

Regional Human Rights Systems A Comparative Analysis

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Regional Human Rights Systems

A Comparative Analysis

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1. Introduction

After the Cold War era, an increasing number of ratifications of human rights agreements (including treaties and conventions) can be observed. As Beth A. Simmons (2009: 3) points out, at present there exists “an increasingly dense and potentially more potent set of international rules, institutions, and expectations regarding the protection of individual rights than at any point in human history”. The fact that a large number of states commit to human rights agreements leads to the assumption of increasing compliance with human rights. Nonetheless, multiple empirical studies demonstrate that the ratification of an international human rights agreement does not guarantee compliance with it (for example: Hafner-Burton/ Tsutsui 2007; Keith 1999; Neumayer 2005; Vreeland 2008). The study of Hafner-Burton and Tsutsui (2007: 412), for example, demonstrates that regimes violating human rights and those complying with them are equally likely to commit to human rights treaties. This is further illustrated by the fact that, over time, ratification of international human rights agreements has almost become universal. Today, most countries have at least ratified one such human rights agreement. Commitment to human rights agreements is increasing and the protection of these rights has improved during the past decades. However, there are still only a few countries adequately protecting human rights. Furthermore, it is argued that international human rights agreements are enforced only when serving the broader political purposes of the enforcing countries (Cardenas 2007: 10; Simmons 2009: 113).

Even though the present human rights regime is considered as strong as never before, it is still not capable of adequately enforcing compliance with human rights. “Despite the proliferation of treaties and monitoring mechanisms, there is no central lawmaking body, no international tribunal broadly accepted as a legitimate interpreter of legal obligations, and no global ‘law enforcement’ corps to enforce rules” which makes the international human rights system to be “one of the most underdeveloped legal systems in the world” (Simmons 2009: 114). Consequential of this institutional design of the regional as well as the United Nations’ human rights regimes, the costs of non-compliance remain relatively low. Since human rights agreements are designed in a way so as they cannot enforce human rights norms, repressive regimes can gain advantages by committing to such treaties (Hafner-Burton/ Tsutsui 2007: 414). States can engage in international human rights agreements in order to increase reputation and to avoid criticism. Moreover, human rights agreements lack the aspect of reciprocity and mutual gains which distinguishes them, for example, from trade agreements. This is to say that human rights agreements, even if negotiated on the international level, “engage practically no important interests among states in their mutual relationships with each

other” (Simmons 2009: 126). This particular character of human rights agreements leads to the question of which factors explain compliance with such human rights agreements and what amount of influence human rights regimes are able to exert.

With reference to compliance with human rights, the two approaches of management and enforcement have to be considered. Each of them is arguing for different factors explaining compliance/ non-compliance with human rights. The enforcement approach focuses on state interests explaining compliance/non-compliance with an agreement as the results of a deliberate decision of a country (cf. section 2.2.1). In contrast, the management approach sees compliance/ non-compliance as a result of the incapacity of a country to comply with a given agreement (cf. section 2.2.2). Jonas Tallberg (2002) analyses the case of the European Union with reference to compliance with agreements and finds that “enforcement and management mechanisms are most effective when combined” (Tallberg 2002: 610). He identifies the European Union compliance system as a system combining both of these mechanisms and, hence, leading to a most effective compliance system (Tallberg 2002: 610). Considering Tallberg’s (2002) analysis on the European Union the question can be raised of whether the combination of enforcement and management mechanisms might as well influence compliance in the field of human rights. Hence, the following research question is raised:

Does a compliance system of human rights which integrates enforcement and management mechanisms lead to more compliance with human rights than a system which does not integrate both of these mechanisms?

In order to answer the research question, the literature on management and enforcement mechanisms shall be brought into focus. To comprehend the situation of different states as detailed as possible, external and internal factors are considered. Whereas external factors arise from foreign governments and international institutions or non-state actors, internal factors include national leaders and domestic institutions (Cardenas 2007:8). Hence, the relationship between the domestic and the international system is crucial. This type of explanation includes different actors and fora (Koh 1998: 1406, 1409) and therefore allows for the connection of different management and enforcement mechanisms as will be outlined subsequently. The influence of these mechanisms shall be tested in a quantitative analysis. With reference to compliance with human rights, respect of the rights of the integrity of the person is tested which include freedom from (1) political and other extrajudicial killings/ arbitrary or unlawful deprivation of life; (2) disappearance; (3) torture and other cruel, inhumane, or degrading treatment or punishment; and (4) political imprisonment. The “United Nation’s Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment” (CAT) is the core treaty defending these rights (United Nations 1984). The CAT is one of the nine core human rights treaties of the United Nations¹ and, at present, 147 states have ratified the CAT (United Nations 2011) and are therefore expressing their commitment to the rights of the integrity of the person. Accordingly, analysing compliance with the CAT does allow for the analysis of a set of broadly accepted human rights.

Besides the United Nations’ compliance system there exist the European, the American, and the African regional human rights regimes. Analysing the influence of these different human rights compliance systems is vital in order to understand the effect and consequences of these human rights regimes. By including explanatory factors beyond such compliance systems, an integrated picture of the existing situation can be depicted by means of which the potential of human rights agreements can be illustrated. To understand the conditions of why and when states comply with human rights is crucial when it comes to the enhancement of human rights compliance systems and of the development of making more states comply with their commitments.

In the following sections, the first part outlines the theoretical approach upon which the argument and the hypotheses are based. This includes a more general section about state compliance explaining why states comply with international agreements as well as a section about the enforcement and management approach as applied in the field of human rights explaining how to make states comply with agreements. Further, the argument and hypotheses are presented and a discussion of some further aspects influencing compliance with human rights is discussed. Second, the methodology applied to test the argument is presented. The third section contains the detailed discussion of the employed concepts and the data used to measure the variables as well as the reliability of measurement. The fourth section presents the results of the analyses. This includes some recoding measures as well as descriptive statistics of the included variables in a first part. The second part presents the results of the influence of compliance systems on respect for human rights which allows for the testing of the postulated hypotheses. The fifth section presents some concluding remarks and answers the research question.

¹ The nine core human rights treaties of the United Nations are (United Nations 2010a):

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
- Convention on Migrant Workers (CMW)
- Convention on the Rights of Persons with Disabilities (CRPD)
- Convention on Enforced Disappearance (CED)

2. Theoretical Approach

With reference to the explanatory factors of compliance with international agreements different explanations have to be considered. On the one hand, there are explanations focusing on the state-to-state level. Actors in this explanation of treaty compliance are nation-states and intergovernmental organizations. On the other hand, other explanations emphasize the transnational process whereby national actors as well as non-governmental organizations, interpretive communities and issue linkage among other issues are considered (Koh 1998: 1406, 1409). In the following section, these mechanisms are outlined in more detail. In the first section, some general mechanisms of state compliance with international agreements as discussed in the literature are presented. The second section focuses on the reasoning and arguments in connection with compliance with human rights agreements as outlined by the management and the enforcement approach. This includes a discussion of the different mechanisms which might influence compliance with human rights as well as the central argument and the hypotheses to be tested. Further aspects influencing compliance with human rights are discussed in a third section.

2.1 State Compliance with International Agreements

The literature discusses different approaches explaining state compliance with international agreements. Each of them is accentuating different explanatory factors making states comply with international agreements.

First, according to rational choice theories emphasizing self-interest, states decide rationally to establish international regimes so as to avoid multi-party prisoners' dilemma. Stephen D. Krasner defines a regime as "principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue area" (Krasner 1982: 1). Similarly, according to Harold Hongju Koh (1998: 1402) a regime is defined as "governing arrangements in which certain governing norms, rules, and decision-making procedures come to predominate because the nations in their long-term self-interests have calculated that they should follow a presumption favoring compliance with such rules". Hence, by promoting information and reducing transaction costs, such establishment of regimes can help avoiding prisoners' dilemma and managing problems of compliance (Cardenas 2007: 22; Koh 1998: 1402). Actors comply with an agreement as long as the benefit from continuing the agreement exceeds the short-term value of violating it and compliance occurs because states benefit from ongoing cooperation. Since incentives of non-

compliance decrease the more future payoffs are estimated relative to the present ones, the shadow of the future plays a decisive role when one wants to achieve cooperation (Axelrod/Keohane 1985: 232, 249). Consequently, compliance can be explained because regimes lead to the structuring of incentives in a way that non-compliance would involve too many costs.

Rational choice theories accentuate the influence of power by saying that countries can be coerced into complying with agreements, for instance, by linking state actions and economic relations (Cardenas 2007: 23; Haas 2000: 51; Koh 1998: 1402). An example of such a linkage of different issue areas is the “Cotonou Agreement” between the European Union and the African, Caribbean and Pacific states. The agreement links, among other things, the political dimension (including respect for human rights) and the establishment of a framework for economic and trade cooperation (Europa 2011a). Furthermore, Emilie Hafner-Burton (2005) shows that preferential trade agreements – agreements embedding “human rights standards into rules governing market access” (Hafner-Burton 2005: 594) – can help making states comply with human rights as they raise costs of non-compliance. However, by focusing on the international system and state-to-state relationships, such game-theoretic analyses do not consider the state-society relationship that might potentially influence compliance with agreements (cf. Koh 1998: 1403).

Second, ideational theories accentuate the influence of norms. Koh (1998) states that the most effective way to make states comply with international agreements is not external enforcement but the “inculcation of internal obedience” (Koh 1998: 1402). Related to this, Martha Finnemore and Kathryn Sikkink (1998) illustrate the process of norm development by means of a “norm cascade” whereas Thomas Risse, Anja Jetschke and Hans Peter Schmitz (2002) depict a “spiral model” leading countries to internalize norms through pressure of state and non-state actors. These explanations do not only focus on state-to-state relationships but on domestic civil societies and mechanisms of persuasion as well as on learning processes. Risse et al. (2002: 30), for example, focus on transnational as well as national actors and their role in relation to norm compliance (Risse et al. 2002: 35). According to the model, the existence of information about abuses and pressure on the international level against a non-complying state is crucial in order to make a state comply with a given norm (Risse et al. 2002: 38-39). The spiral model distinguishes between five different stages on the way to norm-compliance. The first three stages (repression, denial, and tactical concessions) are dominated by international actors such as transnational regimes and the international public plays a decisive part as addressee of the mobilization. Only in the last two stages can the

domestic civil society be characterized as main actors in the process of regime transformation towards compliance (Risse et al. 2002: 45). It follows that the interaction between a repressive state and international actors is crucial. However, this leads to the question of interdependence due to which states may impose costs on other states. Hence, compliance with norms is again determined by cost-benefit calculations since affected states will try to avoid such costs and comply with norms once non-compliance involves too many costs. Given the fact that countries can be coerced into complying with agreements through issue linkage, violation of agreements can lead to a loss or cutback of relationships of interdependence. This loss or cutback of interdependence might involve costs. This is to say that states in an interdependent international system are more vulnerable and through issue linkage states can be coerced into complying with norms and agreements whose violation would not involve extensive costs without such a linkage (cf. Keohane/Nye 1987: 730).

Similarly to the spiral model of Risse et al. (2002), Finnemore and Sikkink (1998) analyse the influence of norms on state behavior by means of a “norm life cycle”. The model distinguishes between the three stages of “norm emergence”, “norm cascade”, and “norm internalization”. It is through a “combination of pressure for conformity, desire to enhance international legitimation, and the desire of state leaders to enhance their self-esteem“ (Finnemore/Sikkink 1998: 895) that a norm cascade evolves. The internalization of norms occurs only at the end of such a norm cascade. The stage of the norm cascade is characterized by socialization which includes material incentives to comply as well as sanctions in the event of norm violation. According to the model, state identity plays a crucial role since – formed by the institutional context – it determines state behavior. Hence, states argue for and internalize a given norm because of their state identity as a member of an international society which defines appropriate behaviour (Finnemore/Sikkink 1998: 902- 903). This reasoning is in line with Koh (1998: 1401) saying that the most effective way of norm-compliance is the “inculcation of internal obedience” which makes external sanctions or incentives unnecessary. Koh (1998: 1399) as well as Finnemore and Sikkink (1998: 895) characterize this stage as the final stage of “norm internalization”.

Furthermore, the reasoning about state identity is in accordance with liberal theories highlighting the relationship between liberal democracies and compliance with agreements. According to the democratic liberalism, democratic countries are more likely to comply with international agreements than non-democratic ones (Simmons 1998: 83). For instance, Xinyuan Dai (2005), among other things, relates the electoral accountability of democratic states to norm compliance. According to Dai (2005: 364), this is because policy decisions of a

government are made on behalf of domestic constituents. This principal-agent-situation emphasizes the fact that in democracies domestic constituents do have the power to influence government decisions. This is due to retrospective voting because of which all politicians seeking re-election have to consider and try to attend to voters' interests. Assuming that a policymaker's preference is to hold office, he has to choose policies which maximize the chance of re-election which, in turn, leads him to consider voters' preferences (Dai 2005: 366, 369). Dai (2005: 374) concludes that this electoral accountability might influence compliance to a greater extent in democratic regimes than in non-democratic ones since the former is confronted with elections at regular intervals.

In addition, the democratic liberalism points out that “[d]omestic political constraints encouraging law-abiding behavior are assumed to be much stronger in democracies” (Simmons 1998: 85). This is because democratic regimes with independent judicial systems are assumed to respect international judicial processes and institutions to a higher degree than non-democratic countries, since the latter lack the domestic experience with independent legal institutions. Furthermore, democracies are said to be more open towards non-governmental organizations (NGOs). This in turn provides for more freedom for NGOs to operate, more access to information, as well as for more influence on government behaviour (Simmons 1998: 83-84; cf. Risse et al. 2002).

These outlined mechanisms are considered with reference to the elaboration of the theoretical argument which focuses on the combination of management and enforcement mechanisms presented in the following section.

2.2 State Compliance with Human Rights Agreements

In the following sections, the reasoning relative to compliance with human rights analysed in this paper is presented. Human rights agreements are characterized by some distinctive features distinguishing them from other international agreements. These particularities are discussed with reference to the aforementioned theories explaining compliance with international agreements. Here, human rights agreements include all sorts of human rights understandings (including treaties, conventions and contracts).

In a first section, the specific characteristics of human rights agreements are discussed in connection with the enforcement approach, whereas the second section focuses on the management approach. The third section presents the central argument and hypotheses to be tested.

2.2.1 The Enforcement Approach

The enforcement approach is in line with the explanation of rational choice theories. As it is based on game theory and the collective action approach it focuses on the incentive structure which influences compliance/ non-compliance with agreements. Accentuating state interests, it is argued that states only comply with international agreements if the agreement is consistent with the state's interest. However, the rational choice perspective holds limited explanatory leverage for an analysis of the entire problem of compliance with human rights agreements. With reference to the prisoners' dilemma situation, it is important to consider that human rights agreements do not include "important interests among states in their mutual relations with each other" (Simmons 2009: 126). Even though human rights agreements are negotiated on the international level, reflecting a state-to-state relationship, non-compliance with human rights of state A does not automatically affect state B. This leads to the fact that, following Hathaway (2002: 1938), "(...) the costs of retaliatory non-compliance are low to nonexistent, because a nation's actions against its own citizens do not directly threaten or harm other states". Consequently, especially in the field of human rights, states might be interested in ratifying agreements but not in complying with them. This is due to the fact that, as Simmons (2009) points out, human rights agreements are not self-enforcing since they lack aspects of reciprocity and mutual gains. There are no mutual gains in the field of human rights agreements since a state can comply with or violate human rights without considering the cooperation of other states. Similarly, there are no reciprocal relationships in the field of human rights since states do not alter their human rights situation in order to "reciprocate for abuses" in an other country (Simmons 2009: 116, 123). Therefore, unlike for example trade agreements, human rights agreements do not allow for a threat of retaliatory non-compliance to affect the behavior of other states (Hathaway 2002: 1951). In order to remedy these compliance problems, the costs of non-compliance have to be raised in a different way. According to the enforcement approach, this can be achieved through the threat of sanctions or the linking of economic relations and compliance of a state (Tallberg 2002: 612; also Carrubba 2005; Downs/Jones 2002; Underdal 1998). For example, Arild Underdal (1998: 10) points to the interdependence of states which, in conjunction with issue linkage in the field of human rights, leads to the dependence of one state's costs upon what other states do. As mentioned in section 2.1, Hafner-Burton (2005) identifies preferential trade agreements as instrument in order to link compliance with human rights and trade agreements. Hence, an interdependent situation in the field of human rights can only be achieved through such enforcement mechanisms. A strong link between a state's compliance with an agreement and

the benefits from complying with it leads to stronger incentives to comply (Underdal 1998: 10).

With reference to treaty compliance, George W. Downs, David M. Rocke and Peter N. Barsoom (1996: 383) introduce the hypothesis of the “depth of cooperation” which refers to the “extent to which it [the treaty] requires states to depart from what they would have done in its absence” (Downs et al. 1996: 383). Hence, the more states have to depart from their action in the absence of a treaty, the stronger the enforcement mechanisms have to be. Again, the authors refer to self-interest of states defining their actions saying that self-interest leads to compliance only if the cost of non-compliance is greater than the benefits states receive from violations. Moreover, according to the authors, the incentive not to violate an agreement can only be created through punishment for non-compliance (Downs et al. 1996: 384-386). Simmons (1998: 89) refers to this mechanism by arguing that “treaty negotiation is endogenous”. This is to say that states are more likely to commit to treaties which conform to their activities and, consequently, from which they have only few incentives to defect. Concerning human rights, the reasoning about the depth of cooperation is in accordance with the explanation of democratic liberalism saying that democratic countries are more likely to comply with human rights. According to Downs et al. (1996) this is due to the fact that human rights agreements do not constitute “deep treaties” for democratic regimes and they do not have to depart from what they would have done in the absence of such an agreement.

Furthermore, as compliance with human rights agreements takes place on the domestic level, political will as well as political capacity are necessary for the implementation of human rights law. This argument about political capacity leads to the reasoning of the management approach outlined in the next section.

2.2.2 The Management Approach

In contrast to the enforcement approach, the management approach considers non-compliance as a result of the incapacity of states and not as a consequence of deliberate decisions. In their study about the influence of international human rights agreements, Hafner-Burton and Tsutsui (2007: 414) point to the fact that the building of infrastructure required to comply with human rights is costly because substantial resources and expertise are needed. Contrary to the enforcement approach, the management approach emphasizes the domestic sources of compliance with agreements. Peter M. Haas (2000: 46) highlights that many developing countries lack a sophisticated administrative system necessary for treaty compliance. According to Abram Chayes and Antonia Chayes (1995: 10-16) there are three

factors leading to non-compliance with agreements: (a) the indeterminacy and ambiguity of treaty language leads to the fact that different positions concerning the meaning of the rules are adopted; (b) the limitations on capacity may lead to the disability of states to establish a regulatory apparatus in order to secure compliance; (c) the temporal dimension of political, economic, and social changes considered by treaties; that is an extreme time lag between an agreement and compliance as far as human rights are concerned. According to the management approach, human rights agreements were designed so as to start a process of compliance with the agreements that can be achieved solely over a long time period (Chayes/Chayes 1995: 17). As non-compliance is seen as the consequence of administrative incapacity the raising of the costs of violations does not lead to more norm compliance. Consequently, management theorists see coercive enforcement as misdirected, high-priced and not leading to more norm-compliance. Rather than applying enforcement mechanisms, compliance strategies should directly address the incapacities of states (Chayes/Chayes 1995: 22; Downs et al. 1996: 380-381; also Underdal 1998 and Simmons 1998). However, just as the enforcement approach, the management approach does point to the interdependence of and the cooperation between states. Arguing that cooperation between states might be at risk due to sanctioning of non-compliance the management approach does not see enforcement and punishment as means solving norm violations. On the contrary, non-compliance problems should be solved by persuasion and consultation which include (1) dispute resolution procedures; (2) technical and financial assistance; and (3) transparency. Particular focus is given to transparency as a high probability of detection reduces benefits of norm violation (Chayes/Chayes 1993, in: Downs et al. 1996: 381).

2.2.3 Argument and Hypotheses

As outlined in the introductory section, Tallberg (2002: 610) shows that compliance systems are most effective when combining management and enforcement mechanisms. In this regard, he identifies the European system as such a system combining the two mechanisms as indicated by what he calls a “management-enforcement ladder” including the following four mechanisms (Tallberg 2002: 632): (1) Preventive capacity building and rule clarification; (2) forms of monitoring which enhance transparency and state behaviour; (3) a legal system which permits to bring cases against non-compliant states; and (4) a final measure of deterrent sanctions. Hence, based on Tallberg’s (2002) analysis, it is generally assumed that a human rights compliance system relying only on management mechanisms will not be able to contain norm violations to the extent a system combining management and

enforcement mechanisms will be. Furthermore, considering the reasoning of the management and enforcement approach, it appears that countries themselves can dispose of enforcement and management mechanisms not originating from compliance systems. Henceforth, these mechanisms are referred to as “management/enforcement mechanisms beyond compliance systems”.

Considering the self-enforcing character of many international agreements, actors are expected to comply as long as the benefit from continuing an agreement exceeds the short-term value of violating it (Simmons 2009: 116; Axelrod/ Keohane 1985: 249). According to the management approach (cf. Chayes/Chayes 1995), in order to avoid too many costs as a result of non-compliance, states need to have management mechanisms at their disposal so as to be able to comply with human rights. This leads to the assumption that the more management mechanisms a country has at its disposal to comply with human rights agreements, the less violation should be observed. However, as human rights agreements are not self-enforcing – due to the lack of aspects of reciprocity and mutual gains (Simmons 2009: 154) – the availability of management mechanisms does not seem to be sufficient for state compliance. To remedy the compliance problem due to the lack of self-enforcing agreements, the costs of non-compliance have to be raised. But, with reference to human rights, the hypothesis of the “depth of cooperation” introduced by Downs et al. (1996: 383) should not be neglected. Democratic countries are expected to comply more with human rights than non-democratic countries as human rights agreements do not constitute “deep treaties” for democracies. Regarding internal factors influencing compliance with human rights, Dai (2005) links the electoral accountability of democracies and compliance with international agreements, human rights agreements in democracies cannot be considered as not being self-enforcing at all. This is in accordance with Simmons’ (2009: 154, 356) approach of treaty compliance saying that external actors do not have many incentives to make states comply with human rights. Rather, a state’s citizens themselves have the most intense interest in whether the government complies with human rights agreements or not (as only they are directly affected by their state’s behaviour with reference to human rights). Based on these arguments several assumptions can be made. First, there can be argued that the more democratic a state and the more management mechanisms beyond compliance systems it has at its disposal, the less enforcement is required for a country to comply with human rights. This leads to the following hypothesis:

H1: The more democratic a country and the more management mechanisms beyond compliance systems it has at its disposal, the more does it comply with human rights.

Hypothesis 1 is based on the assumption that human rights agreements can be characterized as being self-enforcing for democracies because democratic governments do have strong incentives to comply with human rights due to their electoral accountability. Consequently, highly democratic states, in case they dispose of strong management mechanisms beyond compliance systems, respect human rights more than non-democratic states. Furthermore, as Haas (2000: 61) points out, shared beliefs about norms are mostly developed by epistemic communities which have more access to national administrations in democratic countries with a high degree of capacity. Liberal states are structured in order to “translate domestic interest into state action” and domestic interest groups have better chances to mobilize pressure due to political access (Hathaway 2002: 1954). Hence, it is assumed that democracies exhibit more interest in complying with human rights. Moreover, this argument also represents the management approach saying that non-compliance is not the consequence of deliberate decisions but the result of the incapacity of states to comply with agreements. If this assumption is correct, highly capable states (the ones with management mechanisms beyond compliance systems at their disposal) should be more likely to comply with human rights. Subsequently, democracies with more management mechanisms beyond compliance systems are expected to comply more with human rights than less democratic countries or democratic states with only few management mechanisms beyond compliance systems at their disposal.

This argument is further in agreement with Simmons (2009: 151) saying that as democratic countries are responsive to citizens’ demands, pressure for compliance with human rights is likely to be heard. Considering domestic variables is crucial in order to understand conditions leading to compliance with human rights agreements as these concern individual rights guaranteed by national governments (Simmons 2009: 126). This state-society relation is characterized by state responsiveness and accountability and, consequently, “is a measure of the extent to which the state is liable to respond to demands for compliance from domestic sources” (Haas 2000: 57). As outlined above, there is more electoral accountability and therefore states are more liable to respond to demands for compliance in democratic states than in non-democratic ones. Therefore, the probability of success of pressure for compliance with human rights is expected to be relatively low in stable autocracies. However, with reference to transitional regimes and political mobilization for human rights, Simmons (2009: 153, 360) points out that in these countries treaties are most likely to exert influence. This reasoning about treaty effects leads to a second assumption about compliance with human rights. The “deeper” a treaty the stronger the enforcement mechanisms have to be in order to

make states comply (Downs et al. 1996: 386). As outlined in the aforementioned sections, human rights treaties are “deeper” for less democratic countries with fewer management mechanisms beyond compliance systems since less democratic regimes lack electoral accountability. More enforcement mechanisms are needed in order to make these states comply. Furthermore, transitional regimes are more likely to lack managerial capacity than highly democratic states. This leads to the following two hypotheses:

H2: In non-democratic countries, compliance systems with strong enforcement and management mechanisms lead to more compliance with human rights.

H3: In countries with fewer management mechanisms beyond compliance systems, compliance systems with strong enforcement and management mechanisms lead to more compliance with human rights.

Hypotheses 2 and 3 represent the enforcement approach and refer to Tallberg’s (2002: 633) argument that compliance systems combining management and enforcement mechanisms are more effective than compliance systems relying only on one of the strategies. A difference with reference to compliance with human rights depending on different compliance systems is assumed². Tallberg (2002: 610) identifies the European compliance system as a system combining the two mechanisms of enforcement and management. Therefore, countries of the European Union and the European human rights compliance system are expected to comply with human rights more than countries members of other compliance systems. Furthermore, the influence of human rights compliance systems is expected to be higher in countries with strong management mechanisms beyond compliance systems and for which human rights agreements do not constitute “deep treaties”. This leads to a fourth hypothesis:

H4: Countries comply most with human rights when they are democratic and dispose of strong management mechanisms beyond compliance systems and are member of a compliance system with strong management and enforcement mechanisms.

This hypothesis combines the reasoning of the management approach and the argument that compliance systems with strong management and enforcement mechanisms lead to more norm compliance. It is assumed that the combined effect of strong management mechanisms beyond compliance systems and the fact of being member of a compliance systems applying strong management and enforcement mechanisms leads to the most compliance with human rights. Hypothesis 4 is not contrary to hypotheses 2 and 3 as the effect of human rights

² For a detailed discussion of the different compliance systems of human rights cf. section 4.2.1.

compliance systems with strong management and enforcement mechanisms is assumed to exist for non-democratic countries and such with only few management mechanisms beyond compliance systems, however, it is assumed to be much stronger for countries disposing of strong management mechanisms beyond compliance systems.

In summary, the central argument of this study is based on Tallberg's (2002) analysis saying that compliance systems combining management and enforcement mechanisms lead to more norm compliance than systems applying only one of the mechanisms. This reasoning leads to the assumption that the European compliance system (combining the two mechanisms, cf. section 4.2.1.3) leads to more norm compliance than other compliance systems. However, based on the argument about self-enforcing agreements which can be applied to democratic countries and the reasoning of the management approach, it is assumed that compliance systems with strong management and enforcement mechanisms can exert even greater influence in democracies with strong management mechanisms beyond compliance systems.

2.3 Further Aspects

Variation in compliance with international agreements can further be influenced by aspects not covered by the theoretical argument and not directly linked to the hypotheses tested in this analysis. Nonetheless, these aspects influencing compliance with human rights agreements need to be considered so as to avoid biased results.

First, assuming that states particularly violate international agreements when they benefit from non-compliance, it can be argued that national governments mostly benefit from human rights violations when they see themselves threatened in their position. As Steven C. Poe and Neal Tate (1994: 859) argue "the most serious threat in the domestic arena is posed by a condition of civil war, (...)". In a situation of civil war, the authority of government is put into question by a serious threat of the government's position of power. As Jay Goodliffe and Darren G. Hawkins (2006: 364) stress, in situations of security threats, governments want to defeat their enemies and thereto states do not want to be constrained by international human rights agreements (e.g. the use of torture). However, such threats as constituted by domestic wars can also exist internationally. Hence, in order to assess the threat of domestic security, international as well as domestic wars should be considered. The authors found that international war experience as well as intrastate wars influence respect for human rights (Goodliffe/ Hawkins 2006; Poe/ Tate 1994) and therefore the variable of international and domestic war experience is included in the analysis.

Second, Hafner-Burton and Tsutsui (2007: 412) consider regime durability as a further explanatory variable for compliance with human rights. This argument can be linked to the management approach saying that there is normally an extreme time lag between treaty ratification and treaty compliance (cf. section 2.2.2). As compliance with human rights agreement requires significant management capacity, it can be argued that an established regime existing for some time period is more likely to be capable of implementing human rights agreements because they are more likely to have established management mechanisms.

3. Methodology

In order to test the influence of human rights compliance systems as well as management and enforcement mechanisms, countries have to be classified according to their configuration of these mechanisms. It is crucial to notice that management and enforcement mechanisms are basically not only derived from compliance systems, but as well from mechanisms beyond such systems. Consequently, the following two sources of management and enforcement mechanisms are considered:

- *Mechanisms of compliance systems*

Countries can be classified according to the compliance system they are member of. The International, the American, and the European compliance system (cf. section 4.2) are considered for the analyses. As they all show different degrees of management and enforcement mechanisms, a different influence on state compliance is expected.

- *Mechanisms beyond compliance systems*

Countries can be classified according to management and enforcement mechanisms beyond compliance systems. On the one hand, these mechanisms result from domestic factors, and on the other hand, interstate relationships can constitute such mechanisms. The different factors included in order to assess management and enforcement mechanisms beyond compliance systems are discussed in sections 4.3 and 4.4, respectively.

As Edward W. Frees (2004: 2) states, “[o]bserving a broad cross section of subjects over time allows us to study dynamic, as well as cross-sectional, aspects of a problem”. Hence, as the availability of data allows, a sample as large as possible is included in the analyses. That is to say that all countries (constituting the observational unit in the analyses) with available data will be considered. As will be shown in the following sections, the availability of data

does allow including a sample of more than 100 countries³ covering the years from 1996 to 2008. This results in a sample of longitudinal data of 1625 country-years of which 1513 country-years with available data. A detailed discussion of the used data is provided in sections 4 (Concepts and Operationalization) and in section 5.1 (Descriptive Statistics).

Since the underlying observational units are characterized by relatively constant variables with reference to the regarded time period (cf. section 5.1.2), panel regression models such as the “fixed-effects model” (cf. Brüderl 2010; Frees 2004) are not suited in order to analyse the postulated relationships. These models are based on comparison within the observational units which is not applicable for a lot of countries and variables in the underlying dataset. Consequently, analyses are based on a different model using a binary dependent variable allowing for the inclusion of a temporal dimension. The postulated relationships between human rights compliance systems, management and enforcement mechanisms beyond such systems and respect for human rights is analysed by applying a transition model. The model is based on Beck, Epstein, Jackman, and O’Halloran (2002) who use the transition model so as to analyse time-series cross-section data with a binary dependent variable (Beck et al. 2002). The transition model includes two different theoretical processes. The first of these processes analyses “why events occur for the first time” (1) whereas the second process analyses “why they [the events] persist” (2) (Beck et al. 2002: 8). It follows that the transition model estimates the two following processes:

$$P(y_t = 1 | y_{t-1} = 0) = \text{Logit}(x_t \beta) \quad (1)$$

$$P(y_t = 1 | y_{t-1} = 1) = \text{Logit}(x_t \alpha) \quad (2)$$

From these two processes, it follows that by means of the transition model the following four processes with reference to a binary dependent variable (respect for human rights) can be analysed:

- (1) 0 → 0: the probability that a year of (0) “not full respect for human rights” is followed by a year of (0) “not full respect for human rights”.
- (2) 0 → 1: the probability that a year of (0) “not full respect for human rights” is followed by a year of (1) “full respect for human rights”.
- (3) 1 → 0: the probability that a year of (1) “full respect for human rights” is followed by a year of (0) “not full respect for human rights”.
- (4) 1 → 1: the probability that a year of (1) “full respect for human rights” is followed by a year of (1) “full respect for human rights”.

³ All countries included in the analyses are listed in table 16 in annex 7.1.

Maximum likelihood estimation is used in order to analyse the binary dependent variable (respect for human rights). Equation (3) shows the basic model of logistic regression according to which probabilities of respect for human rights are calculated (Best/ Wolf 2010: 829-830).

$$p = \frac{1}{1 + e^{-(\beta_0 + \beta_1 x + u)}} \tag{3}$$

Equation (3) allows for the calculation of probabilities of the aforementioned processes ((1) to (4)) with reference to different configurations of the independent variables. The “XPost Excel Workbooks” provided by Simon Cheng and J. Scott Long (2000) are used in order to calculate these probabilities.

The presentation of results contains two basic sections. In a first step, two different models are estimated (cf. equations (1) and (2)). A first analysis including only observations following “not full respect of human rights” ($y_{t-1} = 0$) and a second analysis including only observations following “full respect for human rights” ($y_{t-1} = 1$) (Beck et al. 2002: 18-19). This leads to the dropping of the first observation for each observational unit (the year 1996) which allows for analysing the different probabilities of respect for human rights for each of the four possible developments ((1) to (4)) according to different configurations of the independent variables (presented in sections 5.2.1 to 5.2.3). By means of these analyses, the postulated hypotheses are tested. In a second step, a further variable is included in the analyses indicating the “number of years of (0) ‘not full respect for human rights’” before a given year. This variable allows for a further testing of the time dimension (cf. Beck et al. 2002: 24). Results of these analyses are presented and discussed in section 5.2.4.

4. Concepts and Operationalization

The following sections concentrate on the definition and operationalization of the different concepts included in the analyses. A detailed discussion of recoding of the variables is provided in section 5.1.

First of all, the measurements and data used to assess compliance with human rights (dependent variable) are presented.

In a second section, the operationalisation of the independent variables is discussed. The main independent variables constitute the configuration of management and enforcement mechanisms of human rights compliance systems. However, as outlined in section 3, concerning management and enforcement mechanisms there has to be differentiated between

mechanisms provided by human rights compliance systems and mechanisms beyond such systems. Such a differentiation is vital in order to depict all mechanisms states are subject to allowing for an assessment of explanatory factors of respect for human rights. Thereto, the existing compliance systems concerning human rights and the management and enforcement mechanisms they apply are outlined (section 4.2). This includes the International, the American, and the European compliance systems. Two further sections include the operationalisation of management mechanisms beyond compliance systems which have to be taken into consideration as well as enforcement mechanisms beyond the ones applied in compliance systems (sections 4.3 and 4.4). A further independent variable constitutes the level of democracy as it is expected to influence respect for human rights. The fourth section of independent variables focuses on the operationalisation of the level of democracy.

Section three presents further aspects influencing compliance with human rights which are included in the analyses in order to avoid biased results.

4.1 Dependent Variable – Compliance with Human Rights

As already mentioned in the introductory section, a distinction between commitment to human rights agreements and compliance with them has to be considered. Consequently, norm compliance cannot only be defined as a continuum between the dimensions of norm violation and norm commitment. For Cardenas (2007: 7), for example, norm compliance includes actions such as treaty ratification, the permission of international monitoring and the domestic implementation of norms. The definition of norm compliance should be expanded to allow for the fact of the discrepancy between norm acceptance and the actual respect of norms. It should not only include such dimensions as treaty ratification but particularly the degree of the actual respect of accepted agreements. Here norm violation is defined as the deviation from central aspects of an agreement, whereas norm commitment requires the publicly demonstrated intent not to violate an agreement. Hence, compliance with human rights agreements is assessed by measuring actual respect for human rights. This emphasis on actual state behavior is in accordance with the definition of compliance by Oran Young (1979) stating that “compliance can be said to occur when the actual behavior of a given subject conforms to prescribed behavior, (...)” (Young 1979, cited in: Simmons 1998: 77).

As mentioned in the introductory section, the analyses focus on compliance with the rights of the integrity of the person as outlined in the CAT. Focusing on these rights allows for the testing of the influence of compliance systems upon broadly accepted rights as formulated by the CAT. Furthermore, including these rights avoids the problem of tautology

as there has to be a measure of human rights independent of the definition of the independent variables. Including compliance with other human rights agreements, as for example the “International Covenant on Civil and Political Rights” (ICCPR), would lead to tautological results when including independent variables such as “democracy”.

In order to measure compliance with human rights agreements concerning the integrity of the person, the Cingranelli-Richards Data Set (Cingranelli/Richards 2011a) is used. States are classified according to the annual US State Department and Amnesty International Reports on human rights (Cingranelli/Richards 2008: 3). Therefore, the Cingranelli-Richards data set is suited for analysing actual government human rights practices. The data provides an additive index constructed from the following four indicators:

- (1) Extrajudicial killing: “Extrajudicial killings are killings by government officials without due process of law” (Cingranelli/Richards 2008: 7).
- (2) Torture: “Torture refers to the purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials” (Cingranelli/Richards 2008: 28).
- (3) Political imprisonment: “Political imprisonment refers to the incarceration of people by government officials because of: their speech; their non-violent opposition to government policies or leaders; their religious beliefs; their non-violent religious practices including proselytizing; or their membership in a group, including an ethnic or racial group” (Cingranelli/Richards 2008: 23).
- (4) Disappearance: “Disappearances are cases in which people have disappeared, agents of the state are likely responsible, political motivation may be likely, and the victims (the disappeared) have not been found” (Cingranelli/Richards 2008: 13).

Countries are classified for each of the four indicators on a three-point scale indicating (0) “practiced frequently”; (1) “practiced occasionally”; and (2) “have not occurred”. When mentioned in the human rights reports, more than 50 instances in one year are coded as (0) “practiced frequently”. The additive index then classifies countries from (0) “no respect for these rights” to (8) “full respect for these rights” (Cingranelli/Richards 2008: 7-28).

Cingranelli and Richards (2008b) provide a very detailed coding manual so that codings can be reconstructed. As each variable is analysed by at least two trained coders, Cingranelli and Richards (2008a; 2008b) do provide for interrater reliability statistics. All of the used variables show an interrater reliability of at least 0.9 and can be classified as reliable. Data is available for 191 countries for the period from 1981 to 2009, with a few exceptions covering a shorter period (Cingranelli/Richards 2011b).

4.2 Independent Variables

In the following sections, the independent variables of the hypotheses expected to influence compliance with human rights are discussed. First, the different compliance systems are presented. The second and third sections include management and enforcement mechanisms beyond compliance systems, respectively. The operationalization of the level of democracy is discussed in a fourth section.

4.2.1 Human Rights Regimes – Compliance Systems

Similar to Koh (1998: 1402, cf. Section 2.1), Jack Donnelly (2003: 127) defines a regime as “systems of norms and decision-making procedures accepted by states as binding in a particular issue area”. Furthermore Donnelly (1986: 603; 2003: 128) distinguishes between the following four types of regime norms:

- (1) Authoritative international norms which are binding international standards, generally accepted as such by states.
- (2) International standards with self-selected national exemptions.
- (3) International guidelines which are standards that are not binding but are widely commended by states.
- (4) National standards which constitute no substantive international norms.

Furthermore, Donnelly (2003: 127-129) distinguishes four decision-making procedures classifying four different regime-types:

- (1) Enforcement regimes: international enforcement including binding international decision making.
- (2) Implementation regimes: international implementation including monitoring and policy coordination.
- (3) Promotion regimes: international promotion including assistance of national implementation of norms.
- (4) Declaratory regime: no international decision making.

Following this definition and classification of international systems, the “compliance system” of a regime refers to the decision-making procedures defining the degree to which the regime affects state behavior. Accordingly, a regime of type (1) includes a compliance system with enforcement mechanisms whereas regimes of type (2) and (3) include compliance systems with management mechanisms.

Moreover, Tallberg classifies compliance regimes according to a so-called “management-enforcement ladder” consisting of the following four elements (Tallberg 2002: 632): (1) Preventive capacity building and rule clarification; (2) Forms of monitoring which enhance transparency of state behaviour; (3) A legal system which permits to bring cases against non-compliant states; (4) A final measure of deterrent sanctions. According to this classification, systems including elements (1) and (2) classify as systems applying management mechanisms only whereas systems including elements (3) and (4) are considered systems applying enforcement mechanisms.

In the following sections the different human rights compliance systems considered for the analyses are presented. Thereto, the United Nations’ compliance system, the American compliance system as well as the European compliance system are presented. For each of these compliance systems, the different configurations of management and enforcement mechanisms are discussed. A fourth section deals with the situation of human rights regimes in Asia, Africa, and the Middle East. The fifth section presents an overview of the different compliance systems and their configuration of management and enforcement mechanisms.

4.2.1.1 The United Nations’ Compliance System

The United Nations’ human rights compliance system is mainly characterized by management mechanisms. It is constituted of treaty-based human rights bodies and charter-based bodies. The treaty-based system consists of committees of independent experts for the nine core human rights treaties⁴. These committees monitor state compliance with the treaties (so-called conventional monitoring mechanisms). Reports submitted by each country are examined by the committee which raises its recommendations and concerns. Additionally, optional protocols of the human rights treaties authorize the committees to examine individual complaints concerning human rights violation (United Nations 2010a). With reference to the CAT – the convention considered in this analysis – articles 21 and 22 of the convention need to be highlighted. According to these two articles, a state may declare that it “recognizes the competence of the Committee to receive and consider communications from or on behalf of” another signatory state (article 21) or individuals (article 22) (United Nations 1984). This is to say that unless states explicitly recognize the competence of the Committee it cannot undertake any inquiries. Hence, the CAT (as well as the other core human rights treaties) has

⁴ ICCPR, ICESCR, ICERD, CEDAW, CAT, CRC, CMW, CRPD, and CED (cf. note 1, section 1).

to be classified as “international standards with self-selected national exemptions” (type (2) of regime norms according to Donnelly (2003: 128)).

The charter-based system consists of the Human Rights Council (which replaced the Commission on Human Rights in 2006) and the special procedures for the Human Rights Council/ for the Commission on Human Rights. The Commission on Human Rights was created in 1946 by the Economic and Social Council (ECOSOC). The Human Rights Council is an institution providing transparency and monitoring. This inter-governmental body is responsible for addressing human rights violation and making recommendations. An advisory committee serves as the Council’s “think tank” providing advice and expertise. Organizations and individuals may bring complaints about human rights violations to the Council (United Nations 2010a). Beyond the monitoring, the Human Rights Council (and especially the advisory committee) does provide a repetitive discourse between states as a further management mechanism.

In the context of extra-conventional monitoring mechanisms, special procedures, established by the Commission on Human Rights, permit more flexible responses to human rights violations. They are established in order to “examine, monitor, advise and publicly report on human rights situations” (United Nations 2010a). Special procedures can either be country mandates concerning human rights situations in specific countries and territories or thematic mandates which concern a “phenomena of human rights violations worldwide” (United Nations 2010a). The Special Procedures were assumed by the Human Rights Council in order to address specific situations or thematic issues. Special rapporteurs, representatives, and independent experts examine and monitor human rights violation in specific states (United Nations 2010a).

In summary, the compliance system of the United Nations does provide for transparency, monitoring, promotion, and a repetitive discourse between states. These mechanisms are classified as management mechanisms to which all United Nations member states having ratified a human rights treaty are subject to. However, the United Nations compliance system does not dispose of any enforcement mechanism.

4.2.1.2 The American Compliance System

The “American Declaration of the Rights and Duties of Man” was signed in 1948 and constitutes the “first major international document on human rights” (Serrano 2010: 14) in the Americas. In 1959, resolutions aiming at the drafting of a “Convention on Human Rights” including the establishment of two human rights bodies was approved. Following, the “Inter-

American Commission on Human Rights” was established in 1959 and the “Inter-American Court of Human Rights” came into operation in 1979 (OAS 2010). These two bodies constitute the Inter-American System of Human Rights. On the one hand, the Inter-American Commission on Human Rights “promote[s] the observance and defense of human rights and serves as an organ of consultation (...)” (OAS 2010). Furthermore, the Commission on Human Rights can receive complaints about human rights violations from individuals and organizations concerning any member of the Organization of American States, and, with the consent of the government concerned, the Commission on Human Rights can conduct investigations (Donnelly 2003: 142; OAS 2010).

On the other hand, there is the Inter-American Court of Human Rights which has an adjudicatory and an advisory function. Only states and the Commission on Human Rights can bring cases to the Court and states have to acknowledge the Court’s jurisdiction. The monitoring of compliance works through the review of reports by the states, and since 2007 involves hearings to monitor compliance with judgements. The advisory competence of the Court allows member states to consult the Court concerning application problems and therefore serves as an additional transparency mechanisms (OAS 2010). Consequently, the American compliance system has been developing from a promotional regime to a regime with monitoring mechanisms as well as “limited regional decision” (Donnelly 2003: 130, also Engstrom/ Hurrell 2010: 33). The American compliance system uses the management mechanisms of transparency and monitoring and does as well provide a repetitive discourse among states. Furthermore, the Inter-American Court of Human Rights serves as an enforcement mechanism. However, the Court cannot sanction non-complying states and can therefore not be classified as strong enforcement mechanism.

4.2.1.3 The European Compliance System – The Council of Europe and the European Union

The “European Convention on Human Rights” entered into force in 1953 and, in order to examine violations and ensure state compliance, the “European Court of Human Rights” was established in 1959 (ECHR 2010a: 3). The “European Court of Human Rights” which constitutes the judicial authority of the Council of Europe has an adjudicatory and an advisory function. The contracting parties to the “European Convention on Human Rights” have committed to comply with the final judgments of the Court. Until 1998, the European Commission of Human Rights expressed a non-binding opinion with reference to a case and, only then could the Commission or the Government in question decide to refer to the Court for a final and binding adjudication. Otherwise, the case was decided by the Committee of

Ministers. In 1998, however, protocol No. 11 established “the new Court” replacing the European Commission of Human Rights and the European Court of Human Rights by a “single full-time European Court of Human Rights” (ECHR 2010a: 3). Furthermore, individuals have been entitled to submit cases to the Court and jurisdiction of the Court has been made compulsory (Donnelly 2003: 139; ECHR 2010a: 3).

Article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms refers to the “binding force and execution of judgments” stating in paragraph 1 that “[t]he High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties” (ECHR 2010b). The Committee of Ministers, with the assistance of the “Department for the Execution of Judgments of the European Court of Human Rights”, is responsible for the supervision of compliance. The Court may ask the respondent state the payment of just satisfaction, to take individual measures (such as the re-opening of unfair proceedings), or general measures (such as a review of legislation). Subsequently, the Committee of Ministers monitors the steps taken by the respondent state until it has adopted satisfactory measures (Council of Europe 2011a; ECHR 2010a: 3).

In 1999, the office of the “Commissioner for Human Rights” was instituted by the Committee of Ministers. The Commissioner for Human Rights is an independent institution within the Council of Europe with the following objectives (Council of Europe 2011b): (1) foster the effective observance of human rights; (2) promote education in and awareness of human rights; (3) identify possible shortcomings in the law and practice concerning human rights; (4) facilitate the activities of national ombudsperson institutions and other human rights structures; and (5) provide advice and information regarding the protection of human rights across the region. Thereto, the Commissioner for Human Rights engages in dialogue with the member states and composes reports containing analyses of the human rights situations in a country as well as recommendations in order to improve the situation (Council of Europe 2011b).

In addition to the compliance system of the Council of Europe, the system of the European Union has to be considered. For the European Union member states the European Court of Justice, established in 1952, constitutes the judicial authority working together with the national courts of the member states of the European Union. It monitors the uniform application and interpretation of European Union law. There exists a primacy of European Union law over national law and consequently, European citizens may directly rely on rules of the European Union law before national courts. The European Court of Justice may take actions against member states for failure to fulfil obligations. Complaints may be brought to

the Court by the Commission of the European Union or by a member state. As a final measure, the Court may impose a financial penalty to states not fulfilling their obligations (Curia 2010, cf. also Helfer/ Slaughter 1997).

The Treaty of Amsterdam, which entered into force on 1 May 1999, established procedures in order to secure the protection of fundamental rights and in the following year, the European Commission, the European Parliament, and the European Union leaders proclaimed the “Charter on Fundamental Rights in the European Union” (Europa 2011b). The Treaty of Amsterdam amended Article 6 of the European Union Treaty by explicitly stating the “attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law” (EUR-Lex 1997: Article 6). The Treaty of Amsterdam mentions as well political mechanisms to prevent violations of these principles stated in Article 6. Furthermore, the Treaty of Nice which entered into force on 1 February 2003 further develops these mechanisms and establishes preventive as well as a sanctions’ mechanism in the case of a serious breach of these rights by a member state. Until the Treaty of Lisbon went into force in 2009, however, the Charter of Fundamental Rights of the European Union did not have binding legal effect (Europa 2011b; 2011c).

Furthermore, a “Network of Independent Experts to assess the safeguarding of fundamental rights by the EU member states” was established (Europa 2010). The network drafts annual reports concerning the application of the rights set out in the European Union’s Charter of Fundamental Rights. Additionally, the network provides information on fundamental rights when requested and helps the European Commission and the Parliament in developing European Union policies (Europa 2010). In 2007, the “European Union Agency for Fundamental Rights” was established as an advisory body to the European Union and is concerned with the following three objectives (FRA 2011): (1) collecting and analysing objective, reliable and comparable data on a variety of fundamental rights issues; (2) networking with partner organisations; and (3) communicating its evidence-based advice to partner organisations and the general public and rising awareness of fundamental rights.

In summary, the European compliance system of human rights can doubtlessly be classified as more developed than the American and the United Nations’ compliance systems. For the analyses, member states of the European Union are classified separately from the ones only being member of the Council of Europe. Although the effect of the Treaty of Lisbon cannot be analysed here since it only entered into force in 2009, member states of the European Union are still classified separately as this allows for a more detailed analysis of the influence of compliance systems.

4.2.1.4 The African Compliance System, Asia, and the Middle East

The “African Court on Human and Peoples’ Rights” started its operation in November 2006 and, since then, spoke two sentences (ACHPR 2011). As mentioned in the establishing protocols of the Court, it complements the work of the “African Commission of Human and Peoples’ Rights”. The Commission may submit cases to the Court which in turn may request the opinion of the Commission or transfer cases to it (ACHPR 2011). Similar to the Inter-American Court of Human Rights and the European Court of Human Rights, the African Court does have an advisory and an adjudicatory function. Accordingly, “the Court may, at the request of a Member State of the African Union (AU), any of the organs of the AU, or any African organisation recognized by the AU, provide an opinion on any legal matter relating to the Charter or any other relevant human rights instruments, (...)” (ACHPR 2011). Currently, only 25 of the 53 member states of the African Union have ratified the Court’s Protocol (ACHPR 2011). Related to the adjudicatory function, it is mentioned that the Court “has the competence to take final and binding decisions on human rights violations (...)” (ACHPR 2011). However, there is no evidence of final enforcement measures the Court can take.

As the African Court on Human and People’s Rights was established only recently, and since the African compliance system that existed before can be classified as only declaratory (Donnelly 2003: 130) and is hence weaker than the United Nations’ compliance system, it is not taken into consideration for the present analyses.

With reference to Asia and the Middle East, there do not exist any human rights compliance systems. Although the League of Arab States established a “Permanent Arab Commission on Human Rights” in 1968, it was only in 2008 when the “Arab Charter on Human Rights” was ratified by ten countries and entered into force. The Council of the League of Arab States adopted the Charter already in 2004. However, by the time it was only signed by Iraq and could therefore not enter into force at that time (Donnelly 2003: 144; humanrights 2011).

The Association of South East Asian Nations (ASEAN) adopted the “Cha-Am Hua Hin Declaration on the Inauguration of the ASEAN Intergovernmental Commission on Human Rights” in October 2009 (ASEAN 2009). This might mark the beginning of the development of an Asian human rights regime. For the time period considered in the analyses, however, there is no such Asian compliance system in force.

4.2.1.5 Compliance Systems – Overview

According to Donnelly's (2003) classification of regime types, the *United Nations' compliance system* is characterized by "international implementation including monitoring" as well as "international promotion". All the mechanisms outlined in section 4.2.1.1 are clearly considered management mechanisms and cannot be classified as enforcement mechanisms. With reference to Tallberg's (2002: 632) classification, the United Nations' compliance system includes element (1) "capacity building and rule clarification" as well as element (2) "monitoring enhancing transparency of state behavior". These elements further classify the compliance system as applying management mechanisms only.

The *American compliance system* is characterized by some more developed elements than the United Nations' compliance system. Similar to the United Nations' compliance system, the American system disposes of mechanisms of transparency, monitoring and rule clarification. Furthermore, however, the American compliance system disposes of a legal system which permits to bring cases against non-compliant states. However, since states have to acknowledge the Inter-American Court of Human Rights and there is no final measure of sanctions the system cannot be classified as applying strong enforcement mechanisms. Nonetheless, the American system is considered as being more developed than the United Nations' system.

As outlined in section 4.2.1.3, at present the *European compliance system* is doubtlessly the most developed human rights compliance system. In addition to the elements present in the American and the United Nations' system, the jurisdiction of the European Court of Human Rights is compulsory and the court can ask the respondent state for the payment of just satisfaction as well as to take individual or general measures. Hence, the European system is the only system which can be classified as enforcement regime following Donnelly's (2003: 127-129) regime-types.

Although there does exist an African human rights regime, it was established only recently and, for the time period relevant to this analysis, is classified as declaratory regime only. There is no compliance system existent in Asia and the Middle East for the time period considered.

Subsequently, the European compliance system is classified as the most developed system combining management and enforcement mechanisms. The American system is developed to a lesser extent applying management but only weak enforcement mechanisms. The United Nations' system is classified as the least developed compliance system applying only management mechanisms. This leads to a five-point scale of compliance systems with

the following categories: (0) no compliance system; (1) United Nations' compliance system; (2) American compliance system; (3) European compliance system; and (4) European compliance system and European Union member states. States are classified according to the present scale based upon the fact whether they have ratified a system's convention on human rights (and thus commit to these human rights). For further analyses, states are classified based on whether they have ratified the respective optional protocols. Data is provided by the United Nations (2011), the Organisation of American States (OAS 2011), and the Council of Europe (2011c).

4.2.2 Management Mechanisms beyond Compliance Systems

Additionally to the management mechanisms applied by human rights compliance systems (section 4.2.1) further management mechanisms beyond such systems are included in the analysis in order to depict a full picture of such mechanisms states dispose of.

First, as discussed in the theoretical section, according to Chayes and Chayes (1995: 25) the bureaucratic capacity of a state is cited as being an important management mechanism. Bureaucratic capacity includes more than one aspect. On the one hand, bureaucratic capacity is part of what the World Bank defines as “governance” which, in turn, is defined as “the traditions and institutions by which authority in a country is exercised” (Kaufmann et al. 2010: 4). With reference to bureaucratic capacity, the two following dimensions of “governance” are of special importance (Kaufmann et al. 2010: 4): (1) the capacity of the government to effectively formulate and implement sound policies which includes government effectiveness. Government effectiveness is the quality of public and civil services as well as the degree of its independence from political pressure and the quality of policy formulation and implementation; and (2), the respect of citizens and the state for the institutions that govern economic and social interactions among them which includes control of corruption. Corruption captures the “extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as ‘capture’ of the state by elite and private interests” (Kaufmann et al. 2010: 4). Simply corruption can be defined as “the misuse of public power for private benefit” (Transparency International 2009: 2). Corruption clearly impedes efficient functioning of states and therefore seems to be an important aspect of bureaucratic capacity.

The World Bank data on “Worldwide Governance Indicators” constitutes the most comprehensive database including data on corruption and government effectiveness. Hence, these indicators are considered to assess the bureaucratic capacity of states. The World

Governance Indicators rely on perception-based sources including surveys of firms and households and assessments of commercial business information providers, non-governmental organizations as well as multilateral organizations. For each of the indicators, data from these different sources are rescaled into common units which results in an indicator ranging from -2.5 (worst performance) to +2.5 (best performance) for control of corruption and government effectiveness, respectively (Kaufmann et al. 2010: 5, 9). The particular value of perceptions data in order to measure “control of corruption” and “government effectiveness” is highlighted with reference to the Worldwide Governance Indicators. Whereas objective or fact-based data captures the “*de jure* notion of laws ‘on the books’”, perceptions data is able to capture the “*de facto* reality that exists ‘on the ground’” (Kaufmann et al. 2010: 18). Moreover, Kaufmann et al. (2010: 19) found little evidence of systematic biases in perceptions data due to the fact that different respondents might differ systematically in their perceptions of the same reality or because of the fact that assessments are driven by factors other than governance itself (such as level of development or economic performance). However, as Kaufmann et al. (2010: 20) mention, “any observed empirical measure of governance will only be an imperfect proxy for the broader dimensions of governance it reflects” since the true level of governance in a country is “inherently unobservable”. Nevertheless, the Worldwide Governance Indicators are based on an extreme variety of sources and constitute the most comprehensive data on corruption and government effectiveness and are therefore suited for the analyses.

On the other hand, as it is more difficult to comply with agreements for developing countries due to administrative systems which are less developed as well as command fewer financial resources (Haas 2000: 46), it is important to consider the development of states to further assess capacity. By using the Hybrid Human Development Index, not only indicators on economic development are brought into focus, but life expectancy and adult literacy rate are further considered a valid assessment of the actual development of a country. The Human Development Index measures the average achievement in the three basic dimensions of development which include (1) a long and healthy life, (2) knowledge, and (3) a decent standard of living (Human Development Report 2010: 216). The Human Development Report Office relies on international data agencies collecting data on statistical indicators (Human Development Report 2009; 2010).

The Hybrid Human Development Index applies the same aggregation formula as the new Human Development Index introduced in 2010 to the set of indicators and sources of previous years which allows for a more extensive analysis over time (Human Development Report

2010: 217, 224). The Hybrid Human Development Index ranges from 0 to 1 and is calculated using the following indicators: (1) life expectancy at birth; (2) GDP per capita (PPP US\$); as well as (3) the adult literacy rate and the gross enrollment ratio (number of students enrolled in primary, secondary, and tertiary education). The Hybrid Human Development Index is calculated using the geometric mean of the three dimension indices⁵ of (1) life, (2) education, and (3) income (Human Development Report 2010: 216).

Second, as a further management mechanism beyond compliance systems the years of treaty ratification is included in the analysis. This indicator allows measuring the extreme time lag which can occur between commitment to human rights and actual compliance with such agreements as mentioned by Chayes and Chayes (1995: 17). The United Nations provide data on the years states ratified human rights conventions (United Nations 2010c). As for this analysis the respect of the rights of the integrity of the person are considered, countries are coded according to the years since treaty ratification of the CAT.

Third, as states are embedded in an increasingly interdependent international system where their sovereignty does no longer mean that they are able to act independently from one another, it is vital to include a variable allowing for the consideration of this aspect. Both the management and the enforcement approach refer to the interdependence of states as influencing state behaviour. Hence, interdependence can be considered as management or as enforcement mechanisms and is not clearly attributed to either of the mechanisms. Interdependence can be understood as what Haas (2000: 57) calls “state vulnerability” which assesses the degree to which states “are vulnerable to external influence” (Haas 2000: 57). The concept of interdependence/state vulnerability is included using data on state openness. State openness is measured as “exports plus imports divided by the real GDP per capita” with 2005 as reference year (Heston et al. 2006). Hence, state openness allows for the measurement of the degree to which states depend on other states.

⁵ In order to calculate the dimension indices minimum and maximum values (goalposts) are chosen for each indicator so as to transform the indicators into indices between 0 and 1. The following goalposts were used (Human Development Report 2008: 336; 2010: 216):

- Life expectancy at birth (years): Maximum = 85; Minimum = 25
- Adult literacy rate (%): Maximum = 100; Minimum = 0
- Combined gross enrolment ratio (%): Maximum = 100; Minimum = 0
- GDP per capita (PPP US\$): Maximum = 40,000; Minimum = 100

Dimension indices are then calculated as follows (Human Development Report 2010: 216):

$$\frac{\text{actual value} - \text{minimum value}}{\text{maximum value} - \text{minimum value}}$$

4.2.3 Enforcement Mechanisms beyond Compliance Systems

As evident considering the relatively small enforcement mechanisms by which the American and the United Nations' compliance systems are characterized (cf. section 4.2.1), most enforcement mechanisms these states are subject to exist beyond such systems. Hence, additionally to the enforcement mechanisms applied by human rights compliance systems further enforcement mechanisms have to be included in the analyses in order to assess all such mechanisms states are subject to.

First, sanctions are mentioned as a factor influencing the cost of non-compliance and therefore leading to more norm compliance of states. In order to measure the threat and imposition of sanctions, the data provided by Clifton Morgan, Valentin Krustev, and Navin A. Bapat (2006a) is considered. According to Morgan et al. (2006b: 1), a sanction must: (1) “involve at least one sender state and a target state; and (2) be implemented by the sender in order to change the behaviour of the target state”. The data allows identifying the sender as well as the target state and the duration of the sanction. Moreover, sanctions can be identified according to the issue they consider. Consequently, the sanctions addressing the improvement of human rights are included in the analyses. Data is collected from different primary and secondary sources. Lexis-Nexis, Facts on File, and Keesing's Record of Contemporary Events constitute the primary sources consulted to assess the actual situation of sanctions. Furthermore, data collected from both the New York Times and London Times indices are used (Morgan et al. 2006b: 1).

Second, states can also be coerced to comply by linking economic relations and state performance with human rights agreements. As Hafner-Burton (2005) shows, the existence of preferential trade agreements including human rights clauses do contribute to more respect for human rights. Hence, it is vital to include such agreements in the analyses. Raymond Ahern (2010) does provide a list of preferential trade agreements with the European Union that include human rights standards. Furthermore, the European Commission does provide information about regional trade agreements including human rights standards (Europa 2011d). As there is no possibility to access the data of Emilie Hafner-Burton, information provided by Ahern (2010) and the European Commission (2011d) is included in the analyses. The two sources allow for a detailed list of preferential trade agreements between the European states and third parties. Nevertheless, the probable incompleteness of the data has to be taken into consideration concerning the interpretation of the results.

Third, the cost of non-compliance can be raised where treaties constitute an integral part of the domestic legal system and obligations are therefore enforceable in domestic courts.

This effect is further enforced when the domestic judicial system is characterized as independent. To measure the independence of the judicial system, information provided by Cingranelli and Richards is used which classifies judicial systems into the following three categories (Cingranelli/ Richards 2010): (0) not independent, (1) partially independent, and (2) generally independent. The authors provide a very detailed coding manual including schemes of necessary factors for every variable in order to qualify for the different categories. Furthermore, each variable is evaluated by at least two trained coders (compare: Cingranelli/ Richards 2008a; Cingranelli/ Richards 2008b). Accordingly, judicial systems providing for the following features were considered as being independent (Cingranelli/Richards 2008b): (1) the judiciary has “the right to rule on the constitutionality of legislative acts and executive decrees”; (2) a minimum of a seven-year tenure is granted for judges at the highest level of courts; (3) judges cannot be removed or appointed directly by the President/ Minister of Justice; (4) the court can challenge actions of the legislative and executive; (5) court hearings have to be public; and (6) judgeships are held by professionals. Whether human rights treaties constitute an integral part of the domestic legal system is assessed using data on the existence “of constitutional provisions banning torture or inhumane treatment” provided by the “Democracy Assistance Project“ (Finkel et al. 2008). Countries are classified according to the following three categories: (0) not mentioned in the constitution; (1) explicitly guaranteed or mentioned in the constitution but with exceptions or qualifications, such as a public interest clause; and (2) explicitly guaranteed or mentioned in the constitution (Finkel et al. 2008: 39).

4.2.4 Level of Democracy

According to the democratic legalism outlined by Simmons (1998: 83) and as postulated by hypothesis 1, democracies are more likely to comply with international agreements. To measure the level of democracy two different data sources are considered.

First, data provided by José Antonia Cheibub, Jennifer Gandhi, and James Raymond Vreeland (2009) is included. The data provides for a dichotomous variable of democracy as well as for a regime classification. Countries are classified as democratic if fulfilling the following conditions (Cheibub et al. 2009: 4-6, 9): (1) the mode of effective executive selection is direct or indirect; (2) the mode of legislative election is elective (legislators are selected by means of either direct or indirect popular election); (3) the legislature is elected; (4) multiple parties are legally allowed (dejure status of parties); (5) existence of multiple parties (defacto status of parties); (6) there exist multiple parties outside of regime front; (7) there is a legislature with multiple parties; and (8) the regime year qualifies as a democratic

regime (this is the case when incumbents did not unconstitutionally close the lower house of the national legislature and rewrite the rules in their favour). In addition to this dichotomous classification, the data includes the following six-fold regime classification (Cheibub et al. 2009: 9): (0) parliamentary democracy; (1) mixed (semi-presidential) democracy; (2) presidential democracy; (3) civilian dictatorship; (4) military dictatorship; and (5) royal dictatorship.

However, as the data provided by Cheibub et al. (2009) does only characterize countries on a dichotomous scale, a further data-source is considered. The Polity IV data (Center for Systemic Peace 2010) classifies countries on a scale ranging from -10 (autocratic regime) to +10 (democratic regime) (Marshall et al. 2010a). To assess the democratic level, states are classified on an Autocracy and a Democracy Scale whereby the former is subtracted from the latter. The democratic scale includes the following criteria: (1) the competitiveness of political participation; (2) openness and competitiveness of executive recruitment; and (3) constraints on the chief executive. The autocratic scale is assessed based on the criteria: (1) competitiveness of political participation; (2) the regulation of participation; (3) the openness and competitiveness of executive recruitment; and (4) constraints on the chief executive. (Marshall et al. 2010a: 15). In order to classify countries according to regime types Marshall et al. (2010b) suggest the following categories: (1) scores -10 to -6 are classified as “autocracies”; (2) scores -5 to +5 are classified as “anocracies”; and (3) as “democracies” countries are classified when scoring +6 to +10. The Polity IV Project contains annual data updates and regular re-examinations of its records. For each country, the Polity IV Project uses multiple historical sources. Since codings were conducted by several experts which also regularly examine the already established codings, the Polity IV data can be seen as verified (Marshall/ Jagers 2009: 5-8; Marshall et al. 2010).

In summary, the data provided by Cheibub et al. (2009) includes a more comprehensive definition of democracy than the Polity IV data as it includes more dimensions (such as the existence of multiple parties) which is preferable. Nevertheless, the Polity IV dataset allows for a continuous classification of countries beyond a democracy-dictatorship dichotomy. Such a classification is preferable when it comes to testing the postulated hypotheses. Hence, in a first analysis the Polity IV data is used before, in a second analysis, the democracy data of Cheibub et al. (2009) is also included.

4.3 Further Aspects – Conflict and Regime Durability

In order not to bias the results of the influence of compliance systems as well as of management and enforcement mechanisms beyond such systems, it is important to include some further aspects which have to be controlled.

First, a variable measuring the existence of conflicts (international or interstate) is included. The existence of violent conflicts can be measured with the help of the “Armed Conflict and Intervention Datasets” provided by the Center for Systemic Peace (2010). A major episode of political violence is defined as “the systematic and sustained use of lethal violence by organized groups that result in at least 500 directly-related deaths over the course of the episode” (Marshall 2006: 1). In order to include all episodes of political violence, the indices of all societal episodes (including civil and ethical violence and wars) as well as of all interstate episodes (including international violence and wars) are considered (Marshall 2006: 3). One major problem concerning this database constitutes the fact that episodes of political violence are coded by one single author (Marshall 2006: 2); a fact that affects the reliability of the measure. Therefore, the war list provided by the “Arbeitsgemeinschaft Kriegsursachenforschung” (AKUF 2010) listing wars from 1945 to the present will further be considered. The analysis and classification of wars is based on analyses conducted by several experts (AKUF 2010) and therefore guarantees an additional degree of reliability.

Second, data on regime durability as provided by the Polity IV data is included (Center for Systemic Peace 2010). Regime durability is defined as the “number of years since the most recent regime change (defined by a three-point change in the POLITY score over a period of three years or less) or the end of transition period defined by the lack of stable political institutions (...)” (Marshall et al. 2010a: 17). Zero indicates the “baseline ‘year zero’” in which a new polity is established. The data includes regimes changes since 1800 or the date of independence of a country (Marshall et al. 2010a: 17).

5. Results

In the following sections, detailed analyses of the hypotheses are conducted as outlined in section 3. The first part includes descriptive statistics of all the variables included in the analyses. The second part includes the analyses of the transition model which allows testing for the different hypotheses.

5.1 Descriptive Statistics

The following two sections show the descriptive statistics of the different variables including a general part on the distributions of the different variables and recoding (section 5.1.1) as well as a second part on the temporal dimension within the observational units included in the sample (section 5.1.2).

5.1.1 Overview

Table 1 shows the descriptive statistics of all included variables. Cases with missing values in one of the variables were excluded from the analyses which results in a final sample of 1513 country-years. 210 country-years (which correspond to 12.2% of the total sample) show a missing value in at least one of the variables and are therefore not included.

In order to avoid variables with too few cases in each category most of the variables were recoded. Although this might involve a loss of information it is necessary to be able to conduct the analyses. Hereafter, the dependent variable “respect for human rights” as well as the independent variables are discussed.

Variables	min.	max.	median	mode	mean	std.dev
Respect for human rights	0	1		0	0.29	0.012
Compliance systems	0	4	1		1.68	0.033
Corruption	1	5	3		2.97	0.025
Government Eff.	1	5	3		3.04	0.026
HDI	1	5	4		3.86	0.024
Capacity	1	4	3		2.64	0.023
Years since ratification	0	4	2		2.00	0.036
Economic Dependence	1	4	2		2.07	0.020
Sanctions	0	1		0	0.01	0.002
PTAs	0	1		1	0.59	0.013
Independent Judiciary	0	2	1		1.04	0.020
Constitutional Ban	0	2	1		1.16	0.023
Polity IV	1	5	3		3.01	0.042
Violence	0	1		0	0.15	0.009
Regime durability	0	5	3		3.01	0.042
Democracy	0	1		1	0.62	0.013

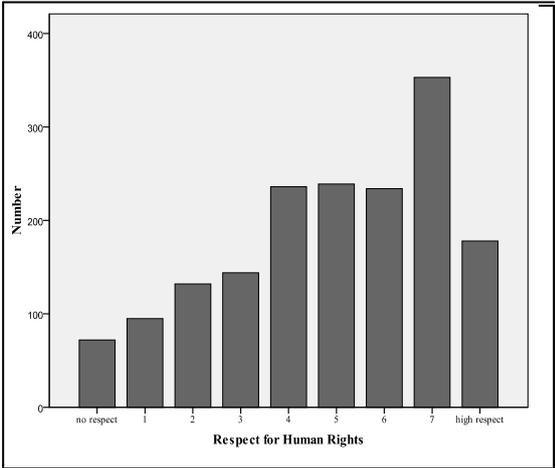
N= 1513

Table 1: Descriptive Statistics

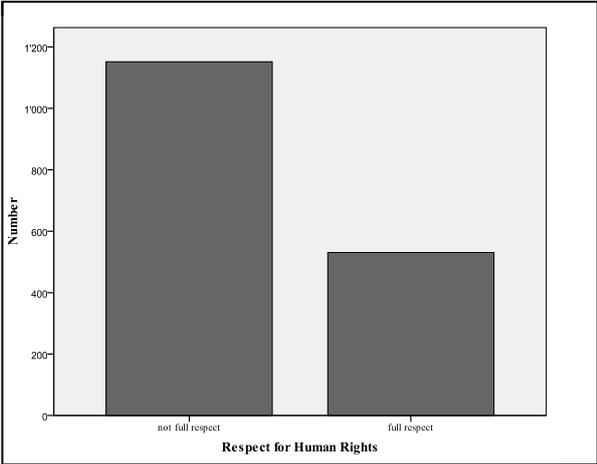
First of all, the nine-point human rights scale of Cingranelli and Richards (2008) is recoded into a dichotomous variable. Only countries with very high levels of respect for human rights were recoded as (1) “full respect for human rights”⁶. This recoding is necessary in order to be able to apply the transition model which is used in the analyses (cf. section 3). Graphs 1 and 2 show the two variables and corresponding distributions. The original variable shows a bimodal distribution with category (5) and category (7) as peaks. The distribution of

⁶ The new categories are as follows: (0) includes the original categories 0,1,2, 3 ,4, 5, and 6 ; (1) = 7, 8. (0) indicating not full respect for human rights and (1) indicating full respect for human rights.

the newly constructed dummy variable of respect for human rights is skewed to the left as most of the country-years are classified as (0) “not full respect for human rights” (a total of 1156 country-years, or 67.1%). 532 country-years show full respect for human rights (which corresponds to 30.9% of the sample). Table 17 in annex 7.2 shows the frequency analyses of the two variables.

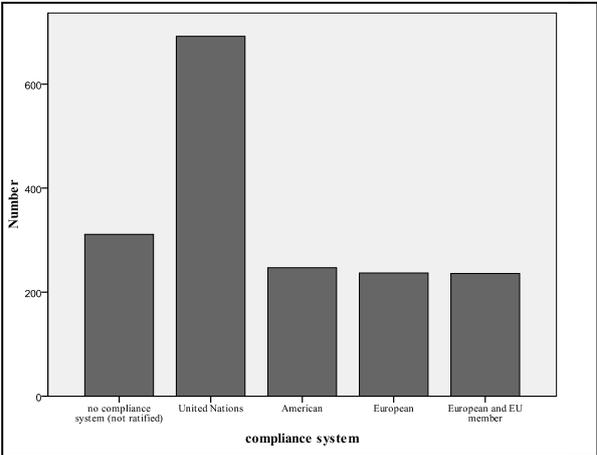


Graph 1: Respect for Human Rights – Nine-Point Scale

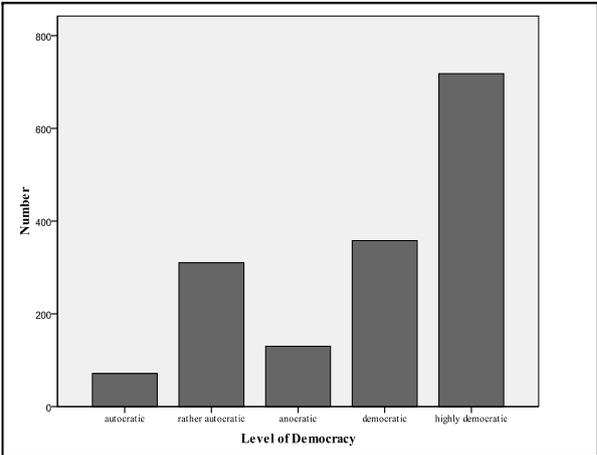


Graph 2: Respect for Human Rights – Dummy Variable

Second, the distribution of compliance systems is shown in Graph 3. There are 311 country-years which are not part of any compliance system. This is to say that these countries did not have ratified the United Nation’s Convention against Torture or any of the regional conventions until the given year. 692 country-years are attributed to the United Nation’s compliance system. The European and the American compliance systems show very similar number of country-years. The European compliance system includes 237 country-years whereas there are 247 country-years in the American compliance system. Furthermore, there are 236 country-years classified in the European compliance system and as being member of the European Union.

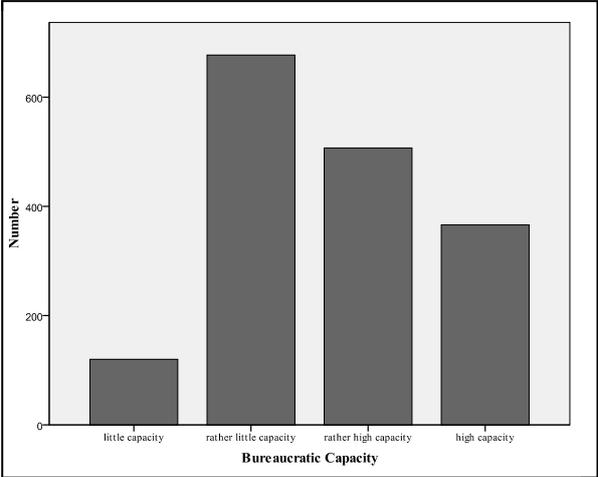


Graph 3: Compliance Systems



Graph 4: Level of Democracy

Third, the Polity IV index is classifying states on a scale ranging from -10 to +10. In order to avoid variables with too little country-years in each of these categories, the variable is recoded into a five-point scale⁷. Graph 4 shows the distribution on the newly constructed variable. The distribution is bimodal with a median in category (4) “democratic” and almost half of the country-years classified as (5) “highly democratic” (45.2% or 718 country-years). However, there are 71 country-years in category (1) and consequently characterized as autocracies. According to the democracy data provided by Cheibub et al. (2009), 699 country-years are classified as dictatorships and 1024 country-years as democracies. A closer look at regime classification shows that 393 country-years were classified as parliamentary democracy, 266 as mixed (semi-presidential) democracy, and 365 as presidential democracy.



Graph 5: Bureaucratic Capacity – Four-Point Scale

Fourth, the variables of management mechanisms beyond compliance systems were recoded in order to facilitate the analyses. First of all, a correlation between the five management mechanisms was conducted. As table 18 in annex 7.2 shows, three of the five management mechanisms beyond compliance systems are correlated among each other. The variables “Corruption”, “Government Effectiveness”, and “Human Development” show high correlations among each other. This is not surprising given the fact that they are all part of the concept of bureaucratic capacity. Therefore, these three variables are built into a single additive index measuring “bureaucratic capacity”⁸. Graph 5 shows the distribution of the

⁷ The new categories are as follows:
 (1) = -10, -9, -8; (2) = -7, -6, -5, -4, -3; (3) = -2, -1, 0, 1, 2; (4) = 3, 4, 5, 6, 7; (5) = 8, 9, 10.
 (1) indicating the least democratic countries and (5) indicating the most democratic countries.

⁸ Each of the three variables is first recoded into a five-point scale as follows:
 - Corruption and Government Effectiveness:
 -2.5 to -1.6 = (1); -1.5 to -0.6 = (2); -0.5 to 0.5 = (3); 0.6 to 1.5 = (4); 1.6 to 2.5 = (5).
 - Human Development: 0.0 to 0.19 = (1); 0.2 to 0.39 = (2); 0.4 to 0.59 = (3); 0.6 to 0.79 = (4); 0.8 to 1.0 = (5).
 - The additive index ranging from 3 to 15 is then recoded into a four-point scale of bureaucratic capacity:
 3,4,5,6 = (1); 7,8,9 = (2); 10,11,12 = (3); 13,14,15 = (4).

constructed four-point scale variable “bureaucratic capacity”. The distribution of “bureaucratic capacity” is uni-modal with a median in category (3) “rather bureaucratic capacity”. The frequency analyses of the three original variables as well as of the newly constructed variable of bureaucratic capacity are shown in table 19 in annex 7.2.

Although the other two management variables of “years since ratification of the CAT” and “economic dependence” are not correlated, they are nevertheless recoded. The variable “years since ratification of the CAT” is recoded classifying cases according to the following categories: (0) 0 years of treaty ratification; (1) 1 to 5 years of treaty ratification; (2) 6 to 10 years of treaty ratification; (3) 11 to 15 years of treaty ratification; and (4) more than 15 years of treaty ratification. Frequency analysis of this newly constructed variable show a relatively even, however bimodal, distribution with 421 country-years in category (0) and 390 country-years in category (2) as peaks. There are 383 country-years in category (3) “11 to 15 years” whereas 247 country-years fall into category (1) “1 to 5 years” and 282 country-years in category (4) “more than 15 years since treaty ratification”.

The variable “economic dependence” was recoded according to the following categories: (1) “low dependence” (0 to 50); (2) “rather low dependence” (51 to 100); (3) “rather high dependence” (101 to 150); and (4) “high dependence (more than 151). The distribution of this variable is unimodal with a median in category (2) “rather low dependence”. The majority of country-years (904, or 53.7%) show economic dependence between 51 and 100 (category 2 “rather low dependence”).

Fifth, variables of enforcement mechanisms beyond compliance systems were not recoded as two of the variables are dichotomous and two show only three categories. The variables do not show high correlations among each other and, therefore, they are included in the analyses separately. Table 20 in annex 7.2 shows frequency analyses of these enforcement mechanisms as well as correlations among them. There are only 14 country-years of sanctions in the whole sample. This distribution has to be taken into consideration when interpreting the results. Variance of this variable is probably too small to be able to draw any conclusion. In 60.8% (or 1048 country-years) of the sample there is a preferential trade agreement.

The distribution of the independent judiciary variable is unimodal with a median in category (1) “partially independent”. There are 694 country-years with a partially independent judiciary, 450 country-years with no independent judiciary and 571 country-years with a generally independent judiciary. The distribution of the constitutional ban of torture is bimodal with a median in category (1) “explicitly mentioned in the constitution but with exceptions”. However, 47.6% of the country-years do show a ban of torture “explicitly

mentioned in the constitution” (category (2)) whereas 595 country-years (or 34.8%) do not mention a ban of torture in the constitution (category (0)).

Sixth, similarly to the variable “years since treaty ratification” the variable measuring regime durability is recoded. The variable is recoded classifying cases according to the following categories of regime durability: (0) zero years of regime durability; (1) 1 to 5 years of regime durability; (2) 6 to 10 years of regime durability; (3) 11 to 15 years of regime durability; (4) 16 to 30 years of regime durability; and (5) more than 31 years of regime durability. The distribution of regime durability is bimodal with 449 country-years (27.5%) with more than 31 years of regime durability and 310 country-years (19%) with 6 to 10 years of regime durability as peaks. However, there are still 116 country-years (7.1%) with zero years of regime durability.

Finally, data on conflict as provided by the “Armed Conflict and Intervention Datasets” (Center for Systemic Peace 2010) lists the total number of intrastate and interstate violence. This variable is recoded into a dummy variable indicating the presence or absence of violence in a given year. In 262 country-years (or 15.9%) there is at least one conflict.

After this more general overview of the different variables, a more detailed look at the temporal dimension within observational units is provided in the following section.

5.1.2 Temporal Dimension – Country Development

A more detailed analysis of the development within countries shows that there are a total number of 125 countries included in the sample (cf. table 16 in annex 7.1). In the following sections, developments within countries between 1996 and 2008 are discussed. The first section deals with the dependent variable “respect for human rights”. The second section discusses the independent variable of “compliance system”. In the third section, the variable “democracy” is discussed. The fourth and fifth sections include the management and enforcement variables beyond compliance systems, respectively. In the last section, developments with reference to the further aspects “conflict” and “regime durability” are presented.

5.1.2.1 Respect for Human Rights

With reference to respect for human rights, there are 71 countries not changing over time whereof 60 countries are classified as (0) “not full respect for human rights” and only 11

countries show “full respect for human rights” throughout⁹. In 43.2% of the countries (which corresponds to 54 countries) there is a changing in respect for human rights over time. Most of these countries are fluctuating between the two categories. In 29 countries there are more than two changes in respect for human rights between 1996 and 2008. In only seven countries there is a changing in respect for human rights at one point in time followed by a continuous development in one of the categories. These countries are Canada (changing from (1) to (0) in 2004/2005), Djibouti (changing from (0) to (1) in 2007/2008), Ireland (changing from (1) to (0) in 2007/2008), Laos (changing from (1) to (0) in 1997/1998), Madagascar (changing from (1) to (0) in 2001/2002), Paraguay (changing from (1) to (0) in 1997/1998), and the United States of America (changing from (1) to (0) in 2000/2001). As the sample ends with the year 2008, it is not possible to say whether the changing of Djibouti and Ireland has to be characterized as a single outlier or can be regarded as a changing that will persist in the future. However, as these seven countries show, there is only one country (Djibouti) showing a changing towards full respect for human rights. The other six countries all show a decline in respect for human rights.

Furthermore, there are ten countries showing a changing in respect for human rights at one point in time for one year but then falling back to the previous level. Out of these countries, the following five show a changing to category (1) “full respect for human rights” in one point in time for one year then followed again by a decline to category (0) “not full respect for human rights” in the following year: Burkina Faso (full respect in 1997), Ghana (full respect in 1998), Jamaica (full respect in 2000), Kazakhstan (full respect in 1997), and Kuwait (full respect in 2006). Similarly, there are five countries showing a decline to category (0) “not full respect for human rights” for one year which is then followed again by full respect for human rights. These countries are: the Czech Republic (not full respect in 2004), Denmark (not full respect in 2007), Lithuania (not full respect in 2001), Portugal (not full respect in 2000), and Sweden (not full respect in 1997).

Moreover, there are six countries showing a changing in respect for human rights from category (0) to category (1) at one point in time for two or three years but then falling back to the previous level of not full respect for human rights. These countries are: Bahrain (full respect in 2002 and 2003), Guyana (full respect in 1998 and 1999), the Kyrgyz Republic (full respect in 1997 and 1998), Liberia (full respect in 2004 and 2005), Niger (full respect in 2001 and 2002), and Swaziland (full respect in 2001, 2002, and 2003).

⁹ These countries are: Australia, Belgium, Cyprus, Estonia, Finland, Japan, the Netherlands, New Zealand, Norway, Slovenia, and Switzerland.

5.1.2.2 Human Rights Compliance Systems

With reference to human rights compliance systems, there are 43 countries (33.6%) changing membership of a compliance system between 1996 and 2008. The majority of these countries (a total number of 25) are countries that ratified the CAT between 1996 and 2008 and therefore became part of the United Nations' compliance system. Furthermore, there are ten countries becoming member of the European Union during 1996 and 2008 which are consequently coded in a separate category (member of the European human rights compliance system and member of the European Union). Moreover, six countries changed from the United Nations' compliance system to the European compliance system. These are countries which were part of the United Nations' compliance system before (which had ratified the CAT before 1996) and then ratified the "Convention for the Protection of Human Rights and Fundamental Freedoms" between 1996 and 2008. Only one country (Moldova) changed from "no compliance system" directly to the European compliance system without being member of the United Nations' compliance system before.

There are a total number of 83 countries which did not change their membership of compliance systems between 1996 and 2008. 35 of these countries are classified as member of the United Nations' compliance system whereas 18 countries belong to the American compliance system. There are four countries of the European compliance system and 13 states being member of the European compliance system as well as member of the European Union. However, there are 13 countries not being member of any compliance system for the time between 1996 and 2008.

5.1.2.3 Democracy

Concerning the level of democracy, there are 81 countries that are not changing between 1996 and 2008. The majority of these countries (a total number of 44) are characterized as highly democratic (category (5) of the Polity IV Index) whereas only five countries are characterized as autocratic regimes (category (1) of the Polity IV Index). These five countries are: Oman, Qatar, Saudi Arabia, Swaziland, and Uzbekistan. Furthermore, Chad and Ethiopia are the only two countries corresponding to category (3) of the Polity IV Index throughout the considered time period. There are 14 countries belonging to category (4) of the Polity IV Index characterized as democratic countries and 16 countries characterized as rather autocratic countries (category (2) of the Polity IV Index).

However, 44 countries changed their level of democracy between 1996 and 2008. A closer look at these countries shows that the majority (a total number of 30 countries) is

changing at one point in time only. Out of these 30 countries, 20 are changing to a higher level of democracy and only 10 are changing to a lower level of democracy. Furthermore, there are four countries (Albania, Burundi, Ghana, and Indonesia) showing a consistent development towards more democracy over several years.

With reference to the dummy variable of democracy, there are a total of 107 countries not changing from 1996 to 2008 out of which 41 countries are classified as (0) “no democracy” and 66 countries as (1) “democracy”. A total number of 11 countries changed from (0) “no democracy” to (1) “democracy” whereas four countries changed from (1) “democracy” to (0) “no democracy”¹⁰. Furthermore, there are three countries moving from (1) “democracy” to (0) “no democracy” and again to (1) “democracy”. These countries are: Ecuador (classified as (0) “no democracy” in 2000 and 2001), Nepal (classified as (0) “no democracy” from 2002 to 2007), and Pakistan (classified as (0) “no democracy” from 1999 to 2007).

5.1.2.4 Management Mechanisms beyond Compliance Systems

With reference to management mechanisms beyond compliance systems, the majority of countries show constant levels of bureaucratic capacity during the whole time period (71 countries, or 56.8%). Out of these 71 countries, there are five countries showing “little bureaucratic capacity” and 34 countries showing “rather little bureaucratic capacity”. However, there are 32 countries with higher levels of bureaucratic capacity including 13 countries with “rather high bureaucratic capacity” and 19 countries with “high bureaucratic capacity”, respectively. The majority of countries with changing levels of bureaucratic capacity change between the categories (2) “rather little bureaucratic capacity” and (3) “rather high bureaucratic capacity”. However there are 11 countries changing between the categories (1) “little bureaucratic capacity” and (2) “rather little bureaucratic capacity” and 11 countries changing between the categories (3) “rather high bureaucratic capacity” and (4) “high bureaucratic capacity”, respectively. Among the countries changing in their level of bureaucratic capacity there are 22 countries that change at one point in time and then remain at the given level. Out of these 22 countries a total number of 16 countries changes for a higher level¹¹ and a total number of 6 countries changes for a lower level¹². Furthermore,

¹⁰ These countries are:

- changing from (0) to (1): Burundi (in 2004/2005), Georgia (in 2003/2004), Indonesia (in 1998/1999), Kenya (in 1997/1998), the Kyrgyz Republic (in 2004/2005), Liberia (in 2005/2006), Mexico (in 1999/2000), Niger (in 1999/2000), Nigeria (in 1998/1999), Peru (in 2000/2001), and Senegal (in 1999/2000).

- changing from (1) to (0): the Republic of Congo (in 1996/1997), Bangladesh (in 2006/2007), the Central African Republic (in 2002/2003), and Fiji (in 1999/2000)

¹¹ These countries are:

some countries show a changing in the level of bureaucratic capacity at one point in time for one year but then falling back to the previous level. The following four countries show an improvement in bureaucratic capacity for one year: Guatemala (from (2) to (3) in 2001/2002), Liberia (from (1) to (2) in 2006/2007), Poland (from (3) to (4) in 2002/2003), and the Slovak Republic (from (3) to (4) in 2004/2005). Similarly, the following four countries show a decline in bureaucratic capacity for one year: Cyprus (from (4) to (3) in 2000/2001), Jordan (from (3) to (2) in 1996/1997), Mozambique (from (2) to (1) in 2002/2003), and Peru (from (3) to (2) in 2004/2005). Moreover, there are nine countries showing an improvement in the level of bureaucratic capacity at one point in time for two or three years but then falling back to the previous level. These countries are: Algeria, Bahrain, Bolivia, Czech Republic, Dominican Republic, Iran, Moldova, Mongolia, and Vietnam. Similarly, there are four countries showing a decline in their level of bureaucratic capacity for two or three years but then gain again at the previous level of bureaucratic capacity. These countries are: China, Colombia, Mali, and Uganda.

Regarding the development of economic dependence, 72 out of 125 countries are changing between 1996 and 2008. Most of them develop from category (1) “low dependence” to category (2) “rather low dependence” or from category (2) “rather low dependence” to category (3) “rather high dependence” (a total number of 30 and 26, respectively). Seven countries show economic dependence of categories (3) “rather high dependence” and (4) “high dependence”. However, there are nine countries showing economic dependence of categories (2) “rather low dependence”, (3) “rather high dependence”, and (4) “high dependence” between 1996 and 2008¹³. Out of these countries, the Czech Republic, Hungary, the Slovak Republic, and Vietnam show a consistent development towards a higher degree of economic dependence. Moreover, among the countries not changing their level of economic dependence, there is only Malaysia showing very high dependence (category 4) throughout. Four countries (the Republic of Congo, Fiji, Honduras, and Mauritius) show rather high economic dependence (category 3) from 1996 to 2008. The majority of the countries with constant levels of economic dependence (a total number of 31) correspond to category (2)

- changing from (1) to (2): Rwanda (in 2003/2004), Tajikistan (in 1997/1998), Zambia (in 2005/2006)
- changing from (2) to (3): Albania (in 2007/2008), Bulgaria (in 1997/1998), Croatia (in 1997/1998),
El Salvador (in 2002/2003), Georgia (in 2003/2004), Latvia (in 1998/1999), Macedonia (in 2003/2004),
Morocco (in 2005/2006), Romania (in 1997/1998), Saudi Arabia (in 1997/1998)
- changing from (3) to (4): Chile (in 2003/2004), Estonia (in 2003/2004), Uruguay (in 2007/2008)

¹² These countries are:

- changing from (4) to (3): Greece (in 2004/2005)
- changing from (3) to (2): Indonesia (in 1996/1997), Lebanon (in 2005/2006), the Philippines (in 2005/2006)
- changing from (2) to (1): Niger (in 1996/1997), Zimbabwe (in 1998/1999)

¹³ These countries are: the Czech Republic, Djibouti, Guyana, Hungary, Liberia, Paraguay, Slovak Republic, Tajikistan, and Vietnam.

“rather low dependence” and 17 countries are associated to category (1) “low dependence” throughout.

5.1.2.5 Enforcement Mechanisms beyond Compliance Systems

With reference to enforcement mechanisms beyond compliance systems, the vast majority of countries were not subject to any sanctions during the time period included in the analyses. Sanctions connected to respect for human rights exist only in the following six countries: Burundi, China, Estonia, Fiji, Nigeria, and Peru.

Concerning preferential trade agreements, there are 36 countries with no such agreement from 1996 to 2008 whereas 59 countries show such an agreement during the whole time period. In 30 countries, there are years with and years without preferential trade agreements. However, with reference to these 30 countries, there is no country contracting out of a preferential trade agreement but rather the entry into force of such an agreement within the considered time period.

75 countries show a development with reference to the independence of the judiciary whereas 50 countries are constant throughout. Out of these 50 countries, 27 are characterized by “generally independent judiciaries”. By contrast, 15 countries are classified as countries with “no independent judiciary” and eight countries have “partially independent judiciaries” throughout. However, with reference to the countries changing over time, there are several countries that changed to a less independent judiciary. Fiji, for example, shows a generally independent judiciary (category 2) from 1996 to 2006 and is then classified as country with no independent judiciary from 2007 to 2008. Similarly, there are five countries (the Czech Republic, Macedonia, Moldova, Paraguay, and Zimbabwe) showing a constant development from generally independent judiciaries (category 2) to partially independent judiciaries (category 1) to not independent judiciaries (category 0) between 1996 and 2008.

Considering the constitutional ban of torture, in the vast majority of countries (a total number of 116) no constitutional amendment can be observed. There are 40 countries with no constitutional ban of torture (category 0), 21 countries where a ban of torture is explicitly guaranteed or mentioned in the constitution but with exceptions or qualifications (category 1) and 55 countries with an explicitly guaranteed ban of torture in the constitution (category 2) from 1996 until 2008. Nevertheless, there are nine countries with a constitutional amendment during the time period considered in the analyses. Ecuador changed from a country with no mentioned ban of torture in the constitution (category 0) to an explicitly mentioned ban of torture with exceptions (category 1) in 1997. Furthermore, there are three countries changing

from category (1) “explicitly mentioned ban of torture with exceptions” to category (2) “explicitly mentioned ban of torture in the constitution” (Fiji in 1996, Kenya in 1996, and Niger in 1998). Five countries developed directly from countries of category (0) “no ban of torture mentioned in the constitution” to category (2) “explicitly mentioned ban of torture in the constitution” (Cote d’Ivoire in 2000, Lesotho in 1999, Qatar in 2003, Sudan in 1998, and Switzerland in 1998).

5.1.2.6 Further Aspects – Conflict and Regime Durability

The development of conflicts within countries shows that there are only seven countries showing conflicts during the entire time period included in the analyses. These countries are the Democratic Republic of the Congo, Afghanistan, Colombia, India, Israel, the Philippines, and Sudan. The majority of the countries (a total number of 85) are classified as countries with no conflict for the whole time period. Nevertheless, in 33 countries there were some periods of conflict as well as years without conflict.

The temporal dimension of the variable of regime durability shows that there are 27 countries with more than 31 years of regime durability for the whole time period included in the analyses. Furthermore, 13 more countries show more than 31 years of regime durability at one point in time between 1996 and 2008. However, there are 44 countries with zero years of regime durability at least once between 1996 and 2008.

5.2 Compliance with Human Rights

In the following sections, the influence of human rights compliance systems as well as management and enforcement mechanisms beyond such systems on respect for human rights is discussed. Results indicate coefficients for $y_{t-1}=0$ as well as $y_{t-1}=1$ by means of which probabilities of countries developing from (0) “not full respect for human rights” to (1) “full respect for human rights” as well as the probabilities of states to continue (1) “full respect for human rights” can be calculated. As outlined in section 3, the following equation is used in order to calculate probabilities

$$p = \frac{1}{1 + e^{-z}} \quad (4)$$

with: $z = \beta_0 + \beta_1 \cdot \text{Compliance System} + \beta_2 \cdot \text{Democracy} + \beta_3 \cdot \text{Bureaucratic Capacity} + \beta_4 \cdot \text{Years since Treaty Ratification} + \beta_5 \cdot \text{Economic Dependence} + \beta_6 \cdot \text{Sanctions} + \beta_7 \cdot \text{PTAs} + \beta_8 \cdot \text{Independent Judiciary} + \beta_9 \cdot \text{Constitutional Ban of Torture} + \beta_{10} \cdot \text{Conflicts} + \beta_{11} \cdot \text{Regime Durability}$

Following, in the first part, the influence of enforcement mechanisms beyond compliance systems is discussed. Although there are no hypotheses in direct connection with enforcement mechanisms beyond compliance systems, the transition model shows some interesting results.

In a second part, the transition model is discussed with reference to the influence of the level of democracy as well as the one of management mechanisms beyond compliance systems. This allows for the testing of hypothesis 1 stating that more democratic countries with more management mechanisms beyond compliance systems respect human rights to a higher degree than other countries.

The third part includes the analysis of the influence of human rights compliance systems on the respect for human rights. This allows for the testing of hypotheses 2 to 4. Here, the influence of compliance systems on respect for human rights in connection with different levels of management mechanisms beyond compliance systems as well as democracy is analysed.

In a fourth part, the variable “number of years of (0) ‘not full respect for human rights’” is included in the analysis in order to further account for the temporal dimension.

Descriptive statistics used in order to calculate probabilities are shown in tables 21 and 22 in annex 7.3.

5.2.1 The Influence of Enforcement Mechanisms beyond Compliance Systems

Table 2 shows the results of the first analysis of the transition model including the Polity IV Index in order to assess the level of democracy.

y: Respect for human rights	y _{t-1} = 0		y _{t-1} = 1	
Compliance System	0.522	(0.141) ***	-0.129	(0.138)
Level of Democracy	0.026	(0.136)	0.160	(0.156)
Bureaucratic Capacity	0.710	(0.233) ***	0.977	(0.297) ***
Years since Treaty Ratification	-0.483	(0.109) ***	-0.022	(0.134)
Economic Dependence	0.485	(0.160) ***	0.212	(0.182)
Sanctions	1.516	(3.281)	-1.026	(1.472)
PTAs	-0.391	(0.271)	-0.064	(0.280)
Independent Judiciary	1.494	(0.255) ***	0.453	(0.282)
Constitutional Ban of Torture	-0.137	(0.157)	-0.079	(0.141)
Conflicts	-2.479	(1.032) *	-2.479	(1.219) **
Regime Durability	-0.160	(0.103)	-0.032	(0.117)
Constant	-5.869	(0.762) ***	-3.165	(0.868) ***
Correctly predicted (mode / n)	980 (969 / 1068)		353 (341 / 440)	

*Significance: *p<0.10, **p<0.05, ***p<0.01; Standard error in brackets*

Table 2: Results Transition Model – Logit Regression

As shown in table 2, among the enforcement mechanisms beyond compliance systems only the independence of the judiciary shows statistically significant results for the cases with y_{t-1} = 0. This is to say that the independence of the judiciary raises the probability that a year

of (1) “full respect for human rights” is following a year of (0) “not full respect for human rights”. Table 3 shows the corresponding probabilities for democratic countries being member of the United Nations’ as well as of the European compliance system, respectively. Base values of all other variables are hold at their median¹⁴ (cf. tables 21 and 22 in annex 7.3).

United Nation: $y_{t-1}=0$	Predicted Probabilities $y_t=1$ Full Respect for Human Rights	European: $y_{t-1}=0$	Predicted Probabilities $y_t=1$ Full Respect for Human Rights
Independent Judiciary		Independent Judiciary	
0 not independent	0.007	0 not independent	0.020
1 partially independent	0.033	1 partially independent	0.088
2 generally independent	0.140	2 generally independent	0.316

Table 3: Results – Influence of Independence of Judiciary on Respect for Human Rights: Predicted Probabilities

Looking at the United Nations’ compliance system, a country with no independent judiciary has a probability that a year of (1) “full respect for human rights” is following a year of (0) “not full respect for human rights” of only 0.7%, all else equal. Compared to this, a country of the United Nations’ compliance system with a generally independent judiciary shows a probability of 14% that a year of (0) “not full respect for human rights” is followed by a year of (1) “full respect for human rights”. With reference to the European compliance system, the substantial effect is even stronger. Here, a country with no independent judiciary has a possibility of 2% that a year of (1) “full respect for human rights” is following a year of (0) “not full respect for human rights” whereas this probability raises to 31.6% for a country with a generally independent judiciary, *ceteris paribus*. Hence, the substantial effect for the United Nations’ compliance system amounts to 13.3 points whereas the substantial effect for the European compliance system is 29.6 points.

In the next section, the influence of the level of democracy as well as the management mechanisms beyond compliance systems is discussed in more detail.

5.2.2 The Influence of the Level of Democracy and Management Mechanisms beyond Compliance Systems

In order to test for hypothesis 1, the influence of democracy as well as the degree of management mechanisms beyond compliance systems on respect for human rights is analysed. As shown in table 2, the effect of the level of democracy as measured by the Polity IV Index is statistically non-significant. As discussed in section 4.2.4, there are further

¹⁴ Whenever not indicated specifically, base values are hold as follows: compliance system = (1) United Nation; capacity = (2) rather little capacity; years since ratification of the CAT = (2) 6 to 10 years; economic dependence = (2) 51 to 100; sanctions = (0) no sanctions; PTAs = (1) PTA; independent judiciary = (1) partially independent; constitutional ban of torture = (2) explicitly mentioned in constitution; conflict = (0) no conflict; regime durability = (3) 6 to 10 years.

possibilities in order to assess democracy. Consequently, two further analyses are conducted, one including the variable of regime classification and a second one including a binary variable of democracy as measured by Cheibub et al. (2009). Table 4 shows the results of these analyses indicating coefficients for $y_{t-1}=0$ and $y_{t-1}=1$.

y: Respect for human rights	$y_{t-1}=0$		$y_{t-1}=1$	
Compliance System	0.402	(0.146) ***	-0.213	(0.146)
Regime Classification	-0.239	(0.113) *	-0.289	(0.118) **
Bureaucratic Capacity	0.666	(0.229) ***	1.146	(0.263) ***
Years since Treaty Ratification	-0.453	(0.108) ***	-0.035	(0.129)
Economic Dependence	0.516	(0.162) ***	0.223	(0.185)
Sanctions	0.406	(2.138)	-0.103	(1.322)
PTAs	-0.381	(0.266)	-0.035	(0.272)
Independent Judiciary	1.291	(0.240) ***	-0.028	(0.046)
Constitutional Ban of Torture	-0.174	(0.155)	-0.034	(0.137)
Conflicts	-2.714	(1.040) ***	-2.493	(1.186) **
Regime Durability	-0.145	(0.096)	-0.006	(0.115)
Constant	-4.854	(0.753) ***	-1.824	(0.755) ***
Correctly predicted (mode / n)	1004 (993 / 1094)		354 (345 / 445)	
<i>Significance: *$p<0.10$, **$p<0.05$, ***$p<0.01$; Standard error in brackets</i>				

y: Respect for human rights	$y_{t-1}=0$		$y_{t-1}=1$	
Compliance System	0.482	(0.143) ***	-0.236	(0.148)
Democracy (binary variable)	0.411	(0.356)	1.147	(0.430) ***
Bureaucratic Capacity	0.685	(0.226) ***	1.254	(0.262) ***
Years since Treaty Ratification	-0.481	(0.108) ***	-0.071	(0.133)
Economic Dependence	0.514	(0.166) ***	0.276	(0.189)
Sanctions	0.486	(2.101)	0.047	(1.342)
PTAs	-0.316	(0.269)	0.073	(0.275)
Independent Judiciary	1.380	(0.239) ***	0.032	(0.045)
Constitutional Ban of Torture	-0.156	(0.154)	-0.009	(0.138)
Conflicts	-2.517	(1.030) *	-2.475	(1.243) **
Regime Durability	-0.153	(0.095)	-0.014	(0.112)
Constant	-5.870	(0.707) ***	-3.520	(0.818) ***
Correctly predicted (mode / n)	1008 (997 / 1098)		361 (345 / 445)	
<i>Significance: *$p<0.10$, **$p<0.05$, ***$p<0.01$; Standard error in brackets</i>				

Table 4: Results Transition Model – Logit Regression: Democracy Variables (Cheibub et al. 2009)

As shown in table 4, the effect of regime classification is statistically significant on the 10%-level for cases with $y_{t-1}=0$ and on the 5%-level for cases with $y_{t-1}=1$. Furthermore, the binary democracy variable is statistically significant on the 1%-level for cases with $y_{t-1}=1$. With reference to the bureaucratic capacity, coefficients are statistically significant on the 1%-level in all analyses (including the Polity IV Index, regime classification and the binary democracy variable). The other two variables assessing management mechanisms, “years since treaty ratification” and “economic dependence”, show statistically significant results on the 1%-level for the cases with $y_{t-1}=0$ for all three analyses (including the Polity IV Index, regime classification, and the binary democracy variable). Moreover, economic dependence shows statistically significant results on the 10%-level for cases with $y_{t-1}=1$ when including the binary democracy variable. As before, except for the independence of the judiciary with reference to cases with $y_{t-1}=0$, enforcement mechanisms beyond compliance systems do not show statistically significant results. The existence of conflicts shows statistically significant

results for all analyses, on the 5%-level for cases with $y_{t-1} = 0$ and on the 10%-level for cases with $y_{t-1} = 1$, respectively. With reference to the human rights compliance systems, all three analyses show statistically significant results on the 1%-level for cases with $y_{t-1} = 0$. Considering cases with $y_{t-1} = 1$, however, the effect is statistically non-significant.

Table 5 shows probabilities of (1) “full respect for human rights” with reference to the binary democracy variable. Base values are hold at their median (cf. note 14, p.49). The corresponding table with reference to regime classification is in line with the probabilities shown in table 5 and is shown in table 23 in annex 7.3.

$y_{t-1} = 0$	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	$y_{t-1} = 1$	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
Democracy		Democracy	
0 no democracy	0.025	0 no democracy	0.312
1 democracy	0.037	1 democracy	0.588

Table 5: Results – Influence of Democracy on Respect for Human Rights: Predicted Probabilities

As shown in table 5, the fact whether a country is classified as democracy clearly influences the probability that a year of (1) “full respect for human rights” is followed by a year of (1) “full respect for human rights”. The probability that a democratic country being member of the United Nations’ compliance system, with rather little bureaucratic capacity and 6 to 10 years of treaty ratification shows a process from (1) to (1) concerning the respect for human rights is 58.8% whereas the probability for a non democratic country for the same process is only 31.2%, all else equal. However, looking at the probability to develop from (0) “not full respect for human rights” to (1) “full respect for human rights”, a democratic country being member of the United Nations’ compliance system with the same configuration of management mechanisms shows a probability of only 3.7% whereas a non-democratic country has a similar probability of that process (2.5%), ceteris paribus. This effect, however, is statistically non-significant. Nevertheless, the fact whether a country is democratic seems to be an important factor when it comes to the continuous respect for human rights. This effect holds as well for the other compliance systems not shown in table 5.

The probabilities for the different levels of bureaucratic capacity with the same base values (cf. note 14, p.49) for democratic countries are shown in table 6.

$y_{t-1} = 0$	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	$y_{t-1} = 1$	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
Bureaucratic Capacity		Bureaucratic Capacity	
1 little capacity	0.019	1 little capacity	0.289
2 rather little capacity	0.037	2 rather little capacity	0.588
3 rather high capacity	0.072	3 rather high capacity	0.833
4 high capacity	0.133	4 high capacity	0.946

Table 6: Results for Democracies – Influence of Bureaucratic Capacity on Respect for Human Rights: Predicted Probabilities

The level of bureaucratic capacity strongly influences the probability of respect for human rights. Hence, a country being member of the United Nations’ compliance system, 6 to 10 years of treaty ratification and rather low economic dependence and with only little bureaucratic capacity, all else equal, has a probability of only 1.9% to fully respect human rights following a year of (0) “not full respect for human rights”. By contrast, a country with high bureaucratic capacity, all else equal, has a probability of 13.3% that a year of (0) “not full respect for human rights” is followed by a year of (1) “full respect for human rights”. Looking at the continuous respect for human rights, a country with high bureaucratic capacity, all else equal, has a probability of 94.6% that a year of (1) “full respect for human rights” is followed by a year of (1) “full respect for human rights” whereas the probability for a country with only little bureaucratic capacity, all else equal, is only 28.9%. Consequently, the level of bureaucratic capacity strongly influences the two processes, the probability of the occurrence of and the persistence of full respect for human rights.

With reference to “years since treaty ratification”, there is a negative and statistically significant relationship for cases with $y_{t-1} = 0$ in all analyses (cf. tables 2 and 4). Table 7 illustrates predicted probabilities of (1) “full respect for human rights” for democratic as well as non-democratic countries being member of the United Nations’ compliance system and with strong management mechanisms (high bureaucratic capacity and high economic dependence). All other base values are hold at their median (cf. note 14, p.49).

Democracies: $y_{t-1} = 0$		Non-democracies: $y_{t-1} = 0$	
Years since Ratification	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	Years since Ratification	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
1 1 to 5 years	0.409	1 1 to 5 years	0.314
2 6 to 10 years	0.299	2 6 to 10 years	0.221
3 11 to 15 years	0.209	3 11 to 15 years	0.149
4 more than 15 years	0.140	4 more than 15 years	0.098

Table 7: Results – Influence of Years Since Treaty Ratification on Respect for Human Rights: Predicted Probabilities

The negative relationship between the years of treaty ratification and full respect for human rights indicates that the more years of treaty ratification a country shows the less likely it is to move from (0) “not full respect for human rights” to (1) “full respect for human rights”. The probability to move from (0) to (1) after more than 15 years of treaty ratification is only 14.0% for a democratic country being member of the United Nations’ compliance system and with strong management mechanisms and 9.8% for a non-democratic country, ceteris paribus. Probabilities with respect to the process (1) to (1) are constant no matter how many years of treaty ratification a country shows (around 94% for democracies, and around 84% for non-democracies). This effect, however, is statistically non-significant.

The effects of “economic dependence” are positive and statistically significant including the binary democracy variable. Table 8 shows predicted probabilities to fully respect human rights with reference to the different levels of economic dependence. Probabilities are for countries being member of the United Nations’ compliance system and with rather little bureaucratic capacity. All other base values are hold at their median (cf. note 14, p.49).

As shown in table 8, there exists a positive relationship between economic dependence and the probability to fully respect human rights for both processes $y_{t-1}= 0$ and $y_{t-1}= 1$. A democratic country being member of the United Nations’ compliance system with rather little bureaucratic capacity and 6 to 10 years since treaty ratification, all else equal, has a probability of 9.8% that a year of (1) “full respect for human rights” is following a year of (0) “not full respect for human rights” when there is high economic dependence. The same country with low economic dependence, however, has a probability that a year of (1) “full respect for human rights” is following a year of (0) “not full respect for human rights” of only 2.3%, *ceteris paribus*. Considering the process (1) to (1), the substantial effect is even stronger. A country with only low economic dependence has a probability of 51.9% that a year of (1) “full respect for human rights” is followed by a year of (1) “full respect for human rights” whereas a country which is economically highly dependent has a probability of 71.2% of continuously fully respecting human rights, all else equal.

$y_{t-1}= 0$	Predicted Probabilities $y_t=1$ Full Respect for Human Rights	$y_{t-1}= 1$	Predicted Probabilities $y_t=1$ Full Respect for Human Rights
Economic Dependence		Economic Dependence	
1 low dependence	0.023	1 low dependence	0.519
2 rather low dependence	0.037	2 rather low dependence	0.588
3 rather high dependence	0.061	3 rather high dependence	0.652
4 high dependence	0.098	4 high dependence	0.712

Table 8: Results for Democracies – Influence of Economic Dependence on Respect for Human Rights: Predicted Probabilities

In summary, the binary democracy variable as well as management mechanisms beyond compliance systems exert great influence on the probability to fully respect human rights. Management mechanisms beyond compliance systems are statistically significant for the process to move from (0) to (1). This is to say that management mechanisms beyond compliance systems highly influence the probability that a country moves from (0) “not full respect for human rights” to (1) “full respect for human rights” from one year to the next. The influence of years since treaty ratification, however, is negative. The influence of bureaucratic capacity is statistically significant for both processes, the probability that a year of (1) is followed by a year of (0) as well as the probability that there exists continuous full respect for human rights from one year to the next. Furthermore, democracies are more likely to fully

respect human rights continually. But, the probability that a country moves from (0) “not full respect for human rights” to (1) “full respect for human rights” does not seem to be determined by the fact of democracy (here, the probability for a democratic country is only 3.7%, cf. table 4).

The abovementioned effects have been shown for countries being member of the United Nations’ compliance system but the effects of democracy and management mechanisms beyond compliance systems hold for all compliance systems. In the following section, the influence of human rights compliance systems is analysed in more detail.

5.2.3 The Influence of Human Rights Compliance Systems

In order to test for hypotheses 2 to 4, the influence of human rights compliance systems on respect for human rights is analysed. The results of the analyses (tables 2 and 4) show that human rights compliance systems combining management and enforcement mechanisms positively influence respect for human rights for cases with $y_{t-1} = 0$ on a statistically significant level. This is to say that human rights compliance systems influence the probability that a country moves from (0) “not full respect for human rights” to (1) “full respect for human rights” from one year to the next. The effect for cases with $y_{t-1} = 1$ is statistically non-significant. Table 9 shows predicted probabilities for democratic countries with strong and weak management mechanisms beyond compliance systems (high bureaucratic capacity and high economic dependence and little bureaucratic capacity and low economic dependence, respectively). Other base values are hold at their median (cf. note 14, p.49).

Strong management: $y_{t-1} = 0$ Compliance System	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	Weak management: $y_{t-1} = 0$ Compliance System	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
0 no compliance system	0.209	0 no compliance system	0.007
1 United Nation	0.299	1 United Nation	0.012
2 American	0.409	2 American	0.019
3 European	0.528	3 European	0.030
4 European (EU member)	0.645	4 European (EU member)	0.047

Table 9: Results for Democracies – Influence of Human Rights Compliance Systems on Respect for Human Rights: Predicted Probabilities

Comparing substantial effects of the influence on respect for human rights shows that compliance systems exert greater influence in countries with strong management mechanisms beyond compliance systems. Here, a democratic country not being member of any compliance system but with high bureaucratic capacity and economic dependence has a probability of 20.9% that a year of (0) “not full respect of human rights” is followed by a year of (1) “full respect for human rights”. In contrast, a country of the European compliance system has a

probability of 52.8% that a year of (0) is followed by a year of (1) whereas a country additionally being a member state of the European Union has a probability of even 64.5% to move from (0) to (1), *ceteris paribus*. This makes for a substantial effect of 31.9 points between no compliance system and the European compliance system. The influence of compliance systems with respect to democratic countries with weak management mechanisms is positive as well, the substantial effect, however, is much smaller (4.0 points between no compliance system and the European system for EU member states). Looking at non-democratic countries shows a very similar picture. Table 10 shows predicted probabilities for (1) “full respect for human rights” for non-democratic countries.

Strong management: $y_{t-1} = 0$ Compliance System	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	Weak management: $y_{t-1} = 0$ Compliance System	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
0 no compliance system	0.149	0 no compliance system	0.005
1 United Nation	0.221	1 United Nation	0.008
2 American	0.315	2 American	0.012
3 European	0.426	3 European	0.020
4 European (EU member)	0.546	4 European (EU member)	0.032

Table 10: Results for Non-Democracies – Influence of Human Rights Compliance Systems on Respect for Human Rights: Predicted Probabilities

A non-democratic country not being member of any compliance system but with strong management mechanisms beyond compliance systems has a probability of 14.9% that a year of (0) “not full respect for human rights” is followed by a year of (1) “full respect for human rights”, *ceteris paribus*. A non-democratic country being member of the European compliance system, all else equal, has a probability of 42.6% that a year of (1) “full respect for human rights” follows a year of (0) “not full respect for human rights”. Hence, there is a substantial effect of the influence of compliance systems of 27.7 points between these two compliance systems. Compared to this effect, in non-democratic countries with only weak management mechanisms, compliance systems are not able to exert as great as influence. Here, a country not being member of any compliance system with only little bureaucratic capacity and low economic dependence, all else equal, has a probability to fully respect human rights after a year of (0) “not full respect of human rights” of only 0.5%. A country with the same configurations but a member of the European compliance system has a probability of 2.0% that a year of (0) “not full respect for human rights” is followed by a year of (1) “full respect for human rights”, *ceteris paribus*.

In order to further test for the influence of human rights compliance systems, an analysis including the variable whether countries have ratified the respective optional protocols of a given compliance system was conducted. Results of the transition model are shown in table 19 in annex 7.3. Table 11 shows predicted probabilities to move from (0) “not full respect for

human rights” to (1) “full respect for human rights” for democracies with strong and weak management mechanisms beyond compliance systems, respectively.

Strong management: $y_{t-1} = 0$ Compliance System	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	Weak management: $y_{t-1} = 0$ Compliance System	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
0 no compliance system	0.159	0 no compliance system	0.006
1 United Nation	0.242	1 United Nation	0.011
2 American	0.349	2 American	0.018
3 European	0.474	3 European	0.030
4 European (EU member)	0.603	4 European (EU member)	0.049

Table 11: Results for Democracies – Influence of Human Rights Compliance Systems (optional protocols) on Respect for Human Rights: Predicted Probabilities

Results of table 11 are very much in line with the results of table 9 which shows the same analysis for compliance systems not considering optional protocols. As in table 9, comparing substantial effects of the influence on respect for human rights shows that compliance systems exert greater influence in countries with strong management mechanisms beyond compliance systems (here, the substantial effect amounts to 44.4 points, compared to 4.3 points for countries with weak management mechanisms beyond compliance systems between no compliance system and the European compliance system for member states of the European Union).

In summary, the present results are in line with hypotheses 2 to 4 as there is an effect of compliance systems applying strong management and enforcement mechanisms on respect for human rights. However, it is important to notice that the substantial effect is greatest in democratic countries with high bureaucratic capacity and economic dependence. However, there is as well a substantial effect of 27.7 points between no compliance systems and the European compliance system for non-democratic countries with high bureaucratic capacity and economic dependence. Although this configuration does not exist many times, Bahrain and Qatar show years qualified as non-democratic but with high bureaucratic capacity whereas the United Arab Emirates are even classified as non-democratic country with high bureaucratic capacity and high economic dependence¹⁵.

The influence of bureaucratic capacity seems to be most important when it comes to influence countries to move from (0) “not full respect for human rights” in one year to (1) “full respect for human rights” in the next. It follows that the existence of bureaucratic capacity can be thought of as vital condition in order that human rights compliance systems are able to exert their full influence. This result is very much in line with hypothesis 4.

¹⁵ Furthermore, the following countries show years of classification as non-democracy but with rather high bureaucratic capacity (category 3): Algeria, Bahrain, Botswana, China, Egypt, Fiji, Guyana, Indonesia, Iran, Jordan, Kuwait, Lebanon, Malaysia, Mexico, Morocco, Oman, Peru, Qatar, Samoa, Saudi Arabia, Tonga, Tunisia, United Arab Emirates, and Vietnam.

Results indicate that compliance systems do not play a decisive part in the process of continuous respect for human rights (moving from (1) to (1)). However, the influence of human rights compliance systems is statistically non-significant for cases with $y_{t-1} = 1$.

In the following section, a further analysis including the variable of “number of years of (0) ‘not full respect for human rights’” is conducted.

5.2.4 The Influence of “Number of Years of (0) ‘Not Full Respect for Human Rights’”

Table 12 shows the results of the analysis including the variable “number of years of (0) not full respect for human rights” before a given year and, therefore, further accounts for the temporal dimension with reference to the influence on respect for human rights.

The results shown in table 12 are in line with the previous results of the influence of human rights compliance systems discussed in sections 5.2.1 to 5.2.3. The variable of “number of years of (0)” is negative and statistically significant on the 1%-level for cases with $y_{t-1} = 0$. As in the other analyses, however, the effect is not statistically significant for cases with $y_{t-1} = 1$. Table 13 shows predicted probabilities for cases with $y_{t-1} = 0$ for democratic countries with high management mechanisms beyond compliance systems (capacity = 4, economic dependence = 4) for the United Nations’ as well as the European compliance system. All other variables are hold at their median (cf. note 14, p.49).

y: Respect for human rights	$y_{t-1} = 0$		$y_{t-1} = 1$	
Compliance System	0.278	(0.150) *	-0.238	(0.146)
Years of (0)	-0.437	(0.072) ***	0.118	(0.147)
Democracy	0.634	(0.370) *	1.155	(0.430) ***
Bureaucratic Capacity	0.505	(0.244) **	1.305	(0.271) ***
Years since Treaty Ratification	-0.254	(0.127) **	-0.068	(0.133)
Economic Dependence	0.513	(0.170) ***	0.256	(0.190)
Sanctions	0.426	(2.045)	0.060	(1.347)
PTAs	0.031	(0.277)	0.049	(0.277)
Independent Judiciary	0.866	(0.254) ***	-0.033	(0.046)
Constitutional Ban of Torture	-0.053	(0.158)	-0.002	(0.138)
Conflicts	-2.643	(1.038) **	-2.481	(1.250) **
Regime Durability	-0.032	(0.100)	-0.029	(0.114)
Constant	-4.420	(0.742) ***	-3.598	(0.823) ***
Correctly predicted (mode / n)	1017 (996 / 1097)		360 (345 / 445)	

*Significance: *p<0.10, **p<0.05, ***p<0.01; Standard error in brackets*

Table 12: Results Transition Model – Logit Regression: Years of (0) Not Full Respect for Human Rights

As table 13 illustrates, there is a strong negative relationship between the variable “number of years of (0)” and the probability to fully respect human rights in both, the United Nations’ and the European compliance system (results are consistent for the other compliance systems as well as for non-democratic countries). With reference to the United Nations’ compliance system there is a substantial effect of 41.7 points between “one year of (0)” and

“13 years of (0)”. A democratic country with strong management mechanisms being member of the United Nations’ compliance system and “one year of (0)”, all else equal, has a probability of 42.1% to fully respect human rights in the next year. A country with “13 years of (0)”, however, only has a probability of 0.4% to move from (0) “not full respect for human rights” to (1) “full respect for human rights”, ceteris paribus. The substantial effect for countries of the European compliance system amounts to 55.2 points, which constitutes an even stronger effect. Here, a democratic country with strong management mechanisms beyond compliance systems and “one year of (0)”, all else equal, has a probability to fully respect human rights in the following year of 55.9% whereas the probability of a country with “13 years of (0)” is only 0.7%, ceteris paribus.

United Nation: $y_{t-1} = 0$ Number of Years of (0)	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	European: $y_{t-1} = 0$ Years of (0)	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
one year of (0)	0.421	one year of (0)	0.559
2 years of (0)	0.319	2 years of (0)	0.450
3 years of (0)	0.233	3 years of (0)	0.346
4 years of (0)	0.164	4 years of (0)	0.354
5 years of (0)	0.112	5 years of (0)	0.181
6 years of (0)	0.076	6 years of (0)	0.125
7 years of (0)	0.050	7 years of (0)	0.084
8 years of (0)	0.033	8 years of (0)	0.056
9 years of (0)	0.022	9 years of (0)	0.037
10 years of (0)	0.013	10 years of (0)	0.024
11 years of (0)	0.009	11 years of (0)	0.016
12 years of (0)	0.006	12 years of (0)	0.010
13 years of (0)	0.004	13 years of (0)	0.007

Table 13: Results for Democracies – Influence of Years of (0) on Respect for Human Rights: Predicted Probabilities

Furthermore, the influence of an independent judiciary in connection with “number of years of (0)” is statistically significant on the 1%-level and shows interesting results. Table 14 shows probabilities for countries classified as democracy with strong management mechanisms beyond compliance systems but with no independent judiciary for countries being member of the United Nations’ and the European compliance systems, respectively. Overall, and as already shown in section 5.2.1, countries with no independent judiciary are less likely to move from a year of (0) “not full respect for human rights” to a year of (1) “full respect for human rights” (shown as well in the different probabilities in tables 13 (including countries with generally independent judiciaries) and table 14 (including countries with no independent judiciaries)). However, the number of the years of (0) “not full respect of human rights” does influence the probability to fully respect human rights as well for countries with no independent judiciaries.

Looking at countries being member of the United Nations’ compliance system, there is a substantial effect of 23.2 points between countries with only “one year of (0)” and countries

with “13 years of (0)”, all else equal. The substantial effect for countries being member of the European compliance system even amounts to 34.5 points, *ceteris paribus*. At first sight, the configuration of democratic countries with no independent judiciaries might seem to exist in exceptional cases only. However, taking a closer look at the sample, there are 105 country-years classified as democracy with no independent judiciary. Indonesia is the country with a total number of nine country-years showing this configuration. The total of countries classified as democracies with no independent judiciary in at least one year amounts to 36¹⁶.

United Nation: $y_{t-1} = 0$ Years of (0)	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights	European: $y_{t-1} = 0$ Years of (0)	Predicted Probabilities $y_t = 1$ Full Respect for Human Rights
one year of (0)	0.234	one year of (0)	0.348
2 years of (0)	0.165	2 years of (0)	0.256
3 years of (0)	0.113	3 years of (0)	0.182
4 years of (0)	0.076	4 years of (0)	0.126
5 years of (0)	0.050	5 years of (0)	0.085
6 years of (0)	0.033	6 years of (0)	0.057
7 years of (0)	0.022	7 years of (0)	0.037
8 years of (0)	0.014	8 years of (0)	0.024
9 years of (0)	0.009	9 years of (0)	0.016
10 years of (0)	0.006	10 years of (0)	0.010
11 years of (0)	0.004	11 years of (0)	0.007
12 years of (0)	0.002	12 years of (0)	0.004
13 years of (0)	0.002	13 years of (0)	0.003

Table 14: Results for Democracies – Influence of Years of (0) on Respect for Human Rights for Countries with no Independent Judiciary: Predicted Probabilities

In summary, the number of the years of (0) “not full respect for human rights” before a given year greatly influences the probability that a country moves from (0) “not full respect for human rights” to (1) “full respect for human rights” from one year to the next. As the effect is negative, the longer the time period of (0) “not full respect for human rights” the less likely is a country to change into the direction of full respect for human rights.

The next section discusses the goodness of fit of the conducted analyses.

5.3 Goodness of Fit

In order to assess the validity of the conducted analyses, three different values are considered: (1) PN (Percent “Null Model”) and (2) PCP (Percent Correctly Predicted) out of which (3) PRE (Percent Reduced Error) can be calculated¹⁷. PRE indicates the percentage by

¹⁶ These countries are: Albania, Argentina, Armenia, Bangladesh, Benin, Bolivia, Brazil, Burundi, Colombia, the Czech Republic, Dominican Republic, Ecuador, El Salvador, Georgia, Guatemala, Honduras, Indonesia, Kenya, the Kyrgyz Republic, Liberia, Macedonia, Madagascar, Mali, Mexico, Moldova, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Philippines, Senegal, Turkey, Ukraine, and Venezuela.

¹⁷ PRE is calculated as follows:

$$PRE = \frac{PCP - PN}{1 - PN}$$

which the error of the underlying analysis was reduced compared to the “null model”. Table 15 shows PN, PCP, and PRE for the different analyses conducted, in each analyses including values for $y_{t-1} = 0$ and $y_{t-1} = 1$, respectively.

Table 15 shows that the “null model” correctly predicts 90.8% for the cases with $y_{t-1} = 0$. But, the models increase PCP and reduce the error (PRE) compared to the null model for all analyses conducted. The models including the different democracy variables increase PCP to 91.8% and reduce the error by 11.8% for the models including the Polity IV Index, by 11% including the binary democracy variable, and by 10.9% including the regime classification variable, respectively. With reference to the model including optional protocols of compliance systems, 92.7% of cases are correctly predicted and the error is reduced even by 20.7%.

		PN	PCP	PRE
Table 2: transition model including “Polity IV Index”	$y_{t-1} = 0$	0.908	0.918	0.118
Table 2: transition model including “Polity IV Index”	$y_{t-1} = 1$	0.775	0.802	0.120
Table 4: transition model including “regime classification”	$y_{t-1} = 0$	0.908	0.918	0.109
Table 4: transition model including “regime classification”	$y_{t-1} = 1$	0.775	0.796	0.093
Table 4: transition model including “binary democracy variable”	$y_{t-1} = 0$	0.908	0.918	0.110
Table 4: transition model including “binary democracy variable”	$y_{t-1} = 1$	0.775	0.811	0.160
Table 12: transition model including “years of (0)”	$y_{t-1} = 0$	0.908	0.925	0.185
Table 12: transition model including “years of (0)”	$y_{t-1} = 1$	0.775	0.809	0.151
Table 24: transition model including “optional protocols”	$y_{t-1} = 0$	0.908	0.927	0.207
Table 24: transition model including “optional protocols”	$y_{t-1} = 1$	0.775	0.809	0.151

Note: PN: Percent Null Model; PCP: Percent Correctly Predicted; PRE: Percent Reduced Error

Table 15: Goodness of Fit

Furthermore, 77.5% for the cases with $y_{t-1} = 1$ are correctly predicted by the “null model”. Again, the models increase PCP and reduce the error (PRE) compared to the “null model”. The model including the Polity IV Index reduces the error by 12.0% whereas the models including regime classification and the binary democracy variable reduce the error by 9.3% and 16.0%, respectively. Equally, the model including optional protocols of compliance systems reduces the error by 15.1%.

The models including the variable “number of years of (0) ‘not full respect for human rights’” correctly predict 92.5% and 80.9% for cases with $y_{t-1} = 0$ and $y_{t-1} = 1$, respectively. Here, the error is reduced by 18.5% and 15.1% for cases with $y_{t-1} = 0$ and $y_{t-1} = 1$, respectively.

Overall, the models at least correctly predict 79.6% of the cases and reduce the error by 9.3%. In all of the analyses, there are more correctly predicted cases and the error is reduced to a higher degree in the process from (0) to (1). However, it has to be considered that PN, and thus PRE, is dependent on the distribution of the dependent variable. As frequency analysis of the variable “respect for human rights” show (cf. section 5.1.1 and graph 2), the distribution is skewed to the left as there are far more country-years with (0) “not full respect

for human rights”. This uneven distribution of the dependent variable leads to a higher PN which following reduces PRE.

6. Conclusion

This paper deals with the general question of different explanatory factors influencing states to comply with human rights agreements and, more precisely, analyses the question whether a compliance system combining strong management and enforcement mechanisms actually leads to more compliance with human rights than other systems. In order to analyse this research question, arguments are based on game-theoretic as well as on ideational reasoning and further include arguments from the democratic liberalism. As illustrated in the theoretical approach (section 2), human rights agreements show some distinctive characteristics distinguishing them from other international agreements. Due to the lack of aspects of reciprocity and mutual gains (cf. Simmons 2009: 154) game-theoretic analyses focusing on state-to-state relationships are not able to fully account for the explanatory factors of compliance with human rights. For similar reasons, however, the management approach which is focusing on state capacity does not seem to be a sufficient explanation for state compliance. However, a first hypothesis was derived from the management approach and the democratic liberalism saying that democratic countries with more management mechanisms beyond compliance systems show higher levels of compliance with human rights. Democratic countries were expected to respect human rights because human rights agreements do normally not constitute “deep treaties” (cf. Downs et al. 1996) for them and since they have strong incentives to respect human rights due to their electoral accountability. Based on the management approach and the analysis of Jonas Tallberg (2002), three further hypotheses were derived. Hypotheses 2 to 4 include the influence of different compliance systems for human rights saying that the more these systems combine management and enforcement mechanisms the more states comply with human rights. This effect was expected to be stronger when states additionally dispose of strong management mechanisms beyond compliance systems. The argument is based on the assumption that the combination of incentives for compliance and the capacity to comply leads to the most respect for human rights.

In order to analyse these postulated hypotheses a transition model including a binary dependent variables was used. In a first analysis the influence of enforcement and management mechanisms beyond compliance systems as well as the influence of different

democracy variables was analysed. The results of these analyses are in line with the postulated hypotheses showing that the binary democracy variable as well as management mechanisms beyond compliance systems exert influence on the probability to fully respect human rights. The bureaucratic capacity as well as economic dependence influences the process to move from (0) “not full respect for human rights” to (1) “full respect for human rights” as well as the process to continually respect human rights. In contrast, the variable of “years since treaty ratification” shows a negative relationship which is to say that the more years since treaty ratification have passed the less likely that a country moves from (0) “not full respect for human rights” to (1) “full respect for human rights”. The influence of democracy is statistically significant for the process of (1) to (1) only. This is to say that democracies are more likely to continually respecting human rights than non-democracies. These results are basically in line with hypothesis 1 saying that the more democratic a country and the more management mechanisms beyond compliance systems it has at its disposal, the more does it comply with human rights. However, the negative effect of the variable of “years since treaty ratification” was not expected and is not in line with the management approach arguing that there is an extreme time lag between an agreement and compliance as far as human rights are concerned (cf. Chayes/Chayes 1995: 10-16). The underlying results show that it is less likely to start the process of respecting human rights the longer ago a treaty was ratified. Some further analyses show the relationship between human rights compliance systems and respect for human rights (discussed in section 5.2.3). Similarly, these results are in line with hypotheses 2 to 4 showing that countries being member of a compliance system combining strong management and enforcement mechanisms show a higher probability to fully respect human rights. The effect, however, is statistically significant only for the process to move from (0) “not full respect for human rights” to (1) “full respect for human rights”. Moreover, results show that the existence of high bureaucratic capacity can be seen as a necessary condition so that compliance systems can exert their full influence. This results supports hypothesis 4 saying that the more management mechanisms beyond compliance systems a country has at its disposal, the more a compliance system applying strong management and enforcement mechanisms can exert influence. A further analysis including the variable “number of years of (0) ‘not full respect for human rights’” shows that the longer the time period that a country not fully respected human rights the less likely it is to start the process to move from (0) “not full respect for human rights” to (1) “full respect for human rights”. Again, this result contradicts the management supposition of an extreme time lag between an agreement and compliance as far as human rights are concerned. The underlying

results show that the combination of strong management mechanisms beyond compliance systems and the fact of being member of a compliance system combining management and enforcement mechanisms shows the highest probability to fully respect human rights. The longer, however, a country does not respect human rights the less likely it is to move from (0) “not full respect for human rights” to (1) “full respect for human rights”.

As the underlying results show, a compliance system combining strong management and enforcement mechanisms does make a difference as it leads to more compliance with human rights. However, there are some important explanatory factors for compliance with human rights beyond such systems as was shown by the influence of bureaucratic capacity, economic dependence, and the independence of the judiciary. From these results it follows that a strong compliance system (combining management and enforcement mechanisms) alone cannot fully account for respect for human rights. Only in combination with the capacity of states are compliance systems able to exert their full influence. Hence, in order to enhance compliance with human rights it is vital not only to develop strong human rights regimes with compliance systems combining management and enforcement mechanisms but as well to help states develop their capacity to comply with human rights. As the results show, the combination of incentives for compliance and the capacity to comply leads to the most respect for human rights.

Although a sample as large as possible was included in the analyses and the underlying results are in line with the postulated hypotheses, there are some difficulties with the underlying dataset with reference to the drawing of conclusions. For example, the variable of sanctions shows too little variance in order to be able to draw conclusions. Consequently, the effect of human rights sanctions on respect for human rights is not suited to be analysed in a quantitative analyses as there are too few cases. Rather than using quantitative analyses, the effect of sanctions has to be analysed in case studies looking at the concerned countries in more detail. Furthermore, as already outlined in the operationalization section, the list of preferential trade agreements is probably not complete which might have led to biased results. Moreover, the underlying analyses do not show statistically significant results for most of the variables for cases with $y_{t-1} = 1$ (the process of continually respecting human rights). Similarly, some case and process analyses might lead to more evidence as it comes to explain why states continually respect human rights. With reference to the process of continually respecting human rights, the results in the underlying analyses are not able to show the influence of human rights compliance systems. With the underlying analyses it is possible to depict the explanatory factors of why states start to comply with human rights and which

factors influence this probability to move from (0) “not full respect for human rights” to (1) “full respect for human rights”. However, some further analyses have to be conducted in order to be able to explain why states continually respect human rights.

Furthermore, the present analyses do not explain why states actually do become member of human rights regimes and are consequently subject to their human rights compliance system. Given the influence human rights compliance systems can exert, understanding the process of why states do become member of such systems is vital in order to develop the full potential of human rights agreements. In this connection, the role of state identity seems to be crucial. As mentioned by Finnemore/Sikkink (1998: 902), state identity is formed by the institutional context and determines state behaviour. If states internalize a given norm because of their state identity as a member of an international society by which appropriate behaviour is defined, regional human rights regimes play a major role when it comes to make states comply with their agreements. Even if states do not necessarily identify with the international human rights regime of the United Nations, regional regimes as the one in the Americas or in Europe might exert greater influence as states identify with their region. These processes should be part of further analyses.

7. Annexes

In the following sections, some further information about the analyses is provided.

7.1 Countries included in the analyses

Table 16 shows the countries included in the analyses.

Afghanistan	Finland	Netherlands
Albania	France	New Zealand
Algeria	Georgia	Nicaragua
Argentina	Ghana	Niger
Armenia	Greece	Nigeria
Australia	Guatemala	Norway
Austria	Guyana	Oman
Azerbaijan	Honduras	Pakistan
Bahrain	Hungary	Panama
Bangladesh	India	Paraguay
Belarus	Indonesia	Peru
Belgium	Iran	Philippines
Benin	Ireland	Poland
Bolivia	Israel	Portugal
Botswana	Italy	Qatar
Brazil	Jamaica	Romania
Bulgaria	Japan	Russia
Burkina Faso	Jordan	Rwanda
Burundi	Kazakhstan	Saudi Arabia
Cambodia	Kenya	Senegal
Cameroon	Korea, Republic of	Slovak Republic
Canada	Kuwait	Slovenia
Central African Republic	Kyrgyz Republic	Spain
Chad	Laos	Sudan
Chile	Latvia	Swaziland
China	Lebanon	Sweden
Colombia	Lesotho	Switzerland
Congo, Republic of	Liberia	Tajikistan
Congo, Democratic Republic of	Libya	Togo
Costa Rica	Lithuania	Tunisia
Cote d'Ivoire	Macedonia	Turkey
Croatia	Madagascar	Uganda
Cyprus	Malawi	Ukraine
Czech Republic	Malaysia	United States of America
Denmark	Mali	Uruguay
Djibouti	Mauritius	Uzbekistan
Dominican Republic	Mexico	Venezuela
Ecuador	Moldova	Vietnam
Egypt	Mongolia	Zambia
El Salvador	Morocco	Zimbabwe
Estonia	Mozambique	
Fiji	Nepal	

Table 16: Countries Included in the Analysis

7.2 Descriptive Statistics

Table 17 shows frequency analyses of the nine-point scale and the one of the dummy variable of respect for human rights.

	Frequency	%		Frequency	%
No respect	72	4.3	Not full respect	1156	67.1
1	95	5.6	Full respect	532	30.9
2	132	7.8	Total	1688	100.0
3	144	8.6	Frequencies – Dummy Variable		
4	236	14.0			
5	239	14.2			
6	234	13.9			
7	353	21.0			
High respect	178	10.6			
Total	1688	100.0			
Frequencies – nine-point scale					

Table 17: Frequencies – Respect for Human Rights

Table 18 shows correlations between management mechanisms beyond compliance systems.

		Corruption	Government Effectiveness	Human Development	Years since Ratification of CAT	Economic Dependence
Corruption	Correlation	1	.885	.675	.261	.176
	Significance		.000	.000	.000	.000
	N	1680	1679	1671	1680	1680
Government Effectiveness	Correlation		1	.739	.281	.198
	Significance			.000	.000	.000
	N		1688	1679	1688	1688
Human Development	Correlation			1	.338	.259
	Significance				.000	.000
	N			1712	1712	1712
Years since Ratification of CAT	Correlation				1	-.008
	Significance					.740
	N				1723	1723
Economic Dependence	Correlation					1
	Significance					
	N					1723

Table 18: Correlations – Management Mechanisms

Table 19 shows the frequency analyses of the five-point scale variables “corruption”, “government effectiveness”, “human development”, and the constructed four-point scale variable “bureaucratic capacity”.

	Corruption		Government Eff.		Human Development		Bureaucratic Capacity		
	Frequency	%	Frequency	%	Frequency	%		Frequency	%
1	15	0.8	31	1.8	5	0.3	1	127	7.5
2	610	35.8	542	31.8	174	10.1	2	692	40.8
3	614	36.1	632	37.8	329	19.2	3	501	29.6
4	280	16.5	285	16.7	751	43.8	4	368	21.7
5	183	10.8	215	12.6	458	26.7	Total	1697	100.0
Total	1702	100.0	1705	100.0	1717	100.0			

Table 19: Frequencies – Bureaucratic Capacity

Table 20 shows frequency analyses of the enforcement mechanisms beyond compliance systems and the correlations among these variables.

Sanctions	Frequency	%	PTA	Frequency	%
No sanction	1709	99.2	No PTA	675	39.2
Sanction	14	0.8	PTA	1048	60.8
Total	1723	100.0	Total	1723	100.0

Independent Judiciary	Frequency	%	Constitutional Ban of Torture	Frequency	%
No independent	452	26.6	Not mentioned in constitution	595	34.8
Partially independent	694	40.3	Mentioned with exceptions	301	17.6
Generally independent	571	33.1	Explicitly mentioned	814	47.6
Total	1723	100.0	Total	1709	100.0

		Sanctions	PTAs	Independent Judiciary	Constitutional Ban of Torture
Sanctions	Correlation	1	.015	.002	.027
	Significance		.702	.951	.478
	N	1723	1723	1723	1709
PTAs	Correlation		1	-.007	.063
	Significance			.771	.009
	N		1723	1723	1709
Independent Judiciary	Correlation			1	.030
	Significance				.212
	N			1723	1709
Constitutional Ban of Torture	Correlation				1
	Significance				
	N				1709

Table 20: Frequencies and Correlations – Enforcement Mechanisms

7.3 Compliance with Human Rights – Analyses

Table 21 and 22 show descriptive statistics considered to calculate probabilities. Table 21 includes cases showing not full respect for human rights in the previous year ($y_{t-1} = 0$) whereas table 22 shows descriptive statistics for cases with full respect for human rights in the previous year ($y_{t-1} = 1$).

Variables	min.	max.	median	mode	mean	std.dev
Respect for human rights	0	1		0	0.09	0.289
Compliance systems	0	4	1		1.35	1.030
Optional protocol	0	4	0		0.82	1.270
Capacity	1	4	2		2.34	0.724
Years since ratification	0	4	2		1.92	1.399
Economic Dependence	1	4	2		1.98	0.776
Sanctions	0	1		0	0.01	0.082
PTAs	0	1		1	0.58	0.493
Independent Judiciary	0	2	1		0.78	0.665
Constitutional Ban	0	2	2		1.21	0.870
Polity IV	1	5	4		3.56	1.272
Violence	0	1		0	0.21	0.404
Regime durability	0	5	3		2.72	1.571
Regime classification	0	5	3		2.41	1.412
Democracy	0	1		0	0.50	0.500
Years of (0)	0	13	5		5.17	3.674

N= 1098

Table 21: Descriptive Statistics – $y_{t-1} = 0$

Variables	min.	max.	median	mode	mean	std.dev
Respect for human rights	0	1		1	0.77	0.418
Compliance systems	0	4	3		2.48	1.428
Optional protocol	0	4	3		2.24	1.697
Capacity	1	4	4		3.36	0.776
Years since ratification	0	4	2		2.21	1.347
Economic Dependence	1	4	2		2.29	0.766
Sanctions	0	1		0	0.00	0.068
PTAs	0	1		1	0.61	0.489
Independent Judiciary	0	2	2		1.69	0.551
Constitutional Ban	0	2	1		1.04	0.940
Polity IV	1	5	5		4.63	0.966
Violence	0	1		0	0.01	0.117
Regime durability	0	5	3		3.71	1.516
Regime classification	0	5	1		1.10	1.311
Democracy	0	1		1	0.88	0.328
Years of (0)	0	13	0		0.08	0.732
N= 445						

 Table 22: Descriptive Statistics – $y_{t-1} = 1$

Table 23 shows predicted probabilities of full respect for human rights with reference to regime classification. Base values are hold at their median (cf. note 14).

Regime classification $y_{t-1} = 0$	Predicted Probabilities (1) Full Respect for Human Rights	Regime classification $y_{t-1} = 1$	Predicted Probabilities (1) Full Respect for Human Rights
1 parliamentary democracy	0.043	1 parliamentary democracy	0.898
2 mixed	0.034	2 mixed	0.869
3 presidential democracy	0.027	3 presidential democracy	0.832
4 civilian dictatorship	0.021	4 civilian dictatorship	0.788
5 military dictatorship	0.017	5 military dictatorship	0.735
6 monarchy	0.013	6 monarchy	0.675

Table 23: Results – Influence of Regime Classification on Respect for Human Rights: Predicted Probabilities

Table 24 shows results of the analysis including ratification of optional protocols to determine membership in compliance systems.

y: Respect for human rights	$y_{t-1} = 0$		$y_{t-1} = 1$	
Compliance System – optional protocol	0.520	(0.112) ***	-0.156	(0.119)
Democracy	0.242	(0.360)	1.092	(0.429) **
Bureaucratic Capacity	0.646	(0.226) ***	1.214	(0.259) ***
Years since Treaty Ratification	-0.523	(0.109) ***	-0.096	(0.131)
Economic Dependence	0.480	(0.166) ***	0.267	(0.190)
Sanctions	0.313	(2.090)	0.131	(1.346)
PTAs	-0.300	(0.261)	0.040	(0.272)
Independent Judiciary	1.466	(0.245) ***	0.033	(0.045)
Constitutional Ban of Torture	-0.182	(0.155)	-0.021	(0.138)
Conflicts	-2.408	(1.028) **	-2.506	(1.244) **
Regime Durability	-0.128	(0.096)	-0.014	(0.112)
Constant	-5.539	(0.713) ***	-3.467	(0.830) ***
Correctly predicted (mode / n)	1016 (977 / 1098)		360 (345 / 445)	

Significance: * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$; Standard error in brackets

Table 24: Results Transition Model – Logit Regression: Compliance Systems with Optional Protocol

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