity Violations	0.019*** (0.005)
Civil Society Index	0.245+ (0.129)
Judicial Independence	-0.393* (0.194)
War	-0.152*** (0.031)
Population (ln)	-0.178 (0.163)
GDP (ln)	0.015 (0.033)
N	994
R ²	0.194
R ² <i>adjusted</i>	0.142

All models include country fixed effects. Standard errors are clustered by country.
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001

Table 4.11: Interaction Model Results

	Model 1	Model 2	Model 3
Physical Integrity Violations	0.020** (0.007)	0.028* (0.011)	0.011 (0.029)
EU Trade Dependence	-0.007 (0.028)		
Physical Integrity Violation x EUTrade	0.006 (0.007)		
US Trade Dependence		-0.008 (0.023)	
Physical Integrity Violation x US Trade		0.024 (0.017)	
Civil Society Index	0.202 (0.139)	0.191 (0.145)	0.190 (0.131)
Physical Integrity Violation x Civil Society			0.024 (0.063)
Judicial Independence	-0.130 (0.234)	-0.129 (0.247)	-0.123 (0.233)
War	-0.230*** (0.039)	-0.235*** (0.041)	-0.229*** (0.039)
Population (ln)	-0.248 (0.160)	-0.241 (0.152)	-0.246 (0.151)
GDP (ln)	0.038+ (0.021)	0.036 (0.024)	0.039+ (0.021)
Time	0.007+ (0.004)	0.007* (0.003)	0.007* (0.003)
DV _{t-1}	0.858*** (0.025)	0.850*** (0.025)	0.856*** (0.025)
N	989	959	994
R ²	0.944	0.945	0.944
R ² <i>adjusted</i>	0.941	0.941	0.941

All models include country fixed effects. Standard errors are clustered by country.

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

Table 4.12: Violation Rulings and Human Rights Council Shaming

		Council Shaming	
		0	1
Violation Rulings	0	541	7
	1	48	0
	2	17	1
	3	7	0
	4	3	0
	5	3	0
	6	0	0
	7	1	0
	8	0	0

Note: Correlation coefficient is 0.0045.

Table 4.13: Human Rights Council and NGO Shaming, No Fixed Effects

	Model 1	Model 2	Model 3	Model 4	Model 5
Physical Integrity Violations	0.027** (0.008)		0.024+ (0.012)		0.030+ (0.017)
Council Shaming		0.199 (0.215)	0.200 (0.213)		
NGO Shaming				-0.010 (0.010)	-0.009 (0.010)
Civil Society Index	0.154** (0.055)	0.106 (0.072)	0.129+ (0.072)	0.105 (0.080)	0.121 (0.081)
Judicial Independence	0.043 (0.060)	-0.009 (0.076)	-0.014 (0.078)	0.044 (0.090)	0.044 (0.090)
War	-0.136*** (0.032)	-0.136** (0.044)	-0.135** (0.043)	-0.186*** (0.051)	-0.186*** (0.051)
Population (ln)	-0.037* (0.018)	-0.041 (0.025)	-0.045+ (0.025)	-0.043+ (0.025)	-0.046+ (0.025)
GDP (ln)	0.005 (0.009)	0.012 (0.014)	0.013 (0.014)	0.016 (0.015)	0.016 (0.014)
DV_{t-1}	0.894*** (0.018)	0.892*** (0.029)	0.890*** (0.028)	0.878*** (0.026)	0.877*** (0.027)
Time	0.003*** (0.001)	0.003 (0.002)	0.002 (0.002)	0.005 (0.003)	0.004 (0.003)
Constant	0.227 (0.194)	0.198 (0.258)	0.242 (0.253)	0.063 (0.292)	0.108 (0.294)
N	994	548	548	500	500
R ²	0.934	0.938	0.939	0.935	0.936
R ² <i>adjusted</i>	0.933	0.937	0.938	0.934	0.935

Standard errors are clustered by country.

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

Chapter 5

Conclusion

Individual petitions are a form of political protest that pressures repressive governments to improve their human rights practices. This is not an isolated form of political mobilization and is used strategically by both individuals and organizations alongside other tactics. The personalization of abuses and subsequent verification by an international body may effectively name and shame governments. This, however, is a complicated process with significant selection effects at each stage. Repressive governments must first invite these individual petitions by ratifying Optional Protocols to United Nations human rights treaties. Then, individuals must overcome the high costs (including the fear of retaliation) and file petitions in these treaty bodies. Committee bodies must then decide that the state did indeed violate the treaty. International pressure from the European Union to allow these petitions and assistance from civil society organizations in filing and publicizing findings are essential. The effects of individual petitions are evident only once these selection effects are considered.

Violation rulings result in short-term improvement in human rights when civil society publicize the findings and only in countries trade dependent on Western powers. While there are some short-term gains from this international, individual participation, the effects are rather limited. The selection effects and high costs of participation cast doubt on the broader effect of this institution. First, many repressive governments which allow these petitions have low institutional constraints on executive power, including personalist dictatorships. Second, Committee rulings only have an effect where civil society is involved

in filing, but these organizations are less likely to be involved in more repressive contexts. Additionally, these rulings only improve respect for human rights briefly and in the subset of these countries with trade dependence on Western powers. It is notable that Committee rulings, which are non-binding decisions by an inter-governmental organization, can affect human rights, but the selection effects show this is quite limited in scope. Therefore, this costly participation in some contexts may be ill-targeted.

This dissertation is the foundation for a book project that looks at how individuals participate in the United Nations human rights treaty system. Built upon the three papers presented here, the book project takes a larger perspective, understanding the selection effects of the various stages explored in the dissertation. Detailed country case studies and interviews with both civil society organizations and victims of abuse will ground this research in a comparative perspective.

The current work focuses on a subset of countries, which I call repressive regimes, and a subset of human rights (physical integrity rights). Future work will expand this sample to more countries and broader rights. First, the current repressive sample is made from an arbitrary threshold, discussed in detail in Chapter 3. This same threshold is used throughout the dissertation for theoretical reasons (the processes are different in repressive regimes than in countries with high respect for human rights), but there are limitations. I plan to expand this sample to understand broader processes and compare these repressive regimes to other countries with higher respect for human rights. Additionally, this dissertation looks at a subset of human rights focused on protecting bodily harm: physical integrity rights. The treaty of focus (the International Covenant and Civil and Political Rights) covers these rights alongside numerous other civil and political rights, including freedom of speech and the right to a fair trial. Broadening the scope of rights will allow for a deeper understanding and analyzing differences in respect for different rights.

This work has direct implications for policy and practice, speaking to practitioners and activists in human rights and international organizations. I have interviewed numerous members of non-governmental and inter-governmental organizations (with more extensive fieldwork planned), and they all expressed keen interest in my findings. They are more focused on individual cases and countries with intensive case knowledge and understanding of the intricacies of the process, but these practitioners are curious about larger patterns. They are interested in my approach focused on broader patterns, including comparisons across countries, institutions, and cases. As a result, the audience for the book project con-

sists of both academics and those policymakers and activists involved in individual petitions. I plan to increase the number of interviews for the book project of United Nations staff and expert members, NGO representatives, and individual victims who file these complaints.

The dissertation focuses on one institution where individuals are granted legal access (the individual petition mechanism in the Human Rights Committee) and examines the dynamic under repressive governments, where international institutions have the most potential impact and where participation is the most puzzling. In addition to the book project, my future research will expand my examination of individual petitions to include less repressive governments, other international and regional institutions, and issues besides human rights. All major UN human rights treaties allow individual access, and there are interesting dynamics to explore across treaties. For example, the Convention on the Rights of the Child is unique as the main victims are unable to file petitions on their own behalf. Forum shopping is common across regional and global institutions, as many persons face options and sometimes file in the United Nations after unfavorable regional decisions. I am developing a co-authored project on the Inter-American Human Rights System to analyze why and when victims and organizations file in regional or global institutions. Expanding from the human rights issue-area, in other work, I am examining the European General Court (previously called the Court of First Instance), where individuals can file complaints against their government regarding EU law. These projects are all part of my larger research agenda which centers on the role of individuals in international law, an area in which there is much exciting and important work to do.