

# The International Human Rights Regime Delays Regime Change in the Countries that Need it Most\*

James R. Hollyer<sup>†</sup>

*Yale University*

B. Peter Rosendorff<sup>‡</sup>

*New York University*

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## Abstract

In this paper we argue that the most oppressive autocracies are likely to ratify more of the human rights treaties than their less oppressive counterparts; that they are more likely to ratify the most strongly enforced of these agreements; and that those oppressive autocracies that ratify the more powerfully enforced of the human rights treaties survive in office longer. We develop a signaling game-based theory of accession to human rights treaties by human rights-abusing autocrats, and we test this theory by examining (1) the accession of authoritarian governments to a range of specific treaties and (2) the share of the 20 most important human rights treaties ratifies. We find that the most oppressive autocrats ratify more of the twenty human rights treaties and are more likely to sign specific treaties; that those that accede to human rights treaties survive for longer periods in office. We provide additional evidence that these effects grow as the enforcement of treaty provisions becomes stronger.

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<sup>†</sup>Leitner Program in International and Comparative Political Economy, MacMillan Center for International and Area Studies, Yale University. 115 Prospect Place, New Haven, CT 06520.

<sup>‡</sup>New York University, Department of Politics. 19 West 4th St., 2nd Floor. New York, NY 10012.

The international human rights regime is governed by a set of international treaties that restrict how governments (and other actors) may treat individuals within their sovereign borders. This set of treaties is designed to make human rights abusers more accountable to the world community and the community of states, and thereby create both disincentives for human rights abuse, and effective punishment for human rights abusers.

One would therefore expect states parties to these treaties to be particularly protective of human rights. We show in this chapter, however, that – among autocracies – it is the most oppressive governments that ratify human rights treaties. The tendency for oppressive governments to enter into human rights treaties with high frequency increases with the strength of the enforcement powers of these agreements. Most importantly, the human rights treaties with the strongest enforcement powers extend the tenure in office of autocratic governments that ratify those treaties. The human rights regime is delaying regime-change in exactly those states most in need of human rights improvements.

A significant debate has emerged as to why any government would voluntarily commit to the global human rights regime. This debate is particularly fraught with respect to autocratic governments, which are accustomed to restricting the civil liberties and human rights of their citizens in the name of national security or protection of the state. Why would any such regime willingly sign on to a legal regime designed to restrict its freedom of manoeuvre, inhibiting behavior often seen as crucial to the continued survival government?

Yet human rights-abusing autocracies ratify human rights treaties with some frequency. By 2004 (the last year in our dataset), the average autocracy had committed to 57% of the top 20 human rights treaties, optional protocols and declarations.<sup>1</sup>

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<sup>1</sup>The six major human rights treaties are the Convention Against Torture (CAT), International Convention on the Elimination of All Forms of Racial Discrimination (CERD, adopted 1965), the International Convention on Economic, Social, and Cultural Rights (ICESCR, adopted 1966), The International Convention on Civil and Political Rights (ICCPR, adopted 1966), the Convention on the the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) and the Convention on the Rights of the Child (CRC, 1989). In addition to these 6, the remaining instruments are the Optional Protocols to the ICCPR, CRC and CEDAW, Article 41 Declaration to the ICCPR, Article 14 Declaration to the CERD, Article 11 Declaration to the CAT,

Some autocracies ratify certain human rights treaties and not others, and the treaties themselves vary in important dimensions. In this paper we focus on the strength of the treaties' enforcement provisions. For instance the "universal jurisdiction" provisions of the CAT – which render torture an extraditable offense and obligates extradition or prosecution of offenders – create a strong set of punitive/enforcement mechanisms. The Genocide convention and the ICCPR have, by comparison, very weak enforcement powers. Enforcement is, in each respective treaty, neglected or delegated to an international panel with few powers, in which states parties are the only entities capable of lodging a complaint.

Finally, autocratic states vary in the degree to which they engage in human rights abuse prior to any commitment to a human rights treaty. Some autocratic states frequently employ torture and abuse human and civil rights; others less so. In this paper we build (and test) a theory relating human rights abuse and treaty enforcement characteristics to explain patterns of commitment to the set of human rights treaties. And we make a counterintuitive and possibly contrarian claim: The most oppressive autocracies are most likely to ratify human rights agreements, and this tendency strengthens with the enforcement provisions of these agreements. Consequently, and paradoxically, the signing of human rights regimes serves to cement the most repressive leaders in office.

Our theoretical argument is based on the domestic politics of autocratic regimes. Autocratic states sign and ratify human rights treaties to signal their resolve to their domestic opposition. The enforcement provisions of human rights regimes are only likely to bite when members of the ruling elite are removed from office. Signing a possibly punitive agreement therefore signals the strength of the rulers' intent to hold onto power. Based on the accession/non-accession of the government to human rights treaties, the opposition learns more about the toughness of their government opponents, and appropriately adjusts its strategy. In equilibrium, autocratic parties to human rights treaties (the toughest, most

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European Convention to Prevent Torture, Inter-american Convention to Prevent and Punish Torture, African Charter, and the ILO Convention 138

oppressive autocrats) survive in office longer than observationally similar non-parties. The most powerful human rights treaties (at least in terms of enforcement powers) have the unintended consequence of extending the tenure of the most oppressive autocrats in office.

This is a disturbing and contrarian finding. Rather than heralding the success of the increased legalization of the human rights regime, these results suggest that the stronger enforcement regimes that characterize some human rights treaties may strengthen the most abusive governments' grip on power.

## 1 Who Ratifies?

States ratify international treaties for a variety of reasons. Simple and diffuse reciprocity motivate many economic agreements, such as the WTO/GATT, regional and preferential trade agreements, intellectual property agreements, investment treaties, etc. Policy concessions by one state party are matched by reciprocal concessions from others (Keohane, 1984; Bagwell and Staiger, 1999; Hillman, Long and Moser, 1995). Mutually assured protections solve prisoner's dilemmas, and facilitate coordination on mutually beneficial terms. For instance, trade and investment agreements ensure that the gains from trade and investment can be achieved in a more certain and less arbitrary policy-making environment (Hollyer and Rosendorff, 2011; Mansfield and Reinhardt, 2008). States weigh the benefits that accrue, both political and economic, when choosing to ratify such agreements. Since these costs and benefits vary systematically across states, much of the observed variation in ratification patterns can be explained by differences in factors that relate to these costs and benefits. International commitments of this kind may also serve as a signaling device – states parties indicate their willingness to abide by the 'rules of the game' and to avoid capricious actions in violation of treaty commitments.

Other issue areas are characterized by benefits that more closely resemble public goods. Defense pacts and alliances require contributions by the members to produce an interna-

tional public good such as security, and require contributions by members (Morrow, 1993; Sandler, 2004). Agreements can act as devices to restrict free riding, to allocate responsibility, to coordinate expectations, and to choose among competing equilibria. Environmental agreements share many of these characteristics. Yet in all these cases, there are private benefits – economic benefits that accrue to groups within participating states and political benefits that accrue to these states’ leaders – from committing to international agreements. When my treaty partner complies, I benefit, and vice versa.<sup>2</sup>

The human rights arena is different. There are no obvious significant private or political benefits to be accrued to any leader by having another accede to a human rights treaty or comply with its human rights obligations. Moreover, the more usual threats of reciprocal retaliation in the instance of non-compliance don’t apply in the the human rights arena: I can’t punish the torture observed abroad by torturing my own people. By ratifying, I incur the potential for serious costs, with very little in the way of tangible political or economic benefits. Simmons and Danner’s (2010) argument regarding the Rome Statute<sup>3</sup> – that “[i]t was established by governments, but it is not clearly in any given government’s interest” (p. 226) – holds for human rights treaties more generally.

If reciprocal gains are not the driving motive for any state to commit to a human rights treaty, what is?

## 1.1 International Benefits

The first possibility is that human rights treaties simply screen rather than constrain. That is, states commit to these treaties because the treaty is unlikely to change behavior. Rather, the behavior mandated by the treaty is already consistent with accessor states’ current and anticipated practices. If there are any benefits – reputational or otherwise – to accession,

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<sup>2</sup>The decision to commit therefore requires evaluating the political and economic benefits from partners’ compliance with the potential costs associated with my commitment and potential compliance.

<sup>3</sup>The Rome Statute gave rise to the International Criminal Court (ICC). This body permits extra-territorial sovereignty over the crimes of genocide and other crimes against humanity.

states already in compliance with treaty mandates will commit to the agreement (von Stein, 2005; Downs, Roche and Barsoom, 1996). This of course is unlikely to apply to human rights abusing autocracies.

A second possibility is that a repressive autocracy is willing to mitigate its human rights abuses in return for concessions by the international community on other issue dimensions. Hafner-Burton (2005) suggest that access to regional or preferential trade agreements (PTAs), which have material and political benefits, may be driving accession to human rights treaties. Yet, Hafner-Burton and Tsutsui (2005) report that there is little evidence that signing the CAT has reduced human rights abuses in signatory states. Evidence for a *quid pro quo* is thus lacking – those offering PTA membership receive little or nothing in exchange for their concessions.

There is little evidence for benefits, other than PTA membership, from compliance with human rights norms or accession to human rights treaties. Trade and investment flows do not appear to increase in response to accession to human rights treaties. Indeed, there is no evidence that signatory governments even receive praise from the US State Department on signing the CAT, or are even pressured to do so in press statements or elsewhere (Nielsen and Simmons, 2009).

An alternative mechanism may drive the ratification of human rights treaties: the international diffusion of social norms. Preferences over the acceptability of human rights abuses may shift via socialization into norms of appropriateness (Finnemore, 1996). Norm cascades may result in situations in which states feel pressured to conform to human rights standards (Keck and Sikkink, 1998). By signing human rights agreements, states express to the world community “what conduct is and is not acceptable, and this holds the potential to ‘change discourse about and expectations regarding country practices and thereby change practices of countries regardless of whether they ratify the treaties’ ” (Hathaway, 2003, 197). Goodman and Jinks (2004, 626) describes a process of “acculturation”, in which “actors adopt the beliefs and behavioral patterns of the surrounding culture. This

mechanism induces behavioral changes through pressures to assimilate – some imposed by other actors and some imposed by the self." Gilligan and Nesbitt (2007) and Hathaway (2002) argue that these norm-based arguments for the adoption of the CAT have not, however, had any noticeable effect on torture levels. It is hard to believe that norms would diffuse regarding whether or not it is appropriate to enter into human rights agreements, but that these norms would not effect the reality of governments' behavior.

## 1.2 Domestic Political Benefits

Given that the evidence for international benefits from accession to human rights treaties is weak or absent, committing such a treaty must generate benefits that are not related to the behavior of other member states. Instead, we argue that the benefits from accession are generated by the effect of the human rights treaties on domestic politics. The role of domestic politics in explaining commitment to the CAT has been studied elsewhere (Hollyer and Rosendorff, forthcoming; Vreeland, 2008). International agreements may create openings for non-governmental actors (NGOs) to engage in information gathering, political action, legal maneuvering etc. that influence state behavior (Neumayer, 2005; Simmons, 2009). This may explain changes in state behavior after signing but doesn't provide a compelling basis for explaining commitment in the first place.

Vreeland (2008) explores the domestic political and institutional dynamics of autocracies, and offers an explanation for Hathaway's (2007) finding that there is a positive association between torture and the signing of the CAT. Vreeland argues that the presence of domestic opposition parties both causes autocrats to torture more heavily and forces these governments to sign human rights treaties. When opposition parties exist, there must be some freedom to engage in speech and activities that contradict the will of the incumbent government. In such a situation, opposition activists are likely to "cross the line" in their criticisms, leading the government to employ torture to maintain its control. These op-

position parties will also pressure the government to enter into human rights agreements. However, if, as Hathaway claims, human rights treaties do not constrain autocratic governments, what is motivating the domestic opposition to push for treaty accession in the first place?

Moravcsik (2000) suggests that unstable democracies can “lock-in” human rights norms by treaty accession, which might constrain future governments. This tying of the hands argument is more fully explored by Simmons and Danner (2010), in the context of the Treaty of Rome and the formation of the International Criminal Court. They argue that states have a credibility problem in promising a reduction in human rights abuse to their domestic opponents. Signing a treaty with external enforcement provisions enhances the credibility of this promise. Of course, this a) presupposes the state wishes to reduce its abuses in the first place; and b) would require some concession from domestic opposition groups in return. But there is no mechanism in the treaty or elsewhere to enforce a promise by the opposition not to engage in protests or other political action.

While these arguments are generally compelling in their claim that domestic politics plays an important role when it comes to the human rights regime, none of them adequately explain a core outstanding empirical regularity. It is the worst human rights offenders that accede to human rights agreements more frequently. We provide both evidence in this regard and a theory based on how the information generated by signing affects the domestic political conflict. In so doing we establish an explanation for the preponderance of “false positives” – the frequent ratification of human rights agreements by human rights abusers.<sup>4</sup>

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<sup>4</sup>Simmons (2009) suggests that these insincere ratifiers do so out of short-sightedness, errors in expectations, or mistakes in managing future uncertainty. We provide here instead a rational argument based on the expected effect of signing on the conflict with the domestic opposition. Our argument is closely related to Hollyer and Rosendorff (forthcoming) which studied a similar mechanism in the context of the CAT.

## 2 Theory

We draw on the intuitions from a rich literature on signaling games in both economics and political science. The canonical form of this game<sup>5</sup> involves a worker and a firm. The worker has innate productivity (low or high) that is not observable to the firm. But the decision to get a college degree is observable, even if the degree itself is presumed to have no effect on productivity of the worker. Acquiring the degree is costly in terms of tuition costs and income forgone while studying – with the high productivity workers finding the costs of education lower than the low productivity workers.

The firm, of course, prefers to hire high productivity workers. If the firm offers a wage just high enough to workers with a degree, the high productivity workers will get a degree, while the low productivity workers do not. Getting a degree signals to the firm that the worker is indeed a high type and should be hired. The low types do not get the degree and, if employed, receive a lower wage. The high types (for whom the degree is cheaper), find the higher wage, less the costs of the degree to be larger than the lower wage earned by un-degreed workers. The low types (for whom the degree is more expensive) find that the higher wage that comes with a degree just isn't large enough to outweigh their higher costs of education, so they don't bother with the degree. We call such an outcome a "separating equilibrium," because the two types of workers, the low and high types, make different choices – the low productivity workers enter the workforce immediately, while the high productivity workers go to school instead.

If the firm offers too high a wage to any worker with a degree, then even though it costs more for a low productivity worker to get a degree than a high productivity worker, the very high wage makes it attractive for all workers pursue higher education. When both types, high and low productivity workers, make the same choice – to get a degree – we call this a "pooling equilibrium."

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<sup>5</sup>Due to Spence (1973). See Banks (1991) for a primer on signaling games in political science.

We apply the intuitions of this game to a the domestic political conflict between an autocrat and his domestic opposition. The autocrat can be one of two types: “strong”, one that has a very high value associated with holding office; and “weak”, one that places less value on holding office. Alternatively, we can think of the strong type as an autocrat for whom the costs of holding onto to office are low – it is cheap and easy to keep the opposition oppressed and their office is relatively secure (the “bad-ass” autocrats). Weak types, by contrast, face high costs of oppression, and find holding onto office relatively expensive (the “weak-ass” autocrats). These correspond to the types of worker in the canonical game, and, as in that game, the type of the autocrat is not observable, or verifiable by the domestic opposition.<sup>6</sup>

The other player in this interaction is the domestic opposition, which must choose a level of oppositional effort – be it armed conflict, civil disobedience, strikes, demonstrations, riots etc. The opposition doesn’t know whether it faces a strong or weak type of autocrat.

Absent any information, the combination of repressive activities on the part of the autocrat and the oppositional activities of the domestic opposition together determine whether the government survives or collapses. More strikes and demonstrations will, *ceteris paribus*, raise the probability of government failure, and more repression reduces the probability of government collapse. The opposition chooses the amount of effort to put into oppositional activities based on its best guess about the toughness of the autocrat (i.e., the autocrat’s type).

Consider now the possibility that the opposition learns that the autocrat is a weak type – one whose hold on office is more tenuous than previously thought. The best response

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<sup>6</sup>It may be objected that opposition groups are aware of the costs a regime faces from repression and its willingness to employ draconian methods to remain in office. While such groups no doubt have some information in this regard, this information is not always perfect. The veterans of many successful opposition movements often express surprise at their successes. And many failed opposition groups undertake costly activities in the vain hope of removing the regime. These actions are most readily explained by imperfect information.

to learning this information by the domestic opposition is to fight harder. Because a little more effort may be enough to topple this weaker-than-expected regime, that additional effort is likely to be worth the costs it entails. On the other hand, suppose the opposition learns that this leader is in fact a tough, strong, bad-ass. The optimal response to learning this information is to fight less hard. Any additional effort the opposition devotes to removing the ruling elite is likely to have little effect on the probability that the government actually collapses. Since this extra effort is costly, and not very useful, the opposition will reduce its effort on learning that the government is strong.

Ratifying a human rights treaty works in the same way as getting a degree did in the canonical game. If the costs associated with ratifying the agreement differ according to whether the autocrat is a strong or weak type, then signing the agreement conveys information to the domestic opposition – it signals the autocrat’s type.

Ratifying a human rights treaty may impose costs on autocrats who abuse human rights, engage in torture or genocide, and are subsequently removed from office. In an autocratic system, the leadership is likely to be shielded from legal challenges so long as it is in power. Legal liability is only likely to result in sanctions if and when leaders are removed. Since strong types are less likely to be so-removed, they are similarly less likely to bear any such cost. Strong types therefore face lower costs to accession than weak types, implying that human rights treaties may act as a signaling mechanism, analogous to a college education in canonical signaling model.

If the provisions of a human rights treaty impose few punitive sanctions for non-compliance, then both strong and weak types of autocrats are likely to ratify. No separation occurs, and the domestic opposition learns nothing about the type of autocrat it faces after observing accession to the treaty. On the other hand, if ratifying an agreement contains non-trivial punitive provisions (in terms of third party adjudication for human rights abuses, potential for punishment for crimes committed while in office) only those who are most secure in office, for whom oppression is cheap, or for whom the rents from

holding office are very high, would find ratifying a human rights agreement sufficiently “cheap.” Indeed, the costs of such treaties may eventually become so high that no autocratic governments would be willing to risk acceding to their provisions.

Hence when enforcement costs are significant enough, it will be the high rent, bad-ass autocrats that ratify, and the low, weak-ass types do not. The domestic opposition observing this separation, will interpret no ratification as evidence that the autocrat is weak, and respond with more opposition effort. If instead the opposition observes ratification, they learn the government is strong, and reduce their opposition effort accordingly.

Notice that the reverse separation is not possible. If the weak type wants to accede (which would result in less opposition effort), then the strong type definitely wants to ratify too.

In order for this separation to occur, it must be the case that the treaty does, or has the potential to, inflict significant costs on a accessor government that fails to comply with treaty provisions. These potential costs must be large enough to dissuade weak autocrats from ratifying, but not so large that they dissuade strong autocrats from doing-so. If the punishments for non-compliance are too large, no types ever ratify these agreements; if the punishments are very weak or non-existent, both types are likely to ratify. It is only when the punishments are more (but not too) severe that separation occurs, and the strong types – for whom repression is cheap, office is secure, and the rents from office are large – ratify, while the weak types do not. In what follows, we argue that the human rights treaties do vary in the strength of their enforcement provisions, from very weak or nonexistent, to strong enough to matter.

## 2.1 Testable Implications

This leads to first testable implication of this model. Among observed treaties, stronger compliance provisions mean more separation. The stronger the punitive mechanisms in

a given treaty, the more likely that only the toughest, most human-rights abusing autocrats ratify the agreement. When instead, compliance provisions are weak or non-existent, pooling occurs, and both high and low rights abusers accede.

The second implication follows closely from the first. In the agreements with stronger compliance provisions, it is the toughest, most active human rights abusers that ratify, separating themselves from weak governments that do not accede. The opposition, on observing that it faces a state party (a signers and ratifier), reduces its effort. If the opposition is facing a non-state party (a non-signer), then it knows the autocrat is weak, and it steps up its efforts. *Ceteris paribus*, the government is less likely to fall in the accessor country, and more likely to fall in the non-accessor country. Authoritarian parties to human rights treaties survive for a relatively longer period in office than authoritarian non-parties.

Can we put the blame for delayed regime change on the availability of human rights treaties? A *selection effect* implies that those regimes that will fight most strongly to remain in power are the same regimes that ratify the treaty. This effect of the human rights regime does **not** cause increased survival – rather the regimes most likely to survive are the ones that self-select into ratification. An *information effect* implies that opposition groups – on learning that the state has ratified the treaty and is therefore a strong state – will engage in fewer activities designed to overthrow a accessor government. This effect **is** casual – human rights treaties do cause enhanced survival by the tough, bad-ass types. Finally, a *commitment effect* implies that governments faced with the potential threat of prosecution on relinquishing office will be more willing to employ repressive tactics to remain in power. This too **is** causal – without the added the punishment of strong compliance regimes, the autocrats would repress less severely, and their survival prospects would not be enhanced.

### 3 The Treaties: CAT, Genocide Convention, ICCPR and its Optional Protocol

We take two slightly different approaches to test the predictions we have made above. Our first set of tests explores the links between the degree of repression undertaken by an autocrat and the proportion of the twenty major human rights treaties (mentioned in footnote 1) that the autocratic state is a party to. We find, consistent with our predictions, that the most repressive of the autocratic states ratify a greater fraction of these twenty treaties. We then explore if ratifying more treaties leads to longer survival in office, and indeed it appears that it does.

Our second set of tests explores if this effect gets stronger as the compliance provisions of the agreements are strengthened. We compare the Genocide Convention with the ICCPR, its First Optional Protocol, and the CAT, arguing that the potential punishments for non-compliance are weakest for the Genocide Convention, strongest for the CAT. Our predictions therefore, are that the torture and human rights abuse will be more prevalent among autocratic signers of the CAT than of the Genocide Convention; and that survival is more significantly enhanced by signing the CAT than it is by signing the Genocide Convention. The effect of the ICCPR and its optional protocol will lie between the two extremes.

The Convention on the Prevention and Punishment of the Crime of Genocide entered into force in 1951 after passage in the UN General Assembly in 1948. It establishes a rather narrow definition of the crime of genocide in Article 2, and further notes in Article 3 that acts of genocide (along with conspiracy to commit, incitement of, attempts to commit, or complicity in the commission of genocide) are subject to criminal prosecution.<sup>7</sup> However, no single body is charged with the enforcement of these provisions, and the definition of genocide is sufficiently narrow that even the most egregious human rights violations may

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<sup>7</sup>The Convention on the Prevention and Punishment of the Crime of Genocide. <http://www.preventgenocide.org/law/convention/text.htm>.

not meet its conditions.

The ICCPR opened for signature in 1966 and entered into force in 1976 is a “global expression of the broadest set of civil and political rights articulated in binding treaty form, enumerating rights to be free from arbitrary arrest, detention and torture; freedom of thought, religion and expression; equality before the law, and others.”(Simmons, 2009, 49). The ICCPR establishes the United Nations Human Rights Committee, which monitors state compliance with its provisions. The Human Rights Committee’s activities are primarily based on self-reports by the states; though signatories of the first optional protocol also agree to permit individual citizens to bring complaints against their own government to the Committee. The committee can issue a finding, but its finding is not binding as a matter of international law. And there is no capacity or authority to try any official of any state for crimes under ICCPR.

The United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) was adopted in December 1984, went into effect in June 1987. It has been ratified by 139 states. It forbids “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Article 4 of the CAT states that “Each State Party shall ensure that all acts of torture are offences under its criminal law.” Moreover “[e]ach State Party shall make these offences punishable by appropriate penalties.” Article 5 requires that any State Party to the CAT take into custody any alleged offender that is present in its territory. And Article 6 requires that, if requested to do so, any State Party must extradite the alleged offender to any state with jurisdiction over the case, which may be defined by the nationality of the perpetrator

or the victim. If no such extradition occurs, the State Party must try the offender domestically. This requirement is often referred to as establishing ‘universal jurisdiction’ for human rights offenses. Finally Article 8 further requires signatories to treat violations of the prohibition on torture as extraditable offenses.<sup>8</sup>

Of the six “core” human rights treaties, it may be argued that the CAT possesses the most serious enforcement mechanism. Goodliffe and Hawkins (2006) argue the CAT was the first treaty to apply the principle of universal jurisdiction to human rights law – jurisdiction is based “on the nature of the crime rather than .. where the crime occurred or the nationality of the alleged perpetrator or victim” (p.2) . As such, they suggest its enforcement mechanisms are more coercive than those of other human rights treaties or customary international law alone.

### 3.1 Ordering the Treaties: Strength of Compliance Provisions

Typically, the Genocide Convention is viewed as the least strongly enforced of these treaties, while the CAT is viewed as the most strictly enforced. The Genocide Convention has no single body charged with oversight, monitoring or enforcement of its provisions. Moreover, the agreement simply states that a person charged with genocide “shall be tried by a competent tribunal of the state in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction”. Trial and punishment at home is unlikely; and there is no obligation for any other state to try an alleged perpetrator for the crime. The definition is itself vague, and there is some debate as to whether signatories to the Convention are even obliged to execute arrest warrants issued by the International Criminal Court, a more recent body formed under the Statute of Rome to try the crime of genocide. As such the Genocide convention is the weakest in terms of its enforcement provisions of the four treaties we consider here.

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<sup>8</sup>United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. <http://www.hrweb.org/legal/cat.html>

In contrast to the Genocide Convention, the ICCPR has a monitoring body: it charges the UN Human Rights Committee with the monitoring of state compliance with its provisions. States must self-report within one year after accession and then usually, every 4 years thereafter. The Committee “considers” the submitted reports from the states on their compliance with the ICCPR. There is no capacity for a binding ruling of any kind.

The First Optional Protocol of the ICCPR allows individuals to bring complaints to the Committee, actually requesting a determination as to whether any provisions of the ICCPR have been violated. Nevertheless, there remains some dispute as to whether the Committee, in the case of an individual dispute brought under the First Optional Protocol can make binding decisions as a “quasi-judicial body” or if its reports are merely a non-binding interpretation of the merits of the case.

Finally, the CAT has the strictest enforcement provisions of any of the treaties we examine. Like the ICCPR, the CAT establishes an international monitoring body – the Committee Against Torture (Simmons, 2009). However, the provisions of the CAT are given substantially more strength by the principal of ‘universal jurisdiction.’ The CAT requires that signatories prosecute allegations of torture and gives jurisdiction for such prosecutions to the governments of both the states where the torture was committed and the states whose nationals were tortured. More importantly, torture is declared an extraditable offense, and all signatories have an obligation to extradite those accused of committing torture or to prosecute these individuals themselves. These provisions may substantially affect the lives of government officials accused of torture, particularly those that have been removed from office and seek exile abroad (Goodliffe and Hawkins, 2006; Goodliffe, Hawkins and Vreeland, 2009; Hollyer and Rosendorff, forthcoming).

## 4 Predictions

We thus advance three empirical predictions: (1) Authoritarian signatories of human rights treaties are more likely to exhibit repressive behavior than non-signatories; (2) Authoritarian signatories of human rights treaties survive longer in office than non-signatories; and (3) These results are stronger as the legal repercussions of signing human rights treaties increase. In previous research (Hollyer and Rosendorff, forthcoming), we have demonstrated support for these hypotheses with respect to the Convention Against Torture (CAT). In what follows, we demonstrate that these patterns hold more generally.

## 5 Empirics

We first examine the association between the signing of human rights treaties by authoritarian governments and the survival of these governments in office. We assess this relationship using Cox proportional hazards regressions. The Cox model assesses the relationship between governments' hazard rates (the probability that the government fails in time  $t$  conditional on having survived until that point) and covariate values. The shape of the hazard function is derived non-parametrically, based on the observed times of government failures, and is adjusted so that the probability of failure for each regime in infinite time is equal to one. Covariate values are assumed to shift the hazard rate – i.e., the probability of regime failure in time  $t$  – up or down.<sup>9</sup> Time in all our models is defined as the period served in office by a given regime.

We draw on the Archigos dataset on Political Leaders (version 2.9) (Goemans, 2006)

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<sup>9</sup>We test this assumption through the use of Harrel's rho and Grambsch-Thorneau tests of the Schoenfeld residuals (Box-Seffensmeier and Jones, 2004). Keele (2010) notes that covariates may fail the Harrel's rho test if the functional form of the regression is misspecified, and suggests adding higher order polynomials of covariates when the Harrel's rho test indicates a violation of the proportional hazards assumption. We follow this advice and add quadratic terms of GDP *per capita* and growth rates of GDP *per capita*. In all models involving specific treaty ratifications, we find that pre-ratification torture levels violate the proportional hazards assumption. We thus additionally control for the interaction of pre-ratification torture levels and the natural log of time, following the advice of Box-Seffensmeier and Jones (2004).

for the timing of leaders' entry into and removal from office. Our principal explanatory variables of interest are the proportion of all human rights treaties ratified and the ratification of several specific treaties – the Genocide Convention, the International Covenant on Civil and Political Rights (ICCPR), the First Optional Protocol to the ICCPR, and the UN Convention Against Torture (CAT). We rely on information provided by the UN High Commissioner for Human Rights to code these variables.

We additionally control for leader age (from Archigos); GDP *per capita* measured in constant 2005 US dollars measured at purchasing power parity, growth in real GDP *per capita*, and economic openness ( $\frac{imports+exports}{GDP}$ ) all drawn from the Penn World Table version 6.3 (Heston, Summers and Aten, 2009); for an indicator of whether multiple parties served in the legislature (Cheibub, Gandhi and Vreeland, 2010); and measures of political repression drawn from the Political Terror Scale (Gibney, Cornett and Wood, 2010). All regressions are run only for autocracies, as coded by Cheibub, Gandhi and Vreeland (2010) and we control for whether a given autocrat is a monarch or member of the military.

It may reasonably be argued that levels of repression are affected by human rights treaty ratification. Controlling for post-treatment covariates provides a misleading statement of the association between treaty ratification and leader survival (Morgan and Winship, 2007). To avoid so-misstating this relationship, we control for the average PTS score in a given country *before* ratification in all specifications that examine the effects of individual treaties. When we examine the association between leader survival and the proportion of 20 human rights treaties ratified, we always lag the PTS score by one year.

Results from these regressions are reported in Table 1. Positive coefficient values indicate that a change in a given covariate is associated with an increase in the hazard rate, negative coefficient values imply the reverse. Recall that we predict that the signing of human rights treaties should be associated with lower hazard rates, and that this effect should be increasing as the enforcement provisions of a given human rights treaty are more binding. We find substantial evidence in support of this hypothesis. The coefficient

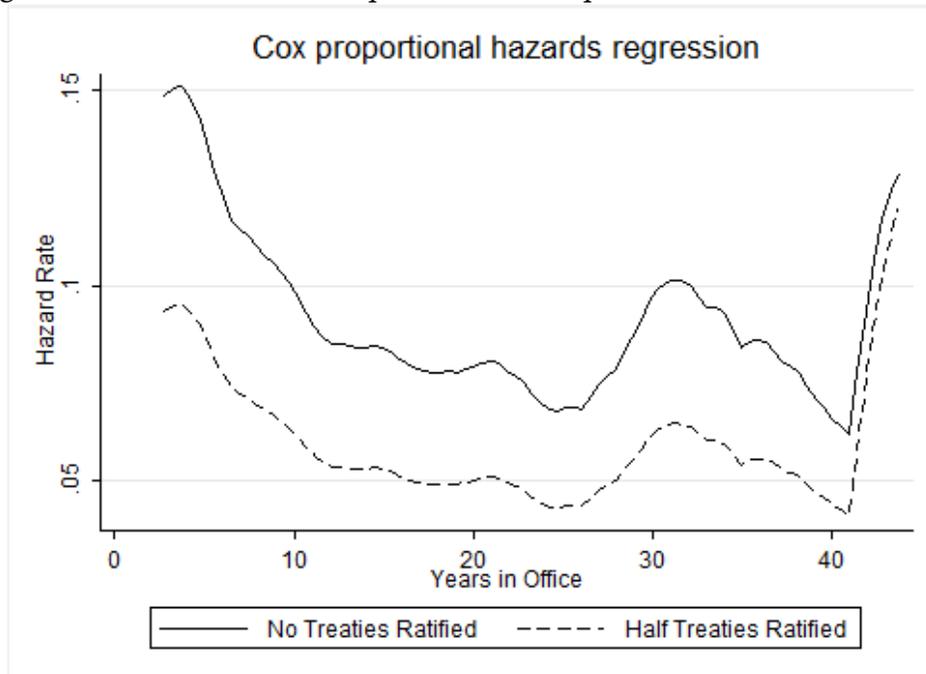
values for all covariates measuring the ratification of human rights treaties are negative. The coefficient on the proportion of all human rights treaties ratified is significant at the 90 percent level. Coefficients on the ratification of both the Genocide Convention and the ICCPR are negative, but relatively small and not statistically significant. The coefficient on the ratification of the CAT, which has stricter enforcement provisions due to its principal of universal jurisdiction (Goodliffe and Hawkins, 2006), is larger and significant at the 95 percent level. Authoritarian governments that ratify human rights treaties survive longer in office, and this association is strongest for those treaties with the strictest provisions regarding enforcement.

The coefficient estimates from a Cox regression can be difficult to interpret directly. To ease interpretation, we present estimates of the hazard function for authoritarian governments that have not ratified any of the 20 human rights treaties listed by the UNHCR and for those that have ratified half of these treaties in Figure 1. As is evident from the figure, authoritarian governments that ratify a large number of human rights treaties suffer a substantially lower risk of removal than non-signatories for each year that they are in office. Roughly 15 in 100 authoritarian non-signatories are predicted to be removed in their 5th year in office, while only 9 in 100 frequent signatories are predicted to suffer a similar fate.

Our second prediction is that those authoritarian regimes that are least likely to respect human rights are those that are most likely to ratify human rights treaties. Because authoritarian leaders need only fear sanction from human rights treaties in the event that they are removed from office, those regimes that are most willing to employ repressive methods to maintain their grip on power are most willing to ratify. These regimes are predicted to practice high levels of repression both before and after ratifying such treaties. And these effects should be largest when the enforcement provisions of human rights treaties are at their strongest.

We assess the relationship between the accession of authoritarian governments to hu-

Figure 1: Hazard Rates: Frequent and Infrequent Authoritarian Ratifiers



Hazard function estimates from a Cox regression of leader survival on the proportion of 20 human rights treaties reported by the UNHCR ratified. (The rightmost column in Table 1.) Hazard rates – the probability that a given leader is removed in time  $t$  conditional on having survived until time  $t$  – are presented on the y-axis. Time, measured in years in office, is presented on the x-axis. The solid line refers to authoritarian regimes that have not ratified any of the treaties reported by the UNHCR, the dashed line refers to authoritarian regimes that have ratified half of said treaties.

man rights treaties and levels of repression by relying on two commonly used indexes of human rights violations: the Political Terror Scale (Gibney, Cornett and Wood, 2010) and the CIRI index of torture (Cingranelli and Richards, 2007). Both measures are ordinal indexes of the level of repression practiced by a government. The PTS measures range from 1-5, while the CIRI measures vary between 0 and 2. Higher scores on the PTS index indicate increased levels of repression, such that a score of 1 indicates that a country is “under a secure rule of law, ... torture is rare or exceptional,” while a score of 5 indicates that the leader “place[s] no limits on the means or thoroughness with which [she] pursue[s her]

personal or ideological goals.”<sup>10</sup> By contrast, higher scores indicate lower levels of repression on the CIRI index. This index takes the value 0 when torture is frequently practiced, the value 1 when occasionally practiced, and the value 2 when never practiced.<sup>11</sup> Since both indexes are ordinal in nature, we assess the association between treaty ratification and repression levels through the use of ordered probit regressions.

We regress these measures of repression on an indicator variable equal to one if a given leader is ever a party to a given human rights treaty. The treaties under consideration are the same as above – the Genocide Convention, the ICCPR, the ICCPR Optional Protocol, and the CAT. We additionally control for GDP *per capita* in constant 2005 US dollars measured at purchasing power parity, growth in *per capita* GDP, economic openness, the presence or absence of opposition parties from the legislature, and a cubic time trend (Beck, Katz and Tucker, 1998; Carter and Signorino, 2010). The coefficient on the ratification variable is predicted to be positive when regressed on the PTS score and negative when regressed on the CIRI score. The magnitude of these coefficients are predicted to increase in the enforcement provisions for each treaty.

Results of these regressions are reported in Tables 2 and 3. Our results are broadly consistent with theoretical expectations. Nearly all coefficients are in the expected direction (with the exception of when the PTS score is regressed on the ratification of the ICCPR Optional Protocol), and these results are often statistically significant. Authoritarian states parties to the Genocide Convention, ICCPR and CAT all practice significantly more torture than non-states parties according to the CIRI measure. Regressions using the PTS produce similar, though less precisely estimated results.

Somewhat surprisingly, however, our results are strongest with respect to the Genocide Convention, which is commonly viewed as lacking strong enforcement mechanisms. This result may be because of the early date at which the Genocide Convention was promul-

<sup>10</sup>The Political Terror Scale website, <http://www.politicalterroryscale.org/ptsdata.php>.

<sup>11</sup>See [http://ciri.binghamton.edu/documentation/ciri\\_variables\\_short\\_descriptions.pdf](http://ciri.binghamton.edu/documentation/ciri_variables_short_descriptions.pdf).

gated (1948). At the time, there were few human rights treaties in existence, and there was little certainty regarding enforcement. Perhaps these factors implied that the signing of the Genocide Convention was a stronger signal of a willingness to cling to office than the enforcement measures of this treaty would otherwise warrant.

However, in keeping with expectations, we find a strong result with respect to the CAT. Results with respect to the ICCPR are, as would be expected, substantially weaker when using the CIRI measure. In short, there is robust evidence that authoritarian signatories of human rights treaties practice substantially greater levels of repression than non-signatories. And there is suggestive evidence that this effect is larger when enforcement provisions of these treaties are relatively strong.

## 6 Conclusion

There is a disturbing element to the finding that the stronger are the enforcement provisions – the more powerful is international law – the greater is the effect of the treaty on delaying regime change among the most abusive autocracies. While others have argued that the international human rights regime has reduced human rights abuses in signatory states (Simmons, 2009), it may be exactly because those governments are more secure in office, and do not have to engage in more severe forms of repression.<sup>12</sup>

There is a flip-side to this coin that deserves examination. Consider the non-accessors – who by not ratifying demonstrate weakness, according to the signaling story. In these non-accessor states, regime-change emerges more quickly than it would have otherwise – exactly because the domestic opposition senses weakness when its government fails to ratify, and steps up its oppositional efforts.

This analysis raises two important questions for the future of the international human rights regime. First, designers of new treaties, or those seeking to strengthen existing

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<sup>12</sup>This explanation is in contrast to Simmons, who argues that the treaties have mobilized domestic activists, NGOs and other elements of civil society to pressure their states into compliance.

treaties, need to take into account the effect of the treaty on domestic political conflicts. It is, after all, with respect to such conflicts that the behavior of officials is being circumscribed. If the treaty changes that conflict in some important way, then the effect of the treaty may not be consistent with its original objectives. We observe that accession to human rights treaties is determined by domestic politics; and that domestic conflicts are altered by such treaties. It appears that the designers of the international human rights regime generated certain unanticipated consequences by altering the nature of the domestic conflict between authoritarian governments and their domestic opponents.

Second, care should be taken before we attempt to further strengthen the coercive and punitive elements of international human rights treaties. As we have shown, the stronger are these provisions, the greater the benefits oppressive accessor governments reap from ratifying. In practice this means that stronger provisions will generate ratification by only the strongest human rights-abusing states, and that this ratification will have strong effects on their survival in office.

This is not an argument for giving up on enforcement and punishment as part of the increased legalization of the human rights arena. It is instead a call to be more attentive to the domestic political consequences of international treaty design; to recognize that international institutions and domestic politics are deeply intertwined and co-determined.

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Table 1: Cox Proportional Hazards Estimates

	Genocide Conv.	ICCPR	ICCPR Op. Pr.	CAT	Prop. Ratified
Ratification	-0.557* [-1.142,0.029]	-0.086 [-0.446,0.274]	-0.188 [-0.652,0.277]	-0.513** [-0.933,-0.094]	-0.927** [-1.758,-0.096]
Inherit Treaty	-0.215 [-1.131,0.700]	-0.020 [-0.464,0.425]	0.278 [-0.345,0.900]	0.584** [0.021,1.148]	.
Prior Repression	-0.014 [-0.285,0.257]	0.076 [-0.111,0.263]	0.035 [-0.150,0.219]	0.052 [-0.124,0.229]	0.122* [-0.009,0.252]
Prior Repression × ln(t)	-0.000 [-0.023,0.022]	-0.002 [-0.019,0.016]	0.004 [-0.013,0.022]	0.001 [-0.016,0.018]	.
GDP per capita	-0.628** [-1.132,-0.125]	-0.223 [-0.597,0.151]	-0.258 [-0.594,0.078]	-0.246 [-0.576,0.084]	-0.401 [-0.888,0.087]
GDP per capita <sup>2</sup>	0.059* [-0.009,0.127]	0.011 [-0.049,0.072]	0.020 [-0.035,0.074]	0.018 [-0.037,0.072]	0.021 [-0.091,0.133]
Ec. Openness	-0.002 [-0.005,0.002]	-0.002 [-0.005,0.001]	-0.001 [-0.004,0.001]	-0.001 [-0.004,0.001]	-0.001 [-0.004,0.002]
Growth	-0.859 [-2.622,0.903]	-1.807*** [-2.987,-0.627]	-2.065*** [-2.969,-1.161]	-1.990*** [-2.878,-1.101]	-2.007*** [-3.059,-0.956]
Growth <sup>2</sup>	-0.044 [-5.185,5.098]	1.922* [-0.130,3.974]	1.865** [0.117,3.614]	1.794** [0.085,3.502]	2.260** [0.234,4.286]
Opp. Party	0.114 [-0.224,0.452]	-0.093 [-0.342,0.156]	-0.020 [-0.242,0.203]	0.039 [-0.185,0.263]	0.092 [-0.178,0.363]
Military	0.223 [-0.122,0.568]	0.075 [-0.166,0.315]	0.088 [-0.140,0.317]	0.091 [-0.136,0.317]	-0.101 [-0.391,0.190]
Monarchy	0.510 [-0.180,1.199]	-0.045 [-0.554,0.464]	-0.083 [-0.560,0.394]	-0.072 [-0.548,0.404]	0.148 [-0.421,0.716]
Age	0.030*** [0.017,0.043]	0.028*** [0.018,0.038]	0.028*** [0.018,0.037]	0.029*** [0.020,0.038]	0.029*** [0.018,0.040]
# of Subjects	247	408	463	481	351
# of Failures	196	340	382	398	262

Coefficient estimates from a Cox proportional hazards regression. 95 percent confidence intervals are presented in brackets. \* denotes significance at the 90 percent level, \*\* denotes significance at the 95 percent level, and \*\*\* denotes significance at the 99 percent level.

Table 2: Torture and Treaty Ratification: CIRI

	<b>Genocide Convention</b>	<b>ICCPR</b>	<b>ICCPR Opt. Prot.</b>	<b>CAT</b>
Ratification	-0.471*** [-0.767,-0.175]	-0.311* [-0.645,0.022]	-0.091 [-0.439,0.257]	-0.344** [-0.640,-0.049]
GDP <i>per capita</i>	0.162* [-0.012,0.336]	0.102 [-0.113,0.316]	0.142 [-0.074,0.357]	0.160 [-0.033,0.353]
Ec. Openness	0.004*** [0.002,0.007]	0.005*** [0.002,0.007]	0.005*** [0.002,0.007]	0.004*** [0.002,0.007]
Growth	0.572 [-0.305,1.449]	0.420 [-0.410,1.249]	0.526 [-0.333,1.385]	0.510 [-0.366,1.386]
Opp. Party	-0.093 [-0.358,0.172]	-0.133 [-0.391,0.124]	-0.141 [-0.407,0.126]	-0.094 [-0.350,0.162]
Cubic Time Polynomial	✓	✓	✓	✓
# of Subjects	1922	1922	1922	1922
# of Countries	113	113	113	113

Coefficient estimates from an ordered probit regression of CIRI torture scores against human rights treaty ratifications. 95 percent confidence intervals are presented in brackets. \* denotes significance at the 90 percent level, \*\* denotes significance at the 95 percent level, and \*\*\* denotes significance at the 99 percent level. All standard errors are clustered by country.

Table 3: Repression and Treaty Ratification: PTS

	<b>Genocide Convention</b>	<b>ICCPR</b>	<b>ICCPR Opt. Prot.</b>	<b>CAT</b>
Ratify	0.576*** [0.279,0.874]	0.204 [-0.106,0.515]	-0.129 [-0.455,0.197]	0.122 [-0.167,0.411]
GDP <i>per capita</i>	-0.296*** [-0.418,-0.174]	-0.264*** [-0.416,-0.112]	-0.291*** [-0.454,-0.129]	-0.290*** [-0.437,-0.143]
Ec. Openness	-0.005** [-0.008,-0.001]	-0.005** [-0.009,-0.001]	-0.005*** [-0.009,-0.001]	-0.005** [-0.009,-0.001]
Growth	-1.013*** [-1.692,-0.333]	-0.992*** [-1.606,-0.377]	-1.030*** [-1.665,-0.396]	-1.019*** [-1.642,-0.395]
Opp. Party	-0.150 [-0.436,0.135]	-0.111 [-0.394,0.173]	-0.102 [-0.382,0.178]	-0.117 [-0.399,0.166]
Cubic Time Polynomial	✓	✓	✓	✓
# of Subjects	2575	2575	2575	2575
# of Countries	113	113	113	113

Coefficient estimates from an ordered probit regression of PTS repression scores against human rights treaty ratifications. 95 percent confidence intervals are presented in brackets. \* denotes significance at the 90 percent level, \*\* denotes significance at the 95 percent level, and \*\*\* denotes significance at the 99 percent level. All standard errors are clustered by country.