J'accuse! The Conditional impact of naming and shaming by NGOs on the respect for Human Rights

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Abstract

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J’accuse! The Conditional Impact of Naming and Shaming by NGOs on the Respect for Human Rights

7 September 2018
Word count: 29’520

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1. Introduction

Do “naming and shaming” campaigns by human rights non-governmental organizations (NGOs) reduce repression across the globe? Several researchers attempted to provide a convincing reply to this question (Ron, Ramos and Rodgers 2005, Neumayer 2005, Hafner-Burton 2008, Murdie and Davis 2012). A resounding “yes” would be satisfying, but instead, two different – but not incompatible – findings emerge. Rather, some theorists, drawing from the rationalist tradition, claim that human rights NGOs have no effect – or even a negative effect – on the human rights record of states (Hafner-Burton 2008, Cardenas 2010). Rational choice scholars focus on the costs-benefits structure of respecting human rights, instead of relying on norm internalisation to explain policy change, like constructivists do. From the rationalist viewpoint, unless human rights treaties are signed that comprise enforcement mechanisms – such as prosecution, – ratification does not constrain states. According to this self-interest rationale, states calculate the costs and benefits of entering agreements, as well as those of compliance, without regard for international non-governmental organisations (Koh 1998: 1402-3).

By way of contrast, constructivists report that the impact of human rights NGOs naming and shaming campaigns is conditional on other factors such as foreign capital dependence (Franklin 2008), or the presence of domestic NGOs and third-party pressures (Murdie and Davis 2012).

The phrase “naming and shaming” refers to the main strategy used by human rights NGOs, with the aim of pressuring states into compliance with human rights norms. This practice consists in “bringing attention to a population’s vulnerabilities to current and potential future atrocities” (Murdie and Peksen 2013: 216). NGOs name the perpetrators of abuse, and shame them in the popular press (Murdie and Peksen 2013: 217). Indeed, international NGOs “work to provide information about human rights conditions to the global community, especially during times of severe conflict and human rights disasters” (217). Naming and shaming is powerful because reputation matters, whether for material concerns such as foreign aid (Franklin 2008) or for more symbolic considerations such as the state’s legitimacy and identity on the international stage (Murdie and Davis 2012).

The influence of human rights NGOs on practices has been the focus of numerous constructivist studies since the 1990s, most of which attempt to prove the causal claims of the spiral model. Some examples include Lutz and Sikkink (2000), Schroeder (2008), and Schmitz (1999). Indeed, the “spiral model”, developed by Risse, Ropp and Sikkink (1999), is the constructivist theoretical foundation that explains the causal mechanism for better rights as follows. It predicts
that a combination of domestic and international pressures as well as human rights NGO advocacy is the solution for a better human rights record (Risse, Ropp and Sikkink 1999). The spiral model consists of five phases for a state to internalise human rights norms and change its behaviour: repression, denial, tactical concessions, prescriptive status, and rule-consistent behaviour (Risse, Ropp and Sikkink 2013: 103). Beth Simmons (2013: 44), a leading political scientist in this field, helpfully summarises that the “spiral model attempts to explain how international human rights norms come to influence actual human rights practices domestically”. Keck and Sikkink (1998: 89) argue that transnational advocacy networks, that include “those actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchange of information and services”, diffuse human rights norms. Principled causes such as the environment or peace constitute issues taken up by advocacy networks. Major actors in this framework are NGOs, the media, international organisations and parts of the executive and/or parliamentary branches of governments whose primary tool is information (Keck and Sikkink 1998: 92). In respect to human rights, NGOs in particular play a role during each phase of the spiral model; they employ different strategies to attain their goal, such as pressuring states through targeted criticism (Keck and Sikkink 1998: 95).

As a contribution to the literature on the spiral model and the transnational human rights advocacy networks, this paper adopts a constructivist approach and posits that human rights NGOs are instrumental in the better respect for rights. Then again, following Murdie and Davis (2012) and Franklin (2008), international human rights NGOs (or, as used hereafter, HROs) *alone* are expected not to influence the outcome without a set of factors that facilitate their work. Consistent with the predictions of the spiral model, Murdie and Davis (2012) argue that both domestic (presence of HROs within the targeted state) and international factors (pressure by third-party states, individuals, and organizations) are susceptible to condition HRO shaming practices. Therefore, it is assumed that what HROs lack in leverage is a greater level of institutionalisation that certain domestic and international bodies possess. Hence, the following research question emerges:

**Under what conditions does ‘naming and shaming’ by human rights NGOs positively impact the respect for human rights?**

changes”. A domestic determinant that is supposed to impact human rights positively is the judicial system (Powell and Staton 2009, Simmons 2009, Hill and Jones 2014). The independence of the judicial system is a domestic enforcement mechanism, which can represent a threat and a sanction to perpetrators and policymakers that violate human rights (Lupu 2013). Although the rule of law is central in the spiral model (Simmons 2013, Risse, Ropp and Sikkink 1999), the impact of the independence of national courts has apparently not been linked to HRO criticism. Indeed, as Simmons (2013: 45) relates, “sustained improvements in human rights practices were conditioned by the broader legal and judicial capacities” of targeted states in Risse, Ropp and Sikkink’s elaborate work The Power of Human Rights (1999). For these reasons, the conditional impact of judicial independence on human rights is examined in this paper.

If change comes from below but also from above (Murdie and Davis 2012: 1), an international factor of interest is the United Nations (UN). One of the fundamental goals of the United Nations Charter is human rights, so can the UN have a conditional impact on HROs naming and shaming to attain this goal? An international factor of institutionalization for human rights NGO work is the United Nations Commission on Human Rights/Human Rights Council. NGOs and the UN both lobby for human rights issues, so criticism from the two sides is expected to have stronger weight. Sanctioning states through resolutions issued by the UN human rights body is also an instance of naming and shaming, but of a greater institutionalised nature. This is because the UN has a legitimacy that states might find harder to deny than NGOs.

Prior to investigating the matter in more depth, the issue of defining what is meant by international non-governmental organisation (INGO) must be raised. They are “any nonprofit, open membership, transparent, and legal organization with a presence in more than one state”. This definition is agreed to in the Yearbook of International Organizations, the standard reference on INGOs (Union of International Associations 2008–2009). To define INGOs that are specifically designed to protect human rights (HROs), the working definition by Tsuitsui and Wotipka (2004: 591) is the following: “international nongovernmental organizations that are concerned with the promotion and protection of human rights in the long term”. A more practical way to define HROs is to focus on their activities (Clark 2009: 87): “[h]uman rights NGOs lobby public authorities and share information with one another and the public in their efforts to set human rights standards and protect individuals from human rights violations”.

Ultimately, self-definition as a human rights NGO is the main criterion chosen by Murdie and Davis (2012: 5) to define HROs: “all INGOs that have a mission statement which focuses on core human rights”. Considering that Murdie’s (2014) data on human rights NGOs are used, it
also makes sense to consider this definition of HROs as a basis for the analysis.

Regarding methodological concerns, Simmons (2013: 44) regrets that “no one has been able (or motivated) to test quantitatively the spiral model in its entirety”. Nonetheless, some scholars do test stages of the model quantitatively. Among them, Franklin (2008) and Murdie and Davis (2012) test the influence of HROs on human rights practices by using statistical models. By relying on data collected by Murdie (2014) that quantifies the number of times a country is targeted by HROs, the argument is tested empirically through regression analysis.

To delve deeper into the mechanisms that condition HRO shaming, a mixed method approach is likely to provide a better understanding than the sole use of quantitative evidence. As Simmons (2013: 44) points out: “the combination of qualitative and quantitative research has greatly improved our parallax on human rights”. Bearing this in mind, case study research is consistent with the constructivist tradition, as demonstrated by Lutz and Sikkink (2000), Sikkink (1993), Brysk (1993), and Clark, Friedman and Hostetler (1998). For this reason, as a first step, the argument is tested by employing statistical analysis on a time span of 12 years (1996 to 2007). The second step involves a case study, by which engaging more closely with a particular case helps to triangulate the findings.

The remainder of the paper is organised as follows. The state of research on the spiral model, and the conditional effects of human rights NGOs is presented, as well as the existing literature on judicial independence and the UN human rights resolutions in relation to repression. Then, the empirical methodology adopted to test the hypotheses is outlined. Next, the findings of the regression analysis are presented, along with robustness tests. In order to explore the causal mechanisms in greater detail, a case study allows to explore supplementary evidence. Finally, the implications of the findings are discussed, prior to concluding.

2. Theoretical Framework

The body of work concerning human rights has flourished the last few years, allowing insights into the potential explanatory factors that cause states to respect human rights. Within the rational choice approach, the path-breaking study by Hathaway (2002) has challenged the view that ratifying human rights agreements such as the Convention Against Torture (CAT) leads to an improvement of practices. An explanation for Hathaway’s controversial finding – that signing human rights treaties does not improve and sometimes even deteriorates rights– is the “murder in the middle” thesis (Fein 1995). It suggests that democracies are better at protecting the rights of their citizens, which makes sense. Against common sense, though,
autocracies are not the worst repressors, due to the lack of opposition to the government in place. However, mixed regimes in “the middle”, that allow for protest – to a certain extent, – are more likely to use repression to tame the potential threats to their rule (Fein 1995, Vreeland 2008). The rationalist research starts from the assumption that states make their decision to participate to treaties or respect human rights on an informed costs-benefits basis: they do so only when it is consistent with their interests. Relevant too is the fact that Hathaway (2002), Vreeland (2008) and other rational choice articles do not consider human rights NGOs as an influential factor in this equation, focusing instead on internal factors at government level (Vreeland) or international treaties (Hathaway).

But in a globalised world where reputation is essential, does civil society really not play a role? Murdie and Davis’s findings (2012: 4) “underscore the importance of the reputation mechanism through which improvements in human rights occur”. Indeed, the constructivist approach claims that instead of pure calculations of self-interest, it is the inculcation of norms facilitated by transnational advocacy networks – such as NGOs and the UN – that can induce a better respect for human rights (Lutz and Sikkink 2000). Koh (1998) declares that norm internalisation occurs due to the repeated participation in transnational legal interactions. According to him, international law can be enforced not through coercion but voluntarily, through the norm-internalisation process that ultimately shifts the interests of states. Following this more recent trend of research characterised by Murdie and Davis’ 2012 study, human rights NGOs are thus considered instrumental to impact the outcome.

2.1 The Transnational Advocacy Networks approach
The dominant theory for explaining the effect of HROs is the transnational human rights advocacy networks (hereafter TAN), which is more optimistic than most rationalist studies about the influence that non-state actors can yield (Keck and Sikkink 1998). This segment of the literature focuses on the role of the TAN, i.e. the network of prominent transnational HROs such as Amnesty International, along with domestic NGOs and other civil society groups, parties, or the media committed to human rights, which together constitute the human rights network (Neumayer 2005). HROs’ role is crucial for improving human rights practices through the creation of international norms that become embedded in culture and tradition, according to scholars such as Keck and Sikkink (1998), Risse and Ropp (1999), Koh (1998), Lutz and Sikkink (2000), and Neumayer (2005). The TAN framework is described as a boomerang pattern: domestic groups call out to HROs when their states are not responsive to their demands (Keck and Sikkink 1998). HROs then press states for behaviour and policy change, through
information politics, described as “the ability to move politically usable information quickly and credibly to where it will have the most impact” (Keck and Sikkink 1998: 95).

Through the power of information, transnational advocacy networks are crucial in diffusing international human rights norms, for they link domestic and transnational actors with international regimes, alert Western governments and public opinion, all in order to enact domestic change (Risse and Sikkink 1999). They have three types of purposes: (1) they “put norm-violating states on the international agenda in terms of moral consciousness-raising” and “remind liberal states of their own identity as promoters of human rights”; (2) they “empower and legitimate the claims of domestic opposition groups” and are thus “crucial in mobilizing domestic opposition, social movements” and NGOs in target countries; (3) they “challenge norm-violating governments” by pressuring states simultaneously “from above” and “from below” (Risse and Sikkink 1999: 5). Repression is expected to diminish if these pressures can be sustained. This “process by which international norms are internalized and implemented domestically can be understood as a process of socialization” (Risse and Sikkink 1999: 5).

Tracing the socialisation process of states, the spiral model incorporates the boomerang model, and “attempts to explain how international human rights norms come to influence actual human rights practices domestically” (Simmons 2013: 44-6). Norms are indeed internalised through processes of instrumental adaptation and strategic bargaining; moral consciousness-raising, argumentation, dialogue and persuasion, and processes of institutionalisation and habitualisation (Risse and Sikkink 1999: 5). The first phase of the spiral model of norms socialisation, “repression and activation of network”, is characterised by state repression through oppressive policies, and a domestic opposition that is too weak to challenge the government (Risse and Sikkink 1999: 22). The second phase, “denial”, occurs if domestic human rights groups succeed in attaining the global agenda: the norm-violating state must respond to accusations of repression, which usually takes the form of denial of the charges (22-23). This phase does not always occur: sometimes, governments directly move to the third phase. “Tactical concessions” constitute the third, and perhaps most important phase, because it can be instrumental in achieving improvements in human rights terms for the long run (25-28). This phase might see changes such as the passing of policies that reduce violations and the integration of human rights language in the domestic political discourse. The fourth phase is entitled “prescriptive status”, in which human rights norms and practices are internalised, and states are confronted with mobilised networks that pressure them to liberalise their policies or accept constitutional, governmental or regime change. In the final step – “rule-consistent behaviour”, – it is “crucial for this phase of the spiral model that the domestic-transnational-
international networks keep up the pressure” (Risse and Sikkink 1999: 31). This is how states institutionalise international human rights norms into practice.

What is the role of human rights NGOs in this process of norm internalisation? Numerous functions are served by these non-state actors, both at the domestic and international level. Building on work by Risse and Sikkink (1999: 5), Murdie and Davis (2012: 2) point out that the aim of HROs is threefold: “(i) to put issues on the international community’s agenda, (ii) to assist domestic advocacy groups in their own struggle against repression, and (iii) to push other states and intergovernmental organizations to join in advocacy attempts”. The role of NGOs in phases 1, 4 and 5 are of lesser importance, but phase 2, denial, can hardly occur without any shaming by human rights NGOs: “it involves networks persuading Western states to join network attempts to change human rights practices in target states” (Risse and Sikkink 1999: 23). Such pressure might push target states to modify abusive policies. In phase 3, tactical concessions, the “more sustained period of international concern” may “allow the repressed domestic opposition to gain courage and space to mount its own campaign of criticism against the government” (Risse and Sikkink 1999: 25). On that account, those two phases (2 and 3) will receive special attention in the case study analysis, in order to shed light on the causal mechanism.

On the one hand, at the domestic level, the boomerang model predicts that HROs support local advocates in their fight against abuses, by providing connections, funds, legal or medical aid, and – perhaps most importantly, – information (Murdie and Davis 2012: 2). Seeking to educate local populations about human rights is also a concern of HROs (2). Actions such as these serve to pressure the state from below. Murdie and Bhasin (2011: 6-7) add that strategies such as the building of a local membership base, and the setting up of a permanent office in the repressive country show a high level of commitment from HROs. By demonstrating their support to domestic groups, they empower and legitimate their claims, and show that they are “crucial in mobilizing domestic opposition, social movements, and non-governmental organizations (NGOs) in target countries” (Risse and Sikkink 1999: 5).

On the other hand, at the international level, HROs are “able to call on the international community, including third-party states, individuals, and organizations, to help pressure a target-state” from above (Risse and Sikkink 1999: 3). This occurs mainly through naming and shaming. Further, HROs can push third countries for foreign policy action, by calling for economic sanctions against norm violators, for instance (see Murdie and Peksen 2013 for an extensive analysis). Some scholars even go as far as to say that “civil society provides the enforcement mechanism that international human rights treaties lack, and can often pressure
increasingly vulnerable governments toward compliance” (Hafner-Burton and Tsuitsui 2005: 1385-6).

The most relevant of the above activities for the present paper is the naming and shaming strategy, because it is one “of HROs’ most powerful tools” (Davis, Murdie and Steinmetz 2012: 205). Kenneth Roth (2004: 64-7), Executive Director of the HRO Human Rights Watch (HRW), says its methodology “rel[ies] foremost on shaming” and HRW is “most effective when we can hold governmental . . . conduct up to a disapproving public”. Naming and shaming is defined by Dietrich and Murdie (2017: 95) in minimalist terms as “targeted negative attention by human rights international nongovernmental organizations”. It can also be defined as “information gathered and dispersed by HROs about human rights practices within a country” in order to “draw attention to human rights abuses and increase pressure on targeted states to change their human rights practices” (Murdie and Peksen 2013: 35). As an example, Amnesty International relies on a type of naming and shaming strategy designated as Urgent Actions, which are “international, letter-writing campaigns directed against particular governments to improve human rights conditions in specific cases” (Meernik et al. 2012: 235). Added to this, naming and shaming is observable, notably through press releases and background reports that are quantifiable: it thus has the advantage that it can be tested quantitatively as done by Murdie and Davis (2012).

So, does HRO naming and shaming really work to reduce human rights violations by providing disincentives for repressors? Let us examine different accounts on this matter. Hafner-Burton (2008: 690), who sets out to discover “whether international publicity by NGOs, the news media, and the UN is followed by government reductions” of human rights violations, claims to offer the “first global statistical analysis” of the issue. So, are Amnesty International’s (the NGO whose data Hafner-Burton uses) reports and press releases followed by better protections for human rights, fewer protections, or no change at all? Her results show that naming and shaming can lead to two contradictory outcomes. In some cases, it can reduce violations – most probably easier or less costly violations. While in others, governments continue or expand their use of political terror, be it in their control to stop it or not. Hafner-Burton (2008) concludes that naming and shaming by Amnesty International is not a particularly robust method to improve human rights.

Using broader naming and shaming data by human rights NGOs, Murdie and Davis (2012: 2) show that HRO attempts to persuade actors to adopt human rights norms through shaming activities are successful under specific circumstances. They find evidence that the attention of human rights organizations can improve human rights practices when shaming interacts with
(1) a large number of HROs domestically to pressure the regime and (2) shaming by third-party states, individuals, and intergovernmental organizations (Murdie and Davis 2012: 1). HRO naming and shaming is expected to play a role in the improvement of human rights practices, because “[u]nlike the general media, HROs are often highly credible actors” (Murdie and Dursen 2013: 216). Indeed, recent research by Franklin (2008) and Hendrix and Wong (2013) show that HRO shaming can lead to decreased repression in certain situations. Nonetheless, these studies suggest that for negative reports by HROs to be effective, shaming must be combined with other pressures “from above” or “from below”.

Murdie and Davis (2012) criticize Hafner-Burton’s article for being limited by only capturing the activities of a single NGO (Amnesty International), while not considering pressures from above nor below (by other actors such as third-party states or domestic NGOs). Like Hafner-Burton (2008), Franklin (2008) does not include domestic pressures, thus ignoring the spiral model’s contention that HRO naming and shaming only has an impact if paired with pressures from above and below (Risse and Sikkink 1999: 5). His article focuses exclusively on international pressures in the form of foreign capital dependency (development aid and direct investment). In contrast, Murdie and Davis (2012: 2) add to the existing literature “by stressing how the impact of HRO shaming on state behaviour is conditional to other advocacy activities”. This is why the effect of HRO shaming alone is not the focus of the present paper: it is expected to have no effect on its own. To contribute to this constructivist argument, we make the theoretical case that what HROs lack is institutional support to improve physical integrity rights in targeted countries.

Despite the credibility assigned to NGOs (as explained by Murdie and Dursen 2013: 216), they only yield limited influence in institutionalised settings, for a number of reasons. First, within the main bodies of the United Nations that deal with human rights issues, such as the Human Rights Council (UNHRC) or the General Assembly, NGOs cannot cast a vote (Boockmann and Dreher 2011: 445-7). Second, NGOs are referred to as “observers” at the UN’s various forums like the UNHRC, and can only claim ECOSOC consultative status, a term “deliberately chosen to indicate a secondary role”, instead of participating as a full member (Willetts 2000: 191). In fact, ECOSOC status is perhaps the most institutionalised an NGO can be (see Clark, Friedman, and Hochstetler 1998 for a more extensive analysis). Third, in order to silence unwelcome opposition voices, NGO activities may be obstructed by sovereign states themselves. As an illustration, the summer of 2017 saw Cambodia launch a crackdown on opposition ahead of its elections, among others shutting down the American NGO National Democratic Institute (Sevastopulo and Weinland 2017). Indeed, “as NGOs have become more politically active
globally, some governments have viewed the human rights NGOs as potential sources of unwanted criticism” (Clark 2009: 92). Altogether, NGOs “do not have official standing equal to states in international organizations” to participate in human rights standard setting, and “[a]ll NGOs lack the full participatory rights of states at the UN, putting them in a subordinate position in intergovernmental bodies” (Clark 2009: 92-4). According to William Korey (2001: 512), NGOs do not possess levers to promote change because they lack “control of economic or political machinery at the disposal of a state”. Meanwhile, Keck and Sikkink (1998: 89) suggest that transnational advocacy networks rely on leverage politics to induce policy change: in order to “gain influence, the networks seek leverage” over “more powerful institutions”, such as the UN. Not only international institutions such as the UN but also domestic institutions such as constitutional provisions or common law legal systems could enhance the work of human rights NGOs’ naming and shaming campaigns (Hill and Jones 2014: 664). Consequently, a testable argument is proposed: additional leverage can be exerted by HROs if (domestically and internationally) institutionalised bodies legitimate their naming and shaming pressures. On the basis of this theoretical expectation, two conditions are introduced that appear to be important for human rights improvement that have not been tested in combination with naming and shaming by HROs. The susceptibility of regimes to advocacy pressure could be conditioned by an independent domestic judiciary and UN Commission on Human Rights/Human Rights Council resolutions targeting the country.

2.2 Independent judiciary

The spiral model’s phases 2 and 3 posit that domestic level pressures affect HROs’ shaming strategies. Seeking the explanation for change in human rights policy in domestic pressures, the “from below” argument is the following: a government that is being targeted by HRO shaming might be more likely to change its behaviour if constrained by independent national courts. An effective judiciary is an institutional arrangement that “constitutes a genuine constraint on state behaviour”, meaning that “the judiciary is willing and capable of imposing penalties for rights violations” (Powell and Staton 2009: 154). Conrad (2014) also suggests that effective domestic judiciaries can influence compliance with human rights treaties. Conrad (2014) makes a compelling argument, but her notion of judicial effectiveness – also used by Powell and Staton (2009) - is quite restricted. Indeed, Conrad (2014) is “interested not only in whether judges are allowed to issue rulings that are free from influence but also in whether or not judicial outcomes are translated into policy” (46). In point of fact, independent judiciaries are able to “constrain arbitrary state power [and] ensure that state promises to respect individual rights are perceived credible” (Rios-Figueroa and Staton 2014: 104). Judicial independence (de facto and de jure),
by opposition to judicial effectiveness, is therefore taken to be largely sufficient to provide the executive with incentives to comply with their human rights commitments. Moreover, “[r]esearchers also have found an inverse relationship between judicial independence and human rights violations” (Rios-Figueroa and Staton 2014: 104). Given the additional issue of missing data for judicial effectiveness concerning the years studied (Clague et al. 1999), the concept of judicial independence is favoured.

So what is the mechanism that links respect for rights with the judiciary? Independent courts “review the actions of other branches of government and resist the efforts of those other branches to influence judicial outcomes” (Sandholtz 2012: 19). When “states are implicated in violations of international criminal law and human rights law, it may be doubted whether domestic courts can be relied upon to give dispassionate judgments that conform to international law, yet contradict the interests of their state”: indeed, courts “may protect the state, or may be unjustifiably harsh against enemies of the state” (Nollkaemper 2006: 263). This is why independent courts are understood to be instrumental to – either directly or indirectly – assist human rights NGOs in their task.

Nonetheless, a “frequently ignored domestic institutional feature in studies of repression is the judiciary” and very few articles “consider the link between the independence of a state’s judiciary and the state’s decision to repress” (Hill 2010: 1167). As noted above, domestic judicial institutions are believed to hinder governmental ability to use repression, so it is surprising that only a small number of studies attempted to test this causal claim.

A few quantitative studies do argue that judicial independence is linked to improved physical integrity rights (Moravcsik 1995, Powell and Staton 2009, Simmons 2013, Hill and Jones 2014, Conrad 2014). Countries “with more highly developed legal institutions, and in particular independent judiciaries, do tend to have better civil rights protections” (Simmons 2013: 45). Likewise, Powell and Staton (2009: 167) relate that there “is strong evidence that effective judicial systems seem to protect individuals against torture”. Similarly, judicial independence is “among the most important predictors” of physical integrity rights improvements in Hill and Jones’ (2014: 674) evaluation of the explanations for state repression. Theoretically, the mechanism for domestic courts to impact human rights is dual. First, independent judiciaries act as deterrents to violent state repression, before it even occurs. To avoid reputation and material costs, legal systems “can prohibit rights violations where they are independent because the government, anticipating that citizens may actually bring the attention of courts to egregious violations, will refrain from infringing on rights in the first place” (Hill 2010: 1167). Reputation costs may occur in the form of shaming by different international organisations or third states,
while material costs could consist in economic sanctions. Indeed, a state loses legitimacy and credibility “if it ratifies [a human rights treaty] and a citizen brings a claim against [the government] in court, and it is caught in violation” (Powell and Staton 2009: 153). So citizens can pose a threat to the state, because they “may seek legal redress for violations of the state’s international obligations in either civil or criminal court” (Powell and Staton 2009: 153). In order to avoid paying reputational or material costs, governments may implement policies that reduce the level of human rights violations.

Second, “[e]ffective national courts may be able to not only punish extra-legal human rights violations but also may be able to strike down legislation that violates human rights formally, potentially before such legislation is implemented” (Lupu 2015: 591). And “scholars who focus on civil society groups often argue that they directly pressure legislatures to adopt pro-human rights policies” (Lupu 2015: 580). Such policies must be credibly implemented, as Simmon (2009: 131) suggests when she states: “[i]n litigation in national courts is one of the best strategies available for creating homegrown pro-rights jurisprudence”. Nonetheless, this present paper is not concerned with de jure but de facto independence: this is why changes to pro-rights policies are not examined in detail. Rather, the practices constitute the centre of interest.

A clarification of the role of judiciaries in the context of human rights treaty ratification (or lack thereof) is called for at this point. The “government or one of its agencies, representatives, or allies is likely to be the defendant in rights cases, and unless local courts have the necessary insulation from politics, they are unlikely to agree to hear and even less likely to rule against their political benefactors”, which makes individuals and groups unlikely to even seek legal help (Simmons 2009: 132). The independence of judicial systems guarantees that victims and groups will be heard. Indeed, consistent with the findings of Keith, Tate and Poe (2009) and Powell and Staton (2009), Lupu (2013: 17) points out that “[i]ndependent domestic courts can perform important enforcement functions with respect to human rights, particularly when protections have been incorporated into domestic law”: in other words, states that sign human rights treaties are more likely to be constrained by their judiciary if it is independent. In the same vein, Conrad (2014: 39) notes that “what little enforcement power international treaties have is likely to come from their implementation into domestic law”. And domestic law is enforced by domestic judicial institutions: that is why they matter. According to Conrad (2014: 41), citizens or advocacy networks have less incentives to denounce violations and seek adjudication against the state in a domestic court if “the probability of success is low and the potential for punishment is high”. Indeed, Powell and Staton (2009: 151) put it as follows: the
“costs of ratification are lower when judicial systems are ineffective than when they are effective because citizens are unlikely to seek legal redress when courts are unlikely to provide it”. So states with independent judiciaries might refrain from signing such treaties in the first place.

International human rights treaties are important resources because they can be “used in litigation directly (cited as an authoritative legal source), or they can give rise to domestic implementing legislation which itself becomes a tool in local court cases” (Simmons 2010: 291). But what do we make of the judiciaries of states that are not signatories of human rights treaties? Are the courts equally efficient in achieving improved rights due to their lack of reliance on international human rights law to prosecute?

Regardless of whether countries have ratified international human rights treaties, states’ constitutions may include human rights provisions. Such national judiciaries should in theory deter countries from violating human rights. So is the ratification of international human rights agreements really a condition for judiciaries to wield leverage? Eric Posner (2014: 83) declares: “[i]f domestic pressure can force a government to respect human rights, then it will do so regardless of whether the government enters into a human rights treaty. If it cannot, then it will fail to do so even if the government enters into a human rights treaty”. According to Posner (2014: 83), treaties do not matter because domestic political institutions are what can “cause a government to act”. This paper does not go as far as Posner, and assumes that a treaty can make the difference in human rights if a credible threat of domestic litigation exists in case of noncompliance with its terms. Indeed, the “constitutions of some countries provide that certain human rights treaties have constitutional status, potentially giving rise to litigation” (Posner 2014: 85). Referring to constitutions, Keith Tate and Poe (2009: 646) argue that “regimes would be less willing to abuse rights that are clearly and publicly promised to their citizens in a legally binding document and that are supported by constitutional mechanisms, such as an independent judiciary”. Because the assumption is that most states have either signed a human rights treaty or included human rights in their constitution, there arises no need to solely consider signatories (Camp Keith 2002). Both constitutions and treaties have been deemed “window dressing” (respectively Camp Keith 2002: 111, and Hafner-Burton and Tsuitsui 2005: 1378), so these potential determinants for human rights are disregarded in this paper.

At this stage, it is crucial to identify the role of an independent judiciary in the spiral model. The effect of HRO shaming on state behaviour is expected to be greater when legal constraints on state power exist. HROs play a crucial role in the second (shaming followed by denial) and third phases (continued shaming followed by tactical concessions) of the spiral model (Risse
and Sikkink 1999: 25). Indeed, a “certain degree of ‘legal literacy’ is required if individuals are to access the courts” and HROs are crucial in this regard because they “enhance legal literacy and encourage individuals to cast their complaints in terms of legally enforceable rights” (Simmons 2009: 132). Assuming that judiciaries are not politically controlled by the government, they come into play most notably in the spiral model by allowing human rights to become institutionalised. Indeed, the “spiral could launch, but would sputter and eventually fail if other institutional changes did not take place in which norms could find domestic traction and eventually enforceability” (Simmons 2012: 45). This institutionalised constraint “from below” represents an additional threat for a norm-violating leadership, besides naming and shaming by international NGOs. Notably, the results of Conrad’s (2014: 56) article suggest “that one way in which human rights advocates can potentially deter states from violating the rights of their citizens is to support (monetarily or theoretically) the creation of effective domestic judiciaries”. Simmons (2009: 130) agrees, noting that increasingly, “individuals and groups who use the courts . . . to leverage their rights claims are holding governments accountable for their human rights behavior” while also observing that the “possibility of litigation changes a government’s calculation with respect to compliance”. The link between factors external to the state (naming and shaming) and internal factors (the independence of judicial systems) is therefore explored in the present paper. The above arguments suggest the following hypothesis:

H1: The impact of human rights NGO naming and shaming, when coupled with judicial independence, will be associated with better human rights practices.

2.3 UNCHR and UNHRC shaming

It is assumed that the combined effect of naming and shaming by human rights NGOs and the independence of judicial systems leads to a greater respect for human rights. As the aim is to build on the spiral model, we follow Risse and Ropp (1999: 273) who “remin[d] scholars in comparative politics once again that they have an increasingly hard time to explain domestic change if they leave out the international dimension”. Not falling into this trap, elements of response to the research question are sought in both domestic and international factors. Similarly, Hill and Jones (2014: 674) find evidence that the “contrast between results for domestic/international factors suggests that the institutional (political and legal) constraints that exist at the domestic level are more important for the decision to repress than are any international constraints”. Institutional constraints at the international level are supposed to be less influential on the outcome than domestic ones, but Hill and Jones (2014) do not test their
argument with the UN bodies. In particular, one specific UN forum might yield considerable pressure on governments: the UN Human Rights Commission/Human Rights Council. Turning to the “from above” argument, the reasoning behind the supposed impact on human rights of resolutions issued by this UN body is as follows.

The link between HRO naming and shaming and a UN body might be more straightforward than the one between HRO shaming and the independence of judicial systems. Both human rights NGOs and the UN Commission on Human Rights/UN Human Rights Council work to bring state terror to the international spotlight. The impact of several international factors on human rights conditions have been examined by scholars, such as the ratification of human rights treaties (Hathaway 2002) and economic factors such as foreign aid (Vreeland 2008). Specifically, the interest of this paper lies in the impact of institutions on the outcome, when combined with naming and shaming by HROs. Within the United Nations, the organ mandated to promote and protect human rights is the UN Commission on Human Rights/Human Rights Council. For this reason, human rights NGO shaming is expected to be associated with better human rights if UN human rights resolutions also target the country.

The United Nations Commission on Human Rights (UNCHR) was created in 1946, and was (until 2006) the main organ of the UN devoted to pursuing the promotion and protection of human rights (Lebovic and Voeten 2006). Its 53 members adopted resolutions about human rights, be they about general human rights standards or particular governments. Lebovic and Voeten (2006: 864) relate that the UNCHR shifted from focusing on symbolic cases to spread an “anticolonial message”, to singling out countries for their human rights record. On paper, the UNCHR was devoted to reducing state terror, but actually, it was widely known to be “too heavily exposed to political influence” (Hug and Lukács 2014: 85). The NGO Human Rights Watch (2003) referred to the UNCHR as a “‘abusers club’ of governments hostile to human rights”. Then Secretary-General Kofi Annan (2005, paragraph 182) even noted in a special report about the UNCHR that “a credibility deficit has developed, which casts a shadow on the reputation of the United Nations system as a whole”.

Accordingly, the United Nations (2006) General Assembly adopted resolution A/RES/60/251 which created the new UN Human Rights Council (UNHRC), which held its inaugural session the following June (Seligman 2011: 521). According to the UN Office of the High Commissioner for Human Rights, or OHCHR (2018), the UNHRC “is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe”. Those states are “elected directly and individually by secret ballot by the majority of the members of the General Assembly”
according to regional groups, and “members elected to the Council shall uphold the highest standards in the promotion and protection of human rights” (UN General Assembly 2006). Although the successor of the Commission was created to be more credible and legitimate, the Council “has instead increasingly become a highly politicized forum in which many states employ the language of human rights merely to advance their own self-interested political agendas” (Seligman 2011: 539).

Hence, the caveat of using UNCHR/UNHRC resolutions as a source of credible international naming and shaming is their politicization. Regarding the Commission, it was a “battleground in interrelated political contests that pitted East against West and North against South”, during the Cold War (Lebovic and Voeten 2006: 861). As for the Council, its membership is known to be no model of “highest standards in the promotion and protection of human rights”. Currently sitting on the Council (as of August 2018) is the Philippines, that conducts a violent war on drugs resulting in the extrajudicial killings of more than 12,000 suspected drug dealers and users (Human Rights Watch 2017). Some even go as far as to say that “the Council has become even more politicized than the Commission it replaced”, with states supporting their own interests and allies instead of human rights (Seligman 2011: 539).

This potentially means that state terror fails to be punished by resolutions in this forum. For one thing, Simon Hug (2014: 1) specifies that “targets of specific resolutions do not necessarily have worse human rights records than the sponsors of these resolutions”, which are states authoring resolutions. Nevertheless, Lebovic and Voeten (2006: 863) find that UNCHR “targeting and punishment were driven to a considerable degree by the actual human rights records of potential targets and that reputation effects matter in the condemnation the UNCHR of country human rights practices”. Also, their “findings provide some basis for measured optimism about the general impact of UN actions on human rights” (886). So even though not all the countries that resort to repression are shamed on the UN stage, the ones that are shamed do repress. The goal of this paper is not to determine the efficacy or failings of the UN human rights body to bring to light all human rights abusers. Instead, the question is: do those states that are shamed by the UNCHR/UNHRC alter their behaviour with regards to human rights? Granted that such resolutions are biased, human rights offenders targeted by resolutions are also likely to be targeted by HRO shaming due to their abuses. Shaming is not expected to correlate perfectly with abuse. The “Commission and its replacement are criticized for allowing despots to join, but the general consensus, even among UN skeptics, is that shining a spotlight on a country’s abuses can bring about better practices” (Hafner-Burton 2008: 693). The choice of relying on resolutions as likely additional pressure on governments, in combination with
human rights NGOs’ shaming, is therefore justified. The logic is that shining a double spotlight is more efficient than one.

A number of existing studies test the influence of voting in the Commission of Human Rights or the Human Rights Council on various dependent variables (Smith 2006, Seligman 2011, Hug and Lukács 2014), including the human rights performance of countries (Lebovic and Voeten 2006). For instance, Smith (2006) examines whether EU Member States actions are coordinated within the UNCHR, and Seligman (2011) analyses the impact of regime type on support for UNCHR/UNHRC resolutions. This paper, however, focuses not on the voting behaviour of member states but on the targets of resolutions, following Hug (2014). Only “targeted resolutions, i.e. resolutions focusing on human rights issues in a specific country” are considered for the analysis (Hug 2014: 3). Building on Hug’s work (2014: 4), is only considered “as targeted a resolution that explicitly names a country in the title of the resolution (or a territory under the target's control) and focuses on the human rights situation in a critical fashion”. Such targeted resolutions are expected to generate pressure on national governments that commit human rights violations, unlike general thematic resolutions on, for instance racial discrimination or torture (see Wheeler 1999 for a detailed distinction).

Testing three hypotheses each consistent with a different theoretical approach, Lebovic and Voeten (2006: 861) find that from 1977 until 2001, the Commission “decreasingly fit the predictions of a realist perspective”, while increasingly fitting those of a “liberal ‘reputation’ perspective” and the “constructivist ‘social conformity’ perspective”. That is to say, that naming and shaming by the Commission became less of a “political exercise” and more of governments holding their counterparts to their promise and distributing and responding to “social rewards and punishments”. Drawing on the constructivist approach, the later stages of the spiral model adopted in the present paper resemble the ‘social conformity’ argument developed by Lebovic and Voeten (2006). Given that UNCHR resolutions have less “teeth” than human rights treaties, their effect on actual state practices is expected to be caused by reputational concerns. Indeed, in “the constructivist view, public shaming is possible because governments internalize norms and principles that permit the exercise of social influence, the elicitation of norm-abiding behavior through the distribution of social rewards and punishments”, such as losses in social status (Lebovic and Voeten 2006: 869). Even though these authors do not explicitly mention the spiral model, its influence is discernible in this quotation.

Within the spiral model of human rights, the UN human rights body is an important actor. According to both Risse and Sikkink (1999: 27-8), the UNCHR is one of the bodies where the
second phase, denial, allows states to move on to the third, tactical concessions. Meaning that after denying the validity of human rights norms, norm-violating governments start “talking the human rights talk” at the UNCHR for instrumental reasons, using justifications to address their “reputational concerns” (28). Eventually, such states begin to “take the transnational advocacy networks and the domestic opposition more seriously”, thus empowering them (28). So the UNCHR and HROs work towards similar goals, and the latter even facilitate the work of the former, in this stage of the spiral. Speaking of UN Commission on Human Rights resolution 1998/75 targeting Uganda for attacks on its civilians, Schmitz (1999: 71) claims: “[a]gain, the transnational human rights network was responsible for putting the issue on the international agenda in the first place”. This process of accusations by domestic and international groups followed by justifications at the UNCHR ends up becoming a “true dialogue over specific human rights allegations” in the target state (Risse and Sikkink 1999: 28). In the fourth stage of the spiral model, the UNCHR/UNHRC can play a role as well. The prescriptive status means that states refer to human rights norms “to describe and comment on their own behaviour and that of others” (29). Ideally, this is followed by the last phase, rule-consistent behaviour, in which sustained respect for human rights comes through governments being “continuously pushed to live up to their claims” and pressured “from below” and “from above” (33). The change in human rights policy for the better being the sole focus here (by opposition to consistently stable practices), the following hypothesis is proposed:

\[ H2: \quad \text{The impact of human rights NGO naming and shaming, when coupled with targeted UNCHR/UNHRC resolutions, will be associated with better human rights practices.} \]

Worth noting, a large share of targeted resolutions – be it in the Commission or the Council – is directed towards Israel. It “has always been in the top-place” except in four sessions, since 1999 (Hug 2014: 3). Of the 160 resolutions included in Seligman’s 2011 study, “more than half (86) targeted Israel, an imbalance resulting from a successful effort by Arab and Muslim states”. This “issue uniquely polarize[s] states according to geo-political groupings – Western democracies often opposed resolutions addressing Israel, but developing world states often supported these resolutions” (Seligman 2011: 520). There is even a separate category for discussing Israel-related issues, while all the other states are discussed under “human rights situations that require the Council’s attention” (formerly “question of the violation of human rights and fundamental freedoms in any part of the world”) (Seligman 2011: 533). For this
reason, resolutions against Israel could bias the results of the statistical tests and particular care must be taken not to extend conclusions about this special case to other governments. In order to test the hypotheses, a large-N regression analysis is first conducted. Second, a case study approach is applied to triangulate results obtained by the statistical analysis.

3. Data and Methodology

This paper argues that states named and shamed by human rights NGOs are more likely to respect human rights under two conditions: the independence of the judiciary and UNCHR/UNHRC resolutions. The constructivist strand of research has been criticized for its lack of significant empirical support to prove that HRO naming and shaming indeed decreases repression. Such studies mostly consist in qualitative case studies, whilst the approach adopted by this paper combines both quantitative and qualitative methods. The rationale is to triangulate the findings and produce a picture that is more complete. There “has been a plethora of qualitative studies and theoretical inquiries that indicate HRO naming and shaming are a critical link to improvement in human rights practices”, and “very few global analyses to support these claims” (Murdie and Davis 2012: 1). Instead of opting for one or the other, both methods are combined to hopefully provide scientific evidence of the conditional impact of naming and shaming by human rights organizations. The motive for using mixed-method research is to attempt to overcome the commonly known caveats of the two individual methods. Those are respectively the deficiency in probing the causal mechanism (quantitative methods) and lack of generalizability (qualitative methods).

The hypotheses are first tested through quantitative analysis, with the use of cross-sectional time series data, before coupling the results of the study with a case study. Turning to the statistical analysis, the units of analysis are structured in country-year format, which is most widely used in this field. This allows to capture variation both across time and across states. Country-year analysis is helpful in allowing to observe a potential improvement in the human rights practices of a country, particularly because changes take a long time to be implemented in human rights. For the situation to improve in terms of human rights, a paradigm shift has to take place, not only in the leaders’ but also in the ideology and practices of the government employees. Indeed, “soft laws generally take time to be successfully implemented, and . . . human rights laws in particular are likely to be effective only after substantial learning and capacity-building have taken place” (Hafner-Burton and Tsuitsui 2007: 409). To remedy this problem, we choose to focus on a period long enough – from 1996 to 2007 - to witness potential change. Then, the analysis will allow to determine whether the country-years following the
combination of HRO shaming with the two conditional explanatory variables exhibit better, similar or worse human rights ratings.

The following sections focus on the data, measures and operationalisation of the dependent variable (3.1), the independent variables (3.2), and the covariates (3.3) included in the analyses. As for section 3.4, it presents the estimation models of the postulated relationships between human rights and the independent variables. Section 3.5 consists in an explanation of the case study method used.

3.1 Dependent variable

The measure used to assess state repression comes from Cingranelli and Richards (2010). The Cingranelli and Richards (CIRI) Human Rights Data Project (2014) data are regularly handled by scholars focusing on human rights studies, like Vreeland (2008), Murdie and Davis (2012) or Hafner-Burton (2008). CIRI data provide information about government respect for a broad array of human rights in nearly every country in the world (Cingranelli and Richards 2010). Cingranelli and Richards (2010) rely on yearly US State Department and Amnesty International Reports to classify countries according to their human rights practices. States’ annual violations are measured via the Physical Integrity Rights Index, an “additive index created from four individual indicators (torture, extrajudicial killing, political imprisonment, disappearance)” (Cingranelli and Richards 2010: 413). Due to the importance of the spiral model in this paper, it is convenient that these specific four types of rights captured in the CIRI Physical Integrity Rights Index match with Risse and Sikkink (1999: 2) because they evaluate progress on “a central core of rights – the right to life (which we define as the right to be free from extrajudicial execution and disappearance) and the freedom from torture and arbitrary arrest and detention”.

The Index ranges “from 0 (no respect for any of these four rights) to 8 (full respect for these four rights)” (Cingranelli and Richards 2010: 413). A higher number scored on each of the four categories (that range from 0 to 2) means that the country performs better on a particular practice (say, disappearance) and the Index captures the addition of the four indicators. The outcome variable, called Physical Integrity Rights, is thus considered continuous, because it takes nine different values from 0 to 8. The two hypotheses are tested with Physical Integrity Rights as dependent variable, an increase in its values indicating a decrease in repressive practices.

For each model that takes the CIRI Physical Integrity Rights Index as dependent variable, the one-year lagged level of Physical Integrity Rights is included as a control as Physical Integrity Rights (lagged). It has “become standard to include a lagged dependent variable in models of repression” because of the “theoretical argument which suggests that bureaucratic inertia and
elite habituation to the use of violence creates strong patterns of temporal dependence in state repression” (Hill and Jones 2014: 670). Lagging the dependent variable at t-1 allows to ensure that the explanatory variables precede the dependent variable.

In order to conduct robustness checks, the dynamic standard model introduced by Christopher J. Fariss (2014) is employed. The theoretical foundations of Fariss’ work (2014) start from the existing research on the effect of human rights agreements on repression, which often finds that such treaties have no effect or even a positive effect on abuses (Hathaway 2002). Indeed, despite the “spread of human rights norms, better monitoring by private and public agencies, and the increasing prevalence of electoral democracy”, data generated by several coding projects such as CIRI suspiciously “imply that human rights practices have been essentially constant over the last 35 years” (Fariss 2014: 297). A limitation of the variable Physical Integrity Rights is that it captures reports of human rights abuses, but does not account for the variation over time in the way that the US State Department and Amnesty International monitor such abuses (Fariss 2014: 298). It does not account either for the spread of norms nor the technological improvements that allow democratisation processes or violations reporting. According to Fariss (2014), the reports coded in the CIRI data set, among others, do not take into account that the respect for human rights became a fundamental norm and the number of treaties signed increased. This is why he claims that the CIRI data and other similar data sets “implicitly assum[e] that the standard of accountability does not change over time” (298). Consequently, Fariss (2014) makes available a new data set based on a dynamic standard model which allows to adjust for the temporal bias, and accounts for the changing human rights standards. Respect for human rights is measured by latent variables generated as unbiased estimates of repression using existing data by Hathaway (2002), CIRI, and Gibney, Cornett and Wood’s (2009) “Political Terror Scale” which ranges from 1 (least repressive) to 5 (most repressive). This alternate measure for our dependent variable is entitled Latent Mean and ranges from -2.738 to 4.042 during the sampled period.

3.2 Independent variables
The only consensus that exists among scholars that attempt to measure the influence of NGOs (human rights or otherwise) is the difficulty of the task (Neumayer 2005, Hafner-Burton 2008, Murdie and Davis 2012). The most commonly used method to measure naming and shaming specifically is the one introduced by Ron, Ramos and Rodgers (2005). Their cross-national longitudinal data are obtained by coding two separate measures of naming and shaming efforts by Amnesty International. Indeed, Ron et al. (2005) use Amnesty International News Releases and Background Reports condemning human rights abuses within a country in a year, compiled
As for Hafner-Burton (2008), she aggregates the two measures (news releases and background reports), in addition to shaming by news media The Economist and Newsweek, as well as the resolutions passed by the United Nations Commission on Human Rights (UNCHR) in her study. However, Ron et al. (2005: 557) claim that Amnesty International “produces more written work on some countries than others to maximize advocacy opportunities, shape international standards, promote greater awareness, and raise its profile”. Consequently, more reports from Amnesty International does not necessarily mean more human rights abuses, nor more severe types of abuses. Conversely, a country that is not systematically named and shamed may commit violations but not be singled out for advocacy. Admittedly, other potential biases could result from such a method. One such bias is that counting the reports does not capture the severity of repression. Another drawback is the fact that the studied NGO is Western-based and could reflect cultural representations of human rights.

Though these two studies advance our understanding of how naming and shaming can be measured, Amanda Murdie’s work – among others in her publication Help Or Harm (2014) – opens up prospects for a more rigorous analysis. Murdie (2009) started to work on a new measure of naming and shaming by NGOs in her dissertation, in what Murdie and Davis (2012: 5) claim to be “the first widespread attempt to capture the activities of multiple HROs directed to governments at the cross-national scale”. To solve the shortcomings of focusing on the work of a sole NGO like Amnesty International, Murdie (2009) introduces a data set of HRO shaming events targeting governments. Drawing on data from the Integrated Data for Event Analysis (IDEA) framework (Bond et al. 2003), Murdie (2009) creates a new variable for human rights NGO naming and shaming by coding all Reuters Global News Service reports about HROs. It consists in a “yearly count of the number of HRO conflictual events that occurred toward a government in a given year” (Murdie and Davis 2012: 5). Conflictual events are “events that cite an HRO where the nongovernmental organization is the source of the event and a government or government agent is the target of the event and the event is conflictual on the Goldstein (1992) scale of conflict and cooperation” (Bell, Clay and Murdie: forthcoming). As a result, the “events captured are actual shaming events (i.e. appear in the public media) and not just potential shaming events (i.e., only press releases or background reports that do not actually appear in the public eye)” (Murdie and Peksen 2013: 43). This variable records news events, based on Reuters Global News Service reports about human rights-specific international NGOs, on a “who” did “what” to “whom” basis for each event (Murdie and Davis 2012: 5). Building on the initial work of Murdie (2009), and of particular interest to this study for the
greater number of years covered is her more recent *Help Or Harm* (2014). The data that captures the yearly count of all instances of naming and shaming by 1,166 human rights NGOs, coded as human-rights specific based on the mission statement provided to the *Yearbook of International Organisations* (Murdie 2014: 188-9). As her sophisticated 2014 dataset is publicly available, this updated version is utilised to provide the conditional independent variable: *HRO Shaming*. A total of 742 shaming events are included in the analysis for the period and sample selected.

Apart from the count of shaming events captured by the variable *HRO Shaming*, the natural log of this measure is also used to remedy the skewed distribution. In general, studies using both the raw count and the natural log have remarked that they yield similar results (Peterson, Murdie and Asal 2016, Murdie and Peksen 2013). The purpose is to test the hypotheses with an alternate independent variable that takes into consideration both the dispersion of the data and the missing values. To do so, a dummy variable is created on the basis of the original *HRO Shaming* variable, coded 1 for missing values and 0 for actual shaming observations. Then, as a second step, the natural log of the variable *HRO Shaming* entitled Log(*HRO Shaming*) is created. To deal with the high number of 0 shaming observations, the established practice is to add a small constant to all values of Log(*HRO Shaming*) in order to ensure that countries not targeted by any NGO advocacy are taken into account in the analysis. Next, the equations are tested with the addition of the dummy variable and the logged variable (using different constants), until the regression coefficient obtained for the dummy variable equals zero. Indeed, such a result means that missing values are not skewing the results. The constant added to the log is 207. The third step is to remove the dummy variable from the equation. The continuous variable Log(*HRO Shaming*) variable is now good to use.

Two caveats of the raw count *HRO Shaming* variable must be registered here, that are identified by Murdie and Davis (2012). Firstly, it is true that “events data focus only on what makes it to the page”, which carries the risk of neglecting less publicised issues (Murdie and Davis 2012: 6). At the same time, press releases and background reports by HROs that do not appear in the public eye are not expected to have a great impact on government practices. They are likely to be acknowledged solely by academics and human rights advocates, whereas the media serves as a powerful megaphone used by HROs to broadcast their message. Indeed, because the variable only captures naming and shaming relayed by the media, it may put greater pressure on governments by creating negative publicity. Murdie and Davis (2012) control for any country-level media bias. Because “the addition of this variable did not alter the substance or significance” of their results, this issue is considered solved (Murdie and Davis 2012: 6).
Secondly, utilising Reuters Global News Service reports obviously implies an international bias: the “capturing of events of only local significance is limited” (6). But because human rights have been an international issue for quite some time, HROs are by definition international, and our theoretical framework supposes that international pressures (among others) lead to domestic changes, this indicator – HRO Shaming – is considered appropriate for capturing naming and shaming by human rights NGOs.

The first condition for human rights NGO shaming to impact repression is judicial independence. Like the outcome variable, the measure for judicial independence is retrieved from the CIRI data set, following Lupu (2015) and Powell and Staton (2009). Its primary source is the US State Department Country Reports on Human Rights Practices (Cingranelli and Richards 2014: 3). The coding manual signals that this variable “indicates the extent to which the judiciary is independent of control from other sources, such as another branch of the government or the military” (85). Other indicators of judicial independence could have been used, such as the International Country Risk Guide’s (ICRG) rule of law index used by Hill (2010: 1167), the measure of the rule of law collected by the World Bank (Simmons 2009: 280-1) or the Contract Intensive Money (Conrad 2014). These are however proxies which are not comparable with the more widely used CIRI variable utilised in this paper.

The CIRI measure for judicial independence is ordinal and classified into three categories to designate the judicial system: (0) not independent, (1) partially independent and (2) generally independent. According to Cingranelli and Richards (2014: 85), the highest score is given to the following judicial systems: 1) the judiciary has “the right to rule on the constitutionality of legislative acts and executive decrees”; 2) a seven-year tenure is the minimum for judges at the highest level of courts; 3) The “President or Minister of Justice cannot directly appoint or remove judges” and their removal is restricted; 4) the judiciary can challenge actions of the legislative and executive branches; 5) all court hearings are public; and 6) judgeships are held by professionals. Partially independent courts suffer from “structural limitations” on judicial independence (Cingranelli and Richards 2014: 85). For instance, judiciaries that are subjected to “occasional or limited corruption and judicial intimidation from non-governmental actors” would be awarded a score of (1). In countries receiving a score of (0), there are “active and widespread constraints on the judiciary” such as “active government interference in the decision of cases or widespread corruption and judicial intimidation” (Cingranelli and Richards 2014: 86). This measure is thus behavioural as it attempts to measure de facto independence, but also includes “significant de jure information” (Powell and Staton 2009: 160). Other measures include exclusively de jure information, which can be misleading because they do not reflect
actual practices at all (Powell and Staton 2009). For this reason, the CIRI indicator, referred to as Independent Judiciary, is adopted to test our first hypothesis.

The second condition for human rights NGO shaming to impact repression is the adoption of targeted resolutions by the UN Commission on Human Rights or the UN Human Rights Council. Evidently, several studies test the impact of shaming by the United Nations human rights organ, because “the general consensus, even among UN skeptics, is that shining a spotlight on a country's abuses can bring about better practices” (Hafner-Burton 2008: 693). For instance, Hafner-Burton (2008) measures whether the UNCHR passed resolutions condemning violations in a country, coding 1 for every year that it did and 0 if not, following the method used by Lebovic and Voeten (2006). What differs in the present paper, except the more contemporary period of analysis (and thus the inclusion of the UNHRC), is that the effect is expected to be conditional on shaming by human rights NGOs. Murdie and Davis (2012) also investigate the impact of UN shaming on repression through their Indirect Targeting variable. Their indirect shaming variable is “a count of all conflictual targeting of governments or governmental actors where HROs are cited but the source of the event is not the HRO but an alternative third-party actor outside of the targeted state” such as a President or a UN agency (Murdie and Davis 2012: 8). Then again, the intention of this paper is to capture naming and shaming by the UNCHR/UNHRC specifically, rather than the relaying of HRO naming and shaming by the UN and other third actors. The focus is accordingly on the action taken by the UN human rights body in the form of resolutions.

In most cases, across the country-years studied, only one resolution is adopted per year, per country. A higher number of resolutions adopted per year is not expected to influence the outcome to a greater extent. In other words, the interaction of HRO naming and shaming with (1) resolution against a country is not expected to lead to a greater level of Physical Integrity Rights than (2), (3) or (4) resolutions. Indeed, the sample coded by Hug (2014) shows that countries are targeted by 0 to 4 resolutions per year, by the UNCHR from 1997 to 2005 and the UNHRC from 2006 to 2007. Resolutions targeting countries are identified “on the basis of the title of the resolution” (Hug 2014: 5). The mere fact that one – or more – resolution(s) is adopted against a country in a particular year should impact the outcome in a positive manner, meaning that the level of Physical Integrity Rights is expected to increase. The assumption is that being targeted by the UN human rights body, whether once or more times per year influences government practices. However, the interaction of HRO naming and shaming with 0 resolutions should not improve the level of Physical Integrity Rights. Consequently, the independent variable Resolution is coded as a binary variable with 0 for no resolution and 1 for any number
of resolutions. For robustness analysis, an alternate variable - *Resolution Count* – tests the hypotheses with the specific count of resolutions (0, 1, 2, 3 or 4), in order to check the claim that a higher number of yearly resolutions does not lead to a better outcome than one resolution per year.

### 3.3 Other explanatory variables

Human rights performance is influenced by a wide array of predictors according to previous research (Hathaway 2002: 1939; Abouharb and Cingranelli 2006: 244). The following determinants are thus controlled for in order to specify the equation properly, based on the covariates used by Murdie and Davis (2012). The natural log of gross domestic product (GDP) per capita in constant US dollars is included, given that “economic development has been found to increase respect for human rights within a state” (Murdie and Davis 2012: 7). Data for *GDP per Capita* is retrieved from World Development Indicators (World Bank 2017).

Democracy is also associated with better human rights practices, due to political freedoms, among others (Murdie and Davis 2012). Data for the variable *Democracy* is retrieved from Marshall and Jaggers’ (2007) annual Polity IV scores. The democracy index includes measures such as the competitiveness of political participation or the constraints on the chief executive, and ranges from 0 (least democratic) to 10 (most democratic) (Marshall, Gurr and Jaggers 2013: 15). More people can mean more chances of repression, and “more opportunities to diffuse or hide human rights violations” (Murdie and Davis 2012: 7). To measure the impact of the size of a country’s *Population*, the natural log of the total population from the World Development Indicators is used (World Bank 2017). Finally, civil and international war are likely to increase human rights abuses, and their data is retrieved from the UCDP/PRIO Armed Conflict Database version 4-2013 developed originally by Gleditsch et al. (2002). Four different types of *War* are included in this dataset: extrasystemic armed conflict; interstate armed conflict; internal armed conflict; and internationalized internal armed conflict. It must be noted that “[c]ivil war is a particularly important control variable, since opposition to a regime and torture may be linked to domestic insurgency and civil war—under these situations, the targets of torture may be citizens of other countries” (Vreeland 2008: 81). In brief, the lagged *Physical Integrity Rights, Democracy* and *GDP per capita* should positively impact the outcome, while *War* and *Population* should have a negative impact. Descriptive statistics of all variables are presented in Table 5 in the Appendix.

### 3.4 Empirical Model Specification

In a first step, to examine the validity of the hypotheses, the argument is tested on a global sample from 1996 to 2007, the time span for which each data set described above is available.
The time series cross-sectional nature of the data means that the unit of analysis is the country-year. Outliers which have consistently perfect human rights scores are excluded, following Murdie and Davis (2012: 7). For instance, Iceland has a CIRI Physical Integrity Rights Index score of 8 (full government respect for physical integrity rights) throughout the entire time span covered by the analysis. In order to avoid biasing the results, and because our interest lies in improvements in human rights performance, such outliers are excluded. Concerning the sample, it is composed of the whole array of countries except for the few countries that have perfect human rights scores on at least 10 of the 12 years observed (Luxembourg, Iceland, Netherlands, Norway), because no significant progress could occur during the sampled period. Additionally, countries that have missing values on any of the variables are dropped. From 195 countries, the sample is reduced to 145 countries due to the above changes. Furthermore, some country-years are dropped by removing missing values (-66) for the variable Democracy as well as special circumstances indicated by values of -77 (interregnum or anarchy) and -88 (transition) (Marshall, Gurr and Jaggers 2013: 17).

In order to test the validity of the two hypotheses, ordinary least squares regression analysis is run on Stata, because the dependent variable is a continuous one with increasing levels of respect for human rights, from 0 to 8. The models outlined in this section are tested to assess the explanatory power of each independent variable when combined with the key independent variable, HRO Shaming.

All models tested in this paper require a multiplicative interaction term, because HRO Shaming is expected to impact the dependent variable solely under two specific conditions. The first model, retrieved from Murdie and Davis (2012: 8) and adapted to the argument, lags all the independent variables. It is as follows:

**Model 1**: Physical Integrity Rights\(_{i,t}\) = \(\alpha + \beta 1 \text{ Interaction Term of HRO Shaming X Judicial Independence}_{i,t-1} + \beta 2 \text{ Interaction Term of HRO Shaming X UNCHR/UNHRC Resolutions}_{i,t-1} + \beta 3 Z_{i,t-1} + \epsilon_{i,t}\)

where Z is a vector of the control variables War, Democracy, Population, GDP per capita, and an additional control for the lagged Physical Integrity Rights variable. All constitutive terms (HRO Shaming, Judicial Independence, UNCHR/UNHRC Resolutions) are included in the interaction model specifications in order to avoid inferential errors such as omitted variable bias, following Brambor, Clark and Golder (2006: 66-67). The dependent variable is expected to be most impacted by independent variables at time \(t+1\), so all the explanatory variables are lagged one year in Model 1 and all other models. This is due to a well-known issue in human rights studies: the fact that “soft laws generally take time to be successfully implemented” and
“human rights laws in particular are likely to be effective only after substantial learning and capacity-building have taken place” (Hafner-Burton and Tsuitsui 2005: 409). That is to say, that even a government that commits to respect physical integrity rights cannot guarantee that violations will stop. Such practices cannot be transformed overnight. For the situation to improve, a paradigm shift has to take place, not only in the leaders’ but also the government agents’ ideology and practices. For example, Neumayer (2005) examines whether treaties impact human rights practice the very same year as ratification, and unsurprisingly finds no direct empirical relation. By adding one year lags, the combination of HRO Shaming and Judicial Independence, as well as the combination of HRO Shaming and UNCHR/UNHRC Resolutions are expected to have a positive effect on the outcome, Physical Integrity Rights.

The same specification is adapted to the other models examined, with the below variations. Model 2 tests the same propositions as Model 1, but instead of testing Hypothesis 2 with the Resolution dummy variable, relies on the Resolution Count. Model 3 tests Hypotheses 1 and 2 with a different measure of the main independent variable: the natural log of the raw count variable HRO Shaming, entitled Log (HRO Shaming). Model 4 tests Hypothesis 1 separately, while Model 5 and 6 respectively test Hypothesis 2 with variable Resolution and Resolution Count. Model 7 relies on the same statistical model as Model 1, except for the dependent variable (Latent Mean). Model 8 is equivalent to Model 2, while Model 9 is Model 3 but using Latent Mean instead of Physical Integrity Rights. In brief, Models 1 to 6 test the hypotheses with the original variables whereas Models 7 to 9 are robustness models.

3.5 Case Study Methodology

The statistical models described above are supplemented by evidence from an in-depth case study. The main reason for using multimethod research is “the desire to combine the advantages of cross-case large-N research with the advantages of intense within-case causal analysis” (Goertz 2017: 58). Moreover, case study analysis “focuses on a small number of cases that are expected to provide insight into a causal relationship across a larger population of cases” (Gerring 2006: 87). Also, according to Beth Simmons (2012: 44), “qualitative and quantitative research findings are mutually reinforcing” and consequently, using mixed methods can “explain a lot of what appears at first to be confusing about the world in which we live”.

Among the three within-case analysis methods (process tracing, congruence testing and counterfactual analysis), the one that inspires this paper is the first perspective (Bennett 2004: 22). This is notably because process-tracing is often “employed in conjunction with a standard research design – that is, as a supplementary tool” (Gerring 2006: 177). The motivation for focusing on process tracing specifically is that it can be “readily combined with quantitative
techniques in a mixed-method design” (Bennett and Checkel 2012: 26). Process-tracing “can be applied to a few cases selected from a statistical analysis to clarify whether the direction of causal influence is indeed from the independent variable to the dependent variable, and not the reverse, and to help assess whether any observed correlations might be spurious” (Bennett and Checkel 2012: 26). This serves to increase the confidence in the causal mechanisms uncovered by the regression analysis. The case is sampled for a deeper investigation in order to illuminate the context and the conditions for HRO naming and shaming to positively impact the outcome. This paper is influenced by the process-tracing approach because of the “noncomparability of adjacent pieces of evidence”, which Gerring (2006: 178) conceives to be “the most distinctive feature of process-tracing styles of research”. The advantage of such a method is that generalisable results that are broad in scope can be derived from them (178-9). Additionally, it is used “as a cross-check, a triangulation” (185). Also, process-tracing allows to go beyond anecdotal evidence and to verify the claims meticulously, by offering supporting evidence to the statistical results. Process-tracing is within-case analysis based on mostly qualitative data, and it “focuses on the unfolding of events or situations over time” (Collier 2011: 824). The most common way of summarising process tracing is the following: it “involves tracing causal mechanisms that link causes (X) with their effects (i.e. outcomes)” (Beach 2016: 463). Evidently, process-tracing case studies imply a thoroughness on the part of the researcher which is difficult to achieve in the scope of this paper. Accordingly, the case study presented in section 5 is regarded as an illustration of the argument, inspired by the process-tracing method.

The starting point of the case selection, as helpfully outlined by Goertz (2017: 60), is “to define the potential scope of the causal mechanism” by providing “a list of all possible case studies or criteria for such a list”. To examine in greater detail whether the combination of NGO shaming and judicial independence and/or UNCHR/UNHRC resolutions constrain state behaviour, a careful case selection is indispensable. Table 4 included in the Appendix provides a list of the states comprising the sample used for statistical analysis. Out of 145 countries, only 1 can be analysed in depth, considering the scope of this paper. Producing a list of criteria allows to narrow down the number of cases for intensive analysis. Since the “central goal of the case study is the exploration of a causal mechanism, then one should look at a good example of that causal mechanism in action” Goertz (2017: 63). That is to say that following the regression analysis, further statistical tests can be run in order to determine which cases match the predictions best. Such a most likely case is defined as a country in which the human rights performance improves a year after a combination of human rights NGO naming and shaming with judicial independence, and after such shaming is combined with UNCHR/UNHRC
resolutions. It goes without saying that data for the variables included in the analysis should not be missing for any of the cases.

As Goertz (2017: 116) affirms, when scholars only rely on case studies, they usually opt for the confirming case with sufficient conditions to correspond to the causal mechanism. Otherwise, an outlier case study can help to understand why the causal mechanism did not deliver the expected outcome. Disconfirming cases – when the interactions are present but the outcome is not – “offer potential evidence against the causal mechanism hypothesis” (Goertz 2017: 67). Their aim is to provide information on the causal mechanism and how it can be constructed to better explain the data (67). Ideally, disconfirming (also called deviant or falsifying) cases are exceptions to the rule, but only if the expectations are founded. Though posing a threat to the causal mechanism postulated, disconfirming cases allow to push the analysis further by, for example, changing the scope conditions (71).

How are confirming and disconfirming cases uncovered through statistical analysis? The answer lies in residuals (also called error terms). Residuals are often referred to in quantitative studies in order to indicate the goodness of model fit of a regression analysis: “[i]n OLS the basic idea is that the degree of falsification increases with distance from the OLS line, i.e., the size of the residual is the measure of degree of falsification” (Goertz 2017: 122). According to Gerring (2006: 94), “[t]ypical cases have small residuals” and thus their number should be close to zero and depict high typicality. What matters to identify confirming and disconfirming cases is the degree to which they are respectively typical and deviant according to the values of their residuals. Explicitly, to find such low-residual cases, or outliers, the cases’ absolute residual mean value across the period should be close to the overall mean of all residuals. In other words, the case should be representative of the entire sample universe (Gerring 2006: 89). Whereas outliers, which are high-residual cases, should be lying many standard deviations away from the residual mean, reflecting the opposite of typical-case selection. The deviant case method examines cases that are deviant “in that they are poorly explained by the multivariate model, and therefore lie as far as possible from the prediction of a “formal, mathematical representation” of the hypotheses (Gerring 2006: 106-7).

Depending on the findings of the statistical tests, a small- or high-residual case study is more appropriate. If the hypotheses are confirmed, then it is not very interesting to examine which observations depart significantly from the predictions. Instead, a typical case study with a low-residual case can shed light on the causal mechanism in more detail. This is what Lieberman (2005: 442) calls model-testing small-n analysis.
On the other hand, if the hypotheses are disconfirmed by the large-N tests, a process-tracing case study might reveal why the predictions did not occur. In the event that statistical tests did not provide “robust and satisfactory” results, “at least one case that has not been well predicted by the best-fitting statistical model should be selected” (Lieberman 2005: 437, 445). Lieberman (2005: 437) explains that if large-N analysis did not successfully confirm the hypotheses, case study research serves to build a new theoretical model that fits the data more convincingly (model-building small-N analysis).

Model-building small-N analysis is very demanding, as it is “more wide-ranging and inductive” than its model-testing counterpart. A better theoretical model has to emerge from a model-building case study. However, this is a challenging task for a small-scope paper. For this reason, the theoretical conclusions of small-N analysis are applied to one case, in order to find explanations for this particular case. Anyway, some scholars, such as Beach (2017: 2) believe that “process tracing is a single-case method, meaning that only inferences about the operation of the mechanism within the studied case are possible because this is the evidence gathered through tracing the process in the case” (emphasis added). The ambition is not to engage in subsequent statistical tests that are generalisable and representative of the entire sample population, based on the model built by the case study.

To select such a case, it is necessary to look at residuals, in order to capture the most typical and extreme cases that the initial analysis yielded. Lieberman (2005: 437) suggests that on- and off-the-line selection are appropriate, but random selection is ruled out. Because investigating more than one case would go beyond the scope of this paper, Lieberman’s (2005: 445) advice to focus on at least one deviant case is followed. Additionally, the determining factor for the selected case is to have at least one resolution directed against the government during the sample duration, which is challenging because the variable Resolution has the most scattered distribution, due to the relative rarity of targeted resolutions. Such a result is to be expected, because as Goertz (2017: 150) affirms, “[i]nteraction terms and multiple hypotheses mean that case selection can be quite complicated”. Even more so if the initial theoretical model does not explain the data well. Within-case analysis can be a way to explain the nature of the causal mechanism better, by looking not only at dataset observations but also at various materials like scholarly articles, human rights NGOs’ advocacy material (press releases and background reports) and United States Department of State human rights reports.

The method used to assess the conditional impact of HROs on the year following the permissive conditions is as follows. A visual summary of the yearly values for each main variable used in the statistical analysis will be provided, in order to grasp the levels of the main variables.
(Physical Integrity, HRO Shaming, Resolution and Resolution Count) at a glance. The case study is conducted by comparing those values with data for the human rights situation, the conditions of the judiciary’s independence and the naming and shaming activities of HROs retrieved mainly from the United States Department of State (thereafter USDS) human rights country reports. Such reports are produced yearly. Hence, USDS reports for the selected country, from years 1996 to 2007, are juxtaposed with the yearly values of the main variables. Material from relevant international human rights NGOs such as Human Rights Watch and Amnesty International should allow more insight into the situation in the country. A single report by such an NGO can be damming if relayed extensively in the international press. But to ascertain that some level of international pressure is mounting on the government, HROs must reach the international media consistently. To test H1, a state with judicial independence is required. As country-years that fulfil this requirement comprise only a small portion of the sample, the argument will also be tested with partially independent courts (as opposed to fully “not independent” ones). This means that a score of 1 (“partially independent”) will also be considered as judiciary independence for the purpose of testing H1, because “generally independent” courts are fairly scarce in the sample. Whereas for UNCHR/UNHRC pressure, one resolution should be considered enough to lead the government to rethink its policies. Moreover, it is rare that such resolutions target the same government more than once per year, unless that state is Israel (see explanation in section 2.3).

The structure for the case study follows the same pattern for each year. Following a contextual introduction, the attention by HROs and the way it is reported in the media is first examined, in comparison with the values for each variable. Then, the focus is laid on the level of the courts’ independence from executive and other influences, as well as the UN human rights resolutions. The government’s reaction to the combined pressures (or lack thereof) in the next year will allow to determine whether the hypotheses predicted the outcome. This pattern will be followed for each year of the sample, and the overview will allow to link the data with the theoretical claims made above.

4. Statistical analysis and models

This section examines how naming and shaming by human rights NGOs is conditioned by both judicial independence and UNCHR/UNHRC resolutions. The findings below provide some support for the proposed hypotheses: the interaction between human rights NGO shaming and Judicial Independence and Resolution respectively seem to be a somewhat effective combination to improve human rights. Three models are presented in each table. In Table 1,
which contains the results of the tests for Models 1 (with Resolution), 2 (with Resolution Count) and 3 (with Log (HRO Shaming)), the outcome variable is Physical Integrity Rights. Table 2 contains Model 4, which includes a separate interaction term for H1 (with Judicial Independence) and Models 5 and 6 that test H2 separately (with respectively Resolution and Resolution Count). Regarding Table 3, it contains Models 7 (with Resolution), 8 (with Resolution Count), and 9 (with Log (HRO Shaming)) where the dependent variable is Fariss’ (2014) Latent Mean. The results and their implications are discussed below. As for descriptive statistics of the variables, they are presented in Table 5 in the Appendix.

The relationship between Physical Integrity Rights and HRO Shaming (when Judicial Independence and Resolution are held at zero) is not as clear-cut as expected. Murdie and Davis (2012: 9) find a “limited impact of HRO shaming alone on improvements in human rights performance”, and their shaming variable is not statistically significant. In Tables 1, 2 and 3 below, shaming directed at governments does attain statistical significance in all models, but not necessarily in the positive direction. Indeed, HRO Shaming alternates between a positive effect in Models 1, 5 and 6 and a negative effect in Models 2, 4, 7, and 8, though in both cases, the coefficients are very small. Why such a difference with Murdie and Davis’ (2012) findings even though the same data for both dependent and independent variables were used? Perhaps it is due to the fact that their study applies to a different period (1992-2004). It is hard to draw definitive conclusions from data pointing in different directions (positive and negative). What is clear is that human rights NGO shaming on its own does not influence the outcome in a major way. The size of the coefficients reaches no more than 0.0005 (Model 5) or no less than -0.0007 (Model 2). For this reason, the statistical models testing the interaction of HRO Shaming with the two conditional variables are expected to clarify its relationship with Physical Integrity Rights.
<table>
<thead>
<tr>
<th>Physical Integrity Rights</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>HRO Shaming</td>
<td>0.0000003** (0.005)</td>
<td>-0.0007** (0.004)</td>
<td>-0.025* (0.031)</td>
</tr>
<tr>
<td>Log (HRO Shaming)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judicial Independence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td>0.138 (0.077)</td>
<td>0.147 (0.077)</td>
<td>0.109 (0.163)</td>
</tr>
<tr>
<td>Full</td>
<td>0.276 (0.104)</td>
<td>0.288 (0.105)</td>
<td>0.240 (0.192)</td>
</tr>
<tr>
<td>Judicial Independence X HRO Shaming</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td>-0.003** (0.006)</td>
<td>-0.004** (0.006)</td>
<td></td>
</tr>
<tr>
<td>Full</td>
<td>0.0008** (0.005)</td>
<td>0.001** (0.004)</td>
<td></td>
</tr>
<tr>
<td>Judicial Independence X Log (HRO Shaming)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td></td>
<td></td>
<td>0.002* (0.036)</td>
</tr>
<tr>
<td>Full</td>
<td>0.008* (0.039)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution</td>
<td>-0.470 (0.160)</td>
<td>-0.353 (0.317)</td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution Count</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>-0.486 (0.168)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>-1.197 (0.601)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>-1.291 (1.063)</td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution X HRO Shaming</td>
<td>0.001** (0.008)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution Count X HRO Shaming</td>
<td></td>
<td>0.018* (0.013)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>-0.001* (0.018)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution X Log (HRO Shaming)</td>
<td></td>
<td>-0.030 (0.077)</td>
<td></td>
</tr>
<tr>
<td>Physical Integrity Rights (lagged)</td>
<td>0.612* (0.019)</td>
<td>0.608* (0.019)</td>
<td>0.617* (0.019)</td>
</tr>
<tr>
<td>War (Interstate or Intrastate)</td>
<td>-0.684 (0.090)</td>
<td>-0.683 (0.090)</td>
<td>-0.690 (0.090)</td>
</tr>
<tr>
<td>Democracy (0 to 10)</td>
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<td>0.040** (0.009)</td>
<td>0.041** (0.009)</td>
</tr>
<tr>
<td>Population (ln)</td>
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<td>-0.221* (0.021)</td>
<td>-0.223* (0.020)</td>
</tr>
<tr>
<td>GDP per capita (ln)</td>
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<td>0.121* (0.021)</td>
<td>0.110* (0.021)</td>
</tr>
<tr>
<td>Intercept</td>
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<td>4.264 (0.385)</td>
<td>4.423 (0.401)</td>
</tr>
<tr>
<td>$R^2$</td>
<td>0.788</td>
<td>0.789</td>
<td>0.789</td>
</tr>
<tr>
<td>Number of observations</td>
<td>1,693</td>
<td>1,693</td>
<td>1,693</td>
</tr>
</tbody>
</table>

Significance: *p<0.05 ; **p<0.01 ; ***p<0.001; Standard error in brackets

*Table 1: The Conditional Impact of HRO Shaming on Physical Integrity Rights*
Models 3 (Table 1) and 9 (Table 3) use the natural log of the raw count variable \( \text{Log (HRO Shaming)} \). The logged shaming variable measured in time \( t-1 \) is statistically significant and negative in both Models when Judicial Independence and Resolution are held at zero. What this entails is that a difference can be drawn with the raw count variable \( \text{HRO Shaming} \), which alternates between a positive and a negative effect depending on the model. Such a finding indicates that shaming might be followed by worsened human rights practices, a possibility which the theoretical framework advanced above does not account for. This difference may be due to the manipulation of missing values to deal with the high number of 0 shaming observations. It would tend to confirm the claim made by some rationalist theorists, that human rights NGOs on their own have a negative effect on the human rights record of states (Hafner-Burton 2008, Cardenas 2010). Nevertheless, let us recall that these cannot be interpreted as unconditional or average effects.

Turning now to Judicial Independence, Models 1, 2, 3, 4, 7, 8 and 9 show that it is associated with either no effect or a negative effect on human rights performance when \( \text{HRO Shaming} \) is held at zero, even though the expectation laid out in the theoretical framework is a decrease in repression. Unsurprisingly, Models 7, 8 and 9, which contain the only statistically significant coefficients, show that full judicial independence has a negative impact to a lesser degree than partial judicial independence.

The impact of UNCHR/UNHRC resolutions can be seen in Models 1, 3, 5, 7, and 9. As a reminder, the binary variable Resolution, that indicates not the number of resolutions but whether a state has been targeted by a resolution or not. In the absence of \( \text{HRO Shaming} \), the impact of Resolution is negative in all the cited models. In two of those cases, this negative impact is even significant, though not very strong (Models 7 and 9).

Testing the argument with the alternate UN human rights resolution variable, called Resolution Count, also confirms this trend. Each specific number of yearly resolutions (1, 2, or 4) is tested separately. Owing to the fact that the original dataset included only 1 country-year observation with 3 resolutions (Sudan in 2007), it is not included in the final tests due to missing data. Model 7 in Table 3 shows that having 1 resolution directed towards a government actually increases the likeliness to have a poor human rights performance the next year. So, using two different ways of measuring the influence of resolutions without NGO shaming both suggest the same conclusion: UNCHR/UNHRC resolutions on their own do not seem to be an effective strategy for changing human rights practices. When using the alternate dependent variable in Models 7, 8 and 9, the evidence even points to the conclusion that targeted resolutions increase repressive practices.
Table 2: The Conditional Impact of HRO Shaming on Physical Integrity Rights, separate interactions

Now, is the effect of *HRO Shaming* modified by the two other main independent variables when combined in an interaction analysis? Both hypotheses (H1 and H2) actually have the following format: an “increase in X is associated with an increase in Y when condition Z is met, but not when condition Z is absent” (Brambor et al. 2006: 64). To test the first hypothesis, the conditional variable *HRO Shaming* is interacted with *Judicial Independence*. Strictly speaking, H1 asserts that a change in X (*HRO Shaming*) on Y (*Physical Integrity Rights*) depends on the...
Models 1 and 2 highlight a slight improvement in the causal relationship between shaming and human rights when *Judicial Independence* increases from some to full independence. A one-unit change in judicial independence changes a negative coefficient (-0.003) to a positive coefficient (0.0008), with both being statistically significant at the 99% level. In other words, the interaction of partially independent courts with shaming leads to less respect for human rights than the interaction of stronger courts with shaming. It must be said that provided that the strongest predictor in all models is consistently the lagged dependent variable *Physical Integrity Rights*, the explanatory variables account to a greater extent for the change from year to year rather than the absolute level of *Physical Integrity Rights*. With this in mind, the data seem to confirm the modifying influence of independent courts on human rights advocacy to effect positive change in repression scores. Testing H1 without including the other interaction term (of H2) in the equation yields similar results (Model 4 in Table 2). More convincing results are obtained in Model 3, which uses the log of *HRO Shaming* as the main independent variable, with statistically significant and positive (but small) coefficients. Indeed, the expectation is that full judicial independence would increase the effect of the logged variable, so the data once more do conform to the expectations. Consequently, the expected conditioning impact of *Judicial Independence* on *HRO Shaming* is modestly supported by the evidence.

Interaction models cannot be interpreted like linear-additive regression models because the latter assert that “X has a constant effect on Y”, while the former that “effect of a change in X on Y depends on the value of the conditioning variable Z” (Brambor et al. 2006: 73). Due to the difficulty to interpret the interaction coefficients through traditional tables of results, Brambor et al. (2006: 73) call for calculating the marginal effect of X (at levels of Z) on Y in multiplicative interaction models. This is because “it is perfectly possible for the marginal effect of X on Y to be significant for substantively relevant values of the modifying variable Z even if the coefficient on interaction term is insignificant” (Brambor et al. 2006: 74). To delve into these subtleties, the graphs below provides a visual display of the results of H1 and H2 in Model 1 (Figure 1) and Model 2 (Figure 2). Marginal effects must take into account both interaction terms, so the marginal effects graph includes both the *Judicial Independence* and the *Resolution* interactions with the shaming variable.

Figure 1 illustrates graphically how the marginal effect of naming and shaming by HROs changes across the observed range of both judicial independence and resolutions (binary variable). While the x-axis shows the possible combinations of *Judicial Independence* (0 to 2)
and Resolution (0 to 1), the y-axis shows the marginal effect of HRO Shaming on Physical Integrity Rights. The dashed line represents the 95% confidence interval. The left-hand side of the graph shows how the marginal effect of HRO Shaming decreases as Judicial Independence is partial, while it increases in cases with full independence. What figure 1 shows is that human rights NGO shaming does not serve its main purpose (improving the level of human rights) in country-years with partial judicial independence. Paradoxically, shaming seems to be more efficient in contexts without any independent courts. This may be due to the fact that countries without judicial independence might be autocracies which allow for little dissent, which is in line with the “murder in the middle” thesis (Fein 1995). Indeed, this thesis suggests that autocracies do not repress as much as comparatively more democratic governments (which are not democracies), because they deal with little to no opposition.

![Graph showing the marginal effect of HRO Shaming on Physical Integrity Rights](image)

**Figure 1: The marginal effect of HRO Shaming on Physical Integrity Rights (Model 1)**

In accordance with the second hypothesis (H2), the effect of the interaction between the dichotomous variable Resolution and the shaming variable is shown in Table 1 (Model 1) and Table 2 (Model 5). Though very small, the coefficients for this interaction are in the right direction (positive) and statistically significant at the 99% confidence level. The results for Model 3, however, fail to attain statistical significance. The causal pattern is not straightforward, but yields some support for Hypothesis 2. Hence, it is somewhat likely that a positive change in human rights could occur the year following international pressure through the form of a UN human rights resolution.
Considering that not only statistical significance thresholds matter, Figure 1 (based on Model 1) also graphically illustrates how the marginal effect of HRO Shaming changes across the observed range of Resolution (0 and 1). The right-hand side of the graph shows a slight increase in the main plotted line which represents the marginal effect of shaming on human rights, when a one-unit change occurs from from 0 to 1 resolution. However, the confidence intervals also widen, because of the low number of resolutions which does not permit a high degree of statistical certainty. Employing marginal effects consequently supports the claim that targeted resolutions very slightly enhance the impact of shaming on the human rights performance.

Moving on to the alternate UNCHR/UNHRC variable, Models 2 and 6 (which tests H2 on its own) highlight the interaction between Resolution Count and HRO Shaming. Using the count of resolutions allows to differentiate between 1 and 2 resolutions, but not 3 or 4. In Model 2, no coefficient is given for number 4 because the one country-year that was targeted by 4 resolutions (Israel in 2002) did not make it to the interaction for this very reason. The overall results across the models indicate that 1 UNCHR/UNHRC resolution, when combined with human rights NGO targeting, does increase the probability that a government will cease or decrease their repressive practices. Pressures from both the United Nations and civil society organisations therefore seem to put governments under some stress to be more respectful of international rights regimes. Nonetheless, targeting a country with not 1 but 2 resolutions appears to have the opposite of the intended effect, as shown by the negative and significant coefficients in Models 2 and 6. The analysis thus provides some evidence to both support and challenge Hypothesis 2.

Based on Model 2, Figure 2 illustrates graphically how the marginal effect of HRO Shaming changes across the observed range of Judicial Independence and Resolution Count. The left-hand side of the graph simply reproduces a dynamic comparable to that of Figure 1 for the interaction between Judicial Independence and HRO Shaming, given the similar coefficients. For this reason, the explanation for the marginal effect on this side of the graph is not reproduced. As visible on the right-hand side, human rights NGOs’ shaming strategy is best complemented by the adoption of a single targeted resolution directed against a government. The graph shows three peaks that represent the increase of the impact of HRO Shaming when a country-year is targeted by 1 resolution, but a decrease in the case of 2 resolutions, regardless of the level of Judicial Independence. As the number of resolutions increases, it does not lead to an increase of the positive effect that shaming has on human rights. This brings an important insight to the work of the UN Commission on Human Rights: it might not be helpful to direct more than one resolution per year to a particular government.
The results for control variables are available in all models. Models 1 to 6 show significant effects in the expected direction for all the control variables. All except the dichotomous variable *War*, which points to the right direction (negative impact of war on human rights) but is not statistically significant. Results indicate that *Democracy* is correlated with better rights, though the coefficients are quite small. This control variable seems to matter less than the other covariates, perhaps due to the relative stability in democracy scores in the sampled cases. *Population* has a consistently negative effect on *Physical Integrity Rights*, as was predicted. Again, the natural log of *GDP Per Capita* has the expected positive effect.

As explained in the methodology, a lagged dependent variable is added to the models to address the concerns that serial correlation in the errors exist, and to “account for the fact that previous repressive behaviour has consistently been found to influence later activities” (Davenport and Armstrong 2004: 544). Indeed, the *Physical Integrity Rights* score of last year is a good predictor of this year’s score, as Models 1, 2, 3, 4, 5 and 6 indicate. Although this may be true, the coefficient is no lower than 0.608 in all models: such a high coefficient signals that the other independent variables explain the change from a year to another rather than the level of *Physical Integrity Rights*. All in all, support is found across all models for the control variables’ predictions, because each covariate (except *War*) is statistically significant and in the expected direction.
As explained above, the CIRI Physical Integrity Rights Index used as dependent variable in Models 1 to 6 is not an ideal measure of human rights performance because it does not take into account the changing standard of accountability. Do the above conclusions hold when put to the same tests using another dependent variable? In order to assess whether the hypotheses also garner some support when using an alternate measure of human rights performance, Fariss’ (2014) Latent Mean serves as dependent variable in Models 7, 8 and 9. Table 3 below shows the results for these tests, in which the empirical specifications described in section 3.4 are used. Model 7 captures the same proposition as Model 1 (the baseline model), but using Latent Mean instead of Physical Integrity Rights, and Model 8 examines the raw Resolution Count instead of the Resolution binary variable, echoing Model 2. As for Model 9, it depicts the results of the equation if the conditional variable is logged, as Model 3 does. In regard to Judicial Independence in Models 7 and 8, the conditioning impact of full independence on HRO Shaming is negative and significant at the 0.001 level, on the flip side of Model 1 (positive and significant) and Model 4. Regardless of which dependent variable is used, the interactive impact of partial independence is negative and significant (Models 1, 4, 7 and 8). Meanwhile, the combination of Judicial Independence and Log (HRO Shaming) leads to a slight increase in the Latent Mean values, consistent with H1 (Model 9). It is complicated to draw definitive conclusions as to the validity of H1 in the face of such contradictory findings when relying on this alternate outcome variable.

Contrary to what has been predicted by H2, and relying on both the dummy and the count variables of UNCHR/UNHRC resolutions, Resolution and Resolution Count do not seem to influence repressive practices when interacted with shaming (see Models 7 and 8). Rather, the impact of Resolution and Resolution Count is statistically significant and in the wrong direction (negative). Notwithstanding the results found with the raw count of NGO shaming events, using the log variable does produce results that are more consistent with H2, as shown in Model 9. Using the logged HRO Shaming variable leads to quite different results than the raw count, in contrast to what other studies found: that little change came from using the alternate measure (Peterson, Murdie and Asal 2016: 9; Murdie and Peksen 2013: 42).
### Table 3: The Conditional Impact of HRO Shaming on Fariss’ Latent Mean

<table>
<thead>
<tr>
<th>Latent Mean</th>
<th>Model 7</th>
<th>Model 8</th>
<th>Model 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>HRO Shaming</td>
<td>-0.0004***</td>
<td>-0.0004***</td>
<td>-0.02**</td>
</tr>
<tr>
<td>Log (HRO Shaming)</td>
<td>(0.000)</td>
<td>(0.000)</td>
<td>(0.004)</td>
</tr>
<tr>
<td>Judicial Independence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td>-0.019**</td>
<td>-0.019**</td>
<td>-0.041*</td>
</tr>
<tr>
<td></td>
<td>(0.009)</td>
<td>(0.009)</td>
<td>(0.020)</td>
</tr>
<tr>
<td>Full</td>
<td>-0.010*</td>
<td>-0.009*</td>
<td>-0.019*</td>
</tr>
<tr>
<td></td>
<td>(0.013)</td>
<td>(0.013)</td>
<td>(0.024)</td>
</tr>
<tr>
<td>Judicial Independence X HRO Shaming</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td>-0.0005***</td>
<td>-0.0006***</td>
<td>0.005**</td>
</tr>
<tr>
<td></td>
<td>(0.000)</td>
<td>(0.000)</td>
<td>(0.005)</td>
</tr>
<tr>
<td>Full</td>
<td>-0.0006***</td>
<td>-0.0007***</td>
<td>0.0003**</td>
</tr>
<tr>
<td></td>
<td>(0.000)</td>
<td>(0.000)</td>
<td>(0.004)</td>
</tr>
<tr>
<td>Judicial Independence X Log (HRO Shaming)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Some</td>
<td></td>
<td></td>
<td>0.005**</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.005)</td>
</tr>
<tr>
<td>Full</td>
<td></td>
<td></td>
<td>0.0003**</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.004)</td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution</td>
<td>-0.014*</td>
<td>-0.058*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.020)</td>
<td>(0.040)</td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution Count</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>-0.009*</td>
<td>-0.009*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.021)</td>
<td>(0.021)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>-0.050</td>
<td>-0.050</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.077)</td>
<td>(0.077)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>-0.002</td>
<td>-0.002</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.136)</td>
<td>(0.136)</td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution X HRO Shaming</td>
<td>-0.002***</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution Count X HRO Shaming</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>-0.002***</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>-0.003**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.002)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNCHR/UNHRC Resolution X Log (HRO Shaming)</td>
<td></td>
<td></td>
<td>0.008**</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.009)</td>
</tr>
<tr>
<td>Latent Mean (lagged)</td>
<td>0.889**</td>
<td>0.889**</td>
<td>0.891**</td>
</tr>
<tr>
<td></td>
<td>(0.007)</td>
<td>(0.006)</td>
<td>(0.007)</td>
</tr>
<tr>
<td>Physical Integrity Rights</td>
<td>0.058**</td>
<td>0.058**</td>
<td>0.057**</td>
</tr>
<tr>
<td></td>
<td>(0.003)</td>
<td>(0.003)</td>
<td>(0.003)</td>
</tr>
<tr>
<td>War (Interstate or Intrastate)</td>
<td>0.044*</td>
<td>0.044*</td>
<td>0.040*</td>
</tr>
<tr>
<td></td>
<td>(0.011)</td>
<td>(0.011)</td>
<td>(0.011)</td>
</tr>
<tr>
<td>Democracy (0 to 10)</td>
<td>0.0005***</td>
<td>0.0005***</td>
<td>0.0007***</td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.001)</td>
<td>(0.001)</td>
</tr>
<tr>
<td>Population (ln)</td>
<td>0.0001**</td>
<td>-0.00007**</td>
<td>-0.002**</td>
</tr>
<tr>
<td></td>
<td>(0.003)</td>
<td>(0.003)</td>
<td>(0.003)</td>
</tr>
<tr>
<td>GDP per capita (ln)</td>
<td>0.014**</td>
<td>0.015**</td>
<td>0.012**</td>
</tr>
<tr>
<td></td>
<td>(0.003)</td>
<td>(0.003)</td>
<td>(0.003)</td>
</tr>
<tr>
<td>Intercept</td>
<td>-0.317*</td>
<td>-0.316*</td>
<td>-0.255</td>
</tr>
<tr>
<td></td>
<td>(0.049)</td>
<td>(0.049)</td>
<td>(0.052)</td>
</tr>
<tr>
<td>$R^2$</td>
<td>0.987</td>
<td>0.987</td>
<td>0.987</td>
</tr>
<tr>
<td>Number of observations</td>
<td>1,702</td>
<td>1,702</td>
<td>1,702</td>
</tr>
</tbody>
</table>

Significance: *p<0.05 ; **p<0.01 ; ***p<0.001; Standard error in brackets
Altogether, the robustness checks in Table 3 do not offer much support to the findings of the main tests, except for control variables. All are statistically significant and point in the expected direction. This is true of all covariates except for War, which seems to have a (small but) positive impact on human rights, as does Population in Model 7. A word on the lagged Latent Mean measure added to each robustness equation: a high positive coefficient (more than 0.891 for each model) that is significant at the 99% confidence level means that most of the change in the dependent variable is explained by the previous year’s human rights score. This is the case to a greater extent than for the lagged Physical Integrity Rights scores in Models 1 to 6 (which are around 0.620). The greater impact of the lagged Latent Mean variable makes sense because the Fariss (2014) data account for “hierarchical priors that allow the estimated latent respect for human rights in a country in a particular year to depend on that country’s value in the previous year”, as explained by Schnakenberg and Fariss (2014: 2).

In sum, replacing the dependent variable measure does not amplify the conditional effect of HRO Shaming on human rights performance, but instead leads to different conclusions. The robustness checks do not tell the same story that Models 1 to 6 did, but all in all, the results of the main tests remain partly consistent with the original hypotheses. Although this may be true, the impact of the interactions appears to be limited. Because of the modest support provided by the large-N regression-based approach above, it is useful to explore in greater depth whether independent judiciaries and UNCHR/UNHRC resolutions are likely to be a critical determinant of human rights performance. To solidify claims made in the large-N analysis, a small-N approach is adopted in the next section, in line with the mixed-methods research design. A broader discussion of the results follows in section 6, in the hope that the statistical findings might be seen in a new light when compared with the case study.

5. A case study: Rwanda’s post-genocide human rights practices

Whilst the statistical models used to assess the hypotheses offer some support to both H1 and H2, it is useful to conduct a case study “as a cross-check, a triangulation” of the findings (Gerring 2006: 185). The following discussion is based on the selection of a case by singling out high residuals. As outlined in the methodology, to select a case that has not been well predicted by the best-fitting statistical model, high residual cases must be identified, because “the assessment that the preliminary statistical model was not sufficiently robust or that there were not sufficient data available to test certain critical hypotheses compels the scholar to examine cases that are not explainable” by the statistical tests (Lieberman 2005: 445). To do
so, residuals are generated on the basis of Model 1, which constitutes the baseline. Residuals or error terms are simply the difference between the observed value and the predicted one. For the main test (Model 1), the mean residual over the entire sample is 0, as is always the case in regression analysis. The mean residual has a standard deviation of 1.031584, which indicates a relatively high variation. The reason for not using the absolute residual but the country mean is to obtain a mean per country instead of a non-representative country-year observation. So, considering the high variance of the coefficients (and thus how spread out the data is), the following postulations that lead to case selection must be taken with a grain of salt. In any way, it can be helpful to narrow down the statistical analysis to a case study with the aim of decreasing the level of abstraction.

With this intention, the country selected for further analysis should significantly deviate from the average residual mean, while also being the subject of minimum 1 targeted resolution during the period studied. Such a case was found in Rwanda. Its residual mean (0.354) is one of the larger ones of the sample, and it significantly deviates from the overall residual mean. From 1996 to 2002, Rwanda was also consistently and systematically targeted by a country-specific UN Commission on Human Rights resolution. No other case fits the requirements laid out in section 3.5 better, though Rwanda is far from being the most off-the-line case. The United Kingdom and Mali’s residual means culminate at a little past 1. However, those cases do not match the above conditions.

It is time to turn to the analysis of human rights practices in Rwanda. As outlined in section 3.5, the case study illustrates the argument by comparing values for each main variable used in the statistical analysis with United States Department of State (USDS) and major human rights NGOs’ yearly data. A summary of the yearly values for each variable is included in Table 6 (see Appendix) and in the visual representation displayed in Figure 3 below. The time sample (1996 to 2007) happens to represent the turbulent post-genocidal period in Rwanda. In the “thirteen weeks after April 6, 1994, at least half a million people perished in the Rwandan genocide, perhaps as many as three quarters of the Tutsi population” (Des Forges 1999: 6). On that fateful April 6, President Habyarimana’s plane was shot down, marking the beginning of the extermination launched by the Hutu majority government in place (Des Forges 1999: 10). Marked by international indifference, the genocide is still considered one of the biggest failures of the international community. The same international community that had claimed “Never again” after World War II. The government, local leaders and influential (government-run) radio stations incited to genocide and instructed people to kill Tutsis (Des Forges 1999: 25).

Although the UN, the United States, Belgium, and France were aware of the escalating tensions
before the full-blown genocide, it ended up taking place in the shockingly tight timeframe between April 7 and July 15 1994. The international community failed to act, leaving the carnage occur. “International censure, timid and tardy though it was, prompted Rwandan authorities to restrict and hide killings” during the genocide, which shows that if leaders had reacted earlier, the sheer scope and horror of the genocide might have been averted (Des Forges 1999: 26). The genocide ended when the mostly Tutsi Rwandan Patriotic Front defeated the genocidal government that was predominantly Hutu, along with its army (Des Forges 1999: 6). What is less known is that following the horrors of genocide, human rights violations did not stop in post-atrocity Rwanda. In 1996, at the beginning of the time sample, politics were dominated by the Rwandan Patriotic Front (RPF) that took power following the genocide and civil war of 1994. At the top of the leadership pyramid are a Hutu President, Pasteur Bizimungu and a Tutsi Vice President, Paul Kagame. The office of the Prime Minister went to the mostly Hutu Republican Democratic Movement (MDR) (United States Department of State 1996)\(^1\).

In terms of human rights NGOs, a wide variety of local and international groups operated without government restriction, investigating and publishing findings on human rights violations. This includes the UN Office of the High Commissioner for Human Rights (that had a field office and several branches in Rwandan territory) and NGOs like Reporters Sans Frontières and the International Committee of the Red Cross. Government officials usually cooperated and responded to HROs though journalists were reported to be harassed and threatened. HROs, diplomats and journalists had regular access to prisons. Amnesty International released a 55-page report in 1996 focusing on human rights violations in both Burundi and Rwanda. It calls for the Rwandan government to “stop arbitrary arrests and prolonged detention without charge or trial”, take “immediate measures to end the cruel, inhuman and degrading treatment and torture taking place in detention centres” and ensure “that all RPA practices which lead to the extrajudicial execution, ‘disappearance’ or ill-treatment of unarmed civilians are immediately stopped” (Amnesty International 1996: 52). Some victories were noted: the strong pressures by HRW, Amnesty, and the International Human Rights Federation (FIDH) with UNHRFOR (Human Rights Fields Operation in Rwanda) led to the release of an NGO leader that had been disappeared (Kimonyo, Twagiramungu, and Kayumba 2004: 46). But the sheer scale of violations dwarfs these small successes. Additionally, human

\(^1\) The information below has been compiled from the United States Department of State country reports on Rwanda from 1996 to 2007, unless indicated otherwise.
rights NGO shaming only made it to the international news media 3 times in 1996, as reported by Murdie’s (2014) data.

Meanwhile, the justice system that had collapsed during the genocide functioned on a severely limited basis in 1996, but only to hear non-genocide cases. The government also had little capacity to ensure due process and almost all arrests seemed arbitrary in 1996. The judiciary was put under intense pressure by the necessity to arrest genocide suspects. In the first half of 1996, 800 suspects of genocide were arrested per week, a colossal amount, given that the full population of Rwanda in 1996 was slightly superior to 6 million (World Bank 2017). The government was in the process of rebuilding the judiciary, which, though never a model of free and fair justice before the genocide, conformed even less to international standards after. Indeed, in 1993, the legal system “comprised about seven hundred judges and magistrates, of whom less than fifty had any formal legal training” (Schabas 1996: 531). Before the genocide, many attorneys, and magistrates were killed, themselves committed genocide, or fled the country, while court buildings, few and poorly equipped, were pillaged and destroyed (Des Forges 1999: 576). In consequence, the number of judges, prosecutors and courthouses was
way too small to prosecute the more than 80’000 suspects (to say nothing of the daily new arrests). Schabas (1996:529) convincingly explains the dilemma faced by the government, torn between reconciliation and impunity for the genocide:

In the name of national reconciliation, resort to amnesty by certain regimes has deprived victims of the moral satisfaction that accompanies condemnation, and has often created obstacles to appropriate compensation. Impunity has been seen, at best, as merely a perpetuation of human rights violations and, at worst, a virtual invitation to pursue them. Many societies, conscious of the importance of combating impunity, yet fearful that criminal prosecutions may only revive or perpetuate tensions, have opted for alternative approaches that are not strictly judicial, such as truth commissions. But in Rwanda, such a solution seems inappropriate, given the magnitude of the crimes and the scale upon which they were committed. The Rwandan president, Pasteur Bizimungu, highlighted the dilemma in his opening address at the Kigali conference, on October 31, 1995, when he called for innovative forms of justice while at the same time ruling out any possibility of amnesty. But is it practicable to judge some 87,000 people for genocide and related crimes, in a judicial system whose personnel have been decimated and whose material infrastructure devastated?

Adding to the international pressure, more than a million Rwandan refugees returned to the country, and among returnees were thousands of genocide suspects. The score for judicial independence is 0 according to CIRI data, which makes sense considering the above. In an effort to expedite trials, Rwanda passed a law in August to “regulate prosecutions for genocide, crimes against humanity, and other crimes committed in connection with them” and to divide the accused into four categories (Des Forges 1999: 577). It also opened the door for an even less fair judicial system, as it was “designed to elicit confessions in exchange for reduced sentences for the vast majority of those involved in the genocide” (USDS 1997).

It must be said that 1996 was also the second year since the establishment by the UN Security Council of the independent International Criminal Tribunal for Rwanda (ICTR), designed to judge people for crimes committed during the 1994 genocide (USDS 1996). The Rwandan government supported the ICTR’s creation as a member state of the Security Council in 1994, and “participated fully in the deliberations on the Statute and the negotiations leading to the adoption of Resolution 955” that established it (Akhavan 1996: 504).

Regarding the UN response to human rights violations in the country, it occurred in a number of ways. Shortly before the genocide took place, in October 1993, the Security Council established the UN Assistance Mission for Rwanda (UNAMIR) to help implement peace talks between the mainly Hutu government forces and the Tutsi-led RPF. Created with no human rights component, it became known as a complete failure, because some “of the most extreme violations of human rights” were committed “literally under UN watch” (Security Council Report 2016: 10). In 1996, after the genocide, UNAMIR was dissolved. The Special Rapporteur on the situation of human rights in Rwanda started his work around June 1994 as did the UNHHRFOR which were both established by the UNCHR (Des Forges 1999: 553). The UNCHR
passed targeted resolution 1996/76 to condemn the genocide by the Hutu-led government in 1994, but also to “not[e] with concern the findings of the Special Rapporteur and the Human Rights Field Operation in Rwanda that arrests and detentions under conditions which do not conform to international standards, summary executions, cruel, inhuman or degrading treatment, and restrictions on freedom of opinion and expression are still taking place” (UNCHR 1996). This shows that Rwanda was in the international limelight.

Because human rights practices can only be assessed the year after the independent variables are observed, this summary of 1996 repressive practices serves as a contextual overview. Serious human rights abuses were committed in 1996, by both government and security forces as well as Hutu insurgents. Firstly, extrajudicial and political killings took place. The Rwandan Patriotic Army (RPA), which constitutes with the gendarmerie the security apparatus of the government, carried out hundreds of political killings. The reason for these killings was often revenge for earlier violence, as well as security sweeps. As for Hutu insurgents, they killed to silence witnesses to the genocide. No systematic torture was reported in 1996, but a pattern of excessive use of force during arrests and interrogation emerged. Added to this, prison conditions were harsh; disease, overcrowding as well as sanitation were the main issues, with 80'000 people held in some 250 prisons in 1996. There were few reports of disappearance, some of which were the result of incommunicado detentions by state agents. Political imprisonment was rampant: almost all arrests for genocide crimes were made based on arbitrary and oral complaints, thus making them unsubstantiated accusations. Unsurprisingly then, the CIRI index for Physical Integrity Rights is a small 1, which means that there was almost no respect for human rights.

So does it look like the combined pressures of HRO naming and shaming from 1996 correlate with the human rights performance in 1997? There were only 3 instances of shaming reported in 1996 in the international media, and no judicial independence. The postulated mechanisms (H1 and H2) are likely not at play for this reason. And, the human rights performance, as be expected, did not improve.

The RPA is believed to have been too zealous in their anti-insurgent security sweeps that were conducted in reaction to mostly Hutu insurgents’ killing of Tutsi genocide survivors. The insurgents were mostly former “génocidaires” that committed the atrocities in 1994. The RPA committed a gruesome number of killings, about 6'000 in just the first half of the year, but only admitted that 200 or 300 or the victims were civilians. This number concerns solely people killed in Rwandan territory. In July, then Vice-President Kagame acknowledged in a press interview that government forces participated in the overthrow of the Mobutu regime in Zaire,
though he did not admit to the killing of refugees in Zaire. The international pressure on the judiciary, in the form of HRO naming and shaming and the UNCHR resolution, might have led to the beginning of genocide trials in late 1996. Ironically, “many who insisted the trials begin without delay then complained that the proceedings were unfair because judicial personnel were inadequately trained and essential resources were not in place” (Schabas 1996: 559).

In 1997, HROs were either more active, or their work was reported to a greater extent in the media, because shaming events increased from 3 in 1996 to 22. On more than one occasion, Human Rights Watch and the International Federation of Human Rights Leagues (FIDH) “demanded that General Paul Kagame, Vice-President and Minister of Defense, and Rwandan President Pasteur Bizimungu order an end to killings of civilians” by the RPA (Human Rights Watch 1997). In September, Amnesty International (1997) published a background report on human rights abuse in Rwanda that extensively investigated extrajudicial and arbitrary killings, disappearances, ill-treatment in prisons, and arbitrary arrests. Vice presidential spokesman “Emanuel Gasana said that the conclusions in a Human Rights Watch/Africa report about Rwandan involvement in killings in the Democratic Republic of Congo were false” (USDS 1997). This shows that the government responded to the claims made against it.

Turning now to the justice system, foreign donors had offered “considerable aid, both in funds and in training programs for judges, prosecutors, and other judicial staff” (Des Forges 1999: 576). The justice system seemed to be functioning better in 1997, with the first (long-awaited) genocide trials beginning by late December. 322 people were judged in the specialised chambers created by the new genocide law (Des Forges 1999: 579). Still, judicial independence was far from being reached: soon “after the judicial system began to function, military officers, civilian officials, and other influential people began interfering with its operations” (Des Forges 1999: 576). The CIRI data still indicates that the level of judicial independence is null in 1997.

The UNCHR (1997) passed resolution 1997/66 on the situation of human rights in Rwanda. Among others, it requested the Commission’s Chairman to appoint a Special Representative on the situation of human rights in Rwanda, whose mandate would be extended for several years. The resolution’s language conveys the Commission’s “grave concern at the deterioration in the human rights situation in Rwanda since the beginning of January 1997” such as “extrajudicial executions”, “arbitrary arrests” and “the killing of unarmed civilians” (UNCHR 1997). Although it is a targeted resolution (that passed without a vote), Rwanda “itself was allowed to draft the resolution against its own government (which, not surprisingly, substituted a weaker investigative mandate for the special UN rapporteur)” (Wheeler 1999: 96). This means that
Rwanda had a say in the content of the resolution, and managed to control its reputational effect to a certain degree.

So in 1998, some types of abuses rose a little (extrajudicial killings) or sharply (disappearances) while others diminished (killings in the northwest of the country where insurgents operated). 22 HRO shaming events made it to the international media the year preceding 1998, in addition to a resolution directed towards the government. For this reason, Hypothesis 2 garners some support, because the Physical Integrity Rights score rose from 0 to 2.

In 1998, the government became increasingly hostile to NGOs and refused to let UNHRFOR operate, which led the Mission to close down. Indeed, “immediately after the U.N. human rights field office published reports on military massacres of civilians and other abuses, the Rwandan government intensified its campaign to end the operation of the field office” (HRW 1998a). Local human rights groups did not have enough resources to work systematically. Concerning international human rights NGOs, the government was either cooperative and responsive to very few, or hostile towards others. Human Rights Watch (1998b) documented what happened in Rwanda in several news releases. Along with FIDH, HRW (1998b) “strongly condemned the decision of the Rwandan Council of Ministers to execute twenty-three persons sentenced to death for the crime of genocide”, among other naming and shaming events. Murdie (2014) counted 11 shaming events in 1998, a decrease that might be due to the government’s crackdown on NGOs.

In 1998, the judicial system was unsurprisingly still not coded as independent at all, with a score of 0. To justify the condemnation of genocide suspects’ executions, HRW and FIDH said that “[a]ny criminal system may make errors, leading to miscarriages of justice which are irreparable if a capital sentence is carried out”, and that the “likelihood of error is particularly great in the case of Rwanda where the justice system is just beginning to recover from the devastation caused by the genocide” (HRW 1998b). 22 public executions were carried out anyway, despite international opposition (USDS 1998). Although there was moderate success in the fact that the government courts judged almost 1000 people, the judiciary was still subject to extensive executive influence and corruption.

Concerning UN human rights resolutions, the UNCHR (1998) adopted resolution 1998/69 without a vote (by consensus). Actually, Rwanda sat on the Commission from 1998 to 2000, participating in the drafting of resolutions (OHCHR 2018). Resolution 1998/69 requested the High Commissioner for Human Rights to report on the work of UNHRFOR and present the results to the UNCHR. International disapproval in the form of a UNCHR resolution might not have been very effective because Rwanda could control the extent of its criticism.
In 1998, massacres resumed under the new government, leading to about 30’000 killings according to HRW’s Kenneth Roth (2011: xxv). Insurgents continued killing genocide survivors and spreading the génocidaire ideology, under the label Rwandan Liberation Army (USDS 1998). The ICRC also reported that beatings at the time of arrest by government forces were frequent, and prison conditions continued to be catastrophic, with thousands of prisoners who died from preventable causes. The sharp rise in disappearances was reported by Amnesty International (1998) in its report “The hidden violence: ‘disappearances’ and killings continue”. What did the human rights situation look like in 1999? 130’000 people were said to be imprisoned on genocide charges. Added to prison beatings, prolonged pre-trial detention and arbitrary arrest and detention were rampant, despite the launch of an anticorruption campaign. In general, the human rights situation slightly improved since 1998. There was a notable decrease in extrajudicial killings because of the success of the RPA in largely suppressing the insurgency. There were still credible reports of the RPA operating in the DRC, but those alleged killings having occurred in remote areas, reports could not be verified independently. Some disappearances were reported too. The slight improvement in human rights follows the combination of a resolution with a significant amount of shaming, which is in line with the expectations of H2.

Perhaps because of the – meagre – improvement in human rights, (as demonstrated by the CIRI score moving from 2 to 3), no HRO events were reported in the international media in 1999, even though NGOs did carry out investigations on violations. A look at HRW’s press releases in 1999 is telling: the headlines do not “condemn or “urge” or “call on” like in 1998 and focus, with decreased urgency, on justice for genocide survivors and international responsibility (HRW 1999).

This relative lack of international attention does not signify that the judiciary stopped suffering from inefficiency, executive influence, lack of resources and some corruption. The genocide trials continued at a slow pace but the government’s emphasis on relying on group trials resulted in more people being tried. This is why the judicial independence index increases from 0 to 1 in the CIRI index. It can be characterised as “partially independent”, and is thus regarded as “independent” for the purpose of testing H1.

In resolution 1999/20, the Commission “[w]elcomes the adoption by the National Assembly of Rwanda of a bill creating the National Human Rights Commission” which it encourages to “develop a plan of action for the promotion and better protection of human rights in Rwanda” (CHR 1999). Indeed, seven National Human Rights Commission (CRDH) “commissioners were elected in May 1999” and “received specialized training in human rights at the Institute
of Human Rights in Strasbourg” with support from OHCHR (Kimonyo, Twagiramungu, and Kayumba 2004: 43). In October, the CRDH organised a roundtable with, among others internationally well-known human rights organisations, UN agencies, key ministries, governmental institutions, and Rwandan NGOs to adopt a national action plan (43). To come back to the UNCHR resolution, its language is rather mixed: it commends the government in about half of the operative paragraphs, and encourages changes or condemns in half the others. For this reason, considering resolutions as a shaming instrument is problematic, as will be discussed in section 6.

In 2000, CIRI coded the Physical Integrity Rights Index as 2, whereas it had reached a 3 in 1999. A potential explanation for this relapse could be that no shaming event was recorded, so the pressure was not strong enough (neither from the domestic nor the international side) to make the government change its policy.

2000 was the year that Bizumungu resigned as President and RPF’s Paul Kagame (the former VP) was sworn in (USDS 2000). No violence followed this transition, but 17 HRO shaming events were recorded in 2000. In April 2000, both HRW (2000) and AI (2000) published extensive reports on the killings and disappearances of ordinary citizens by government authorities. In June “the Government produced point-by-point refutations to the accusations contained in the Human Rights Watch report published in April, calling into question the authors’ motives” (USDS 2000). This interesting development must be noted: the fact that the government kept responding to HROs, denying their reports and accusing them of “genocide ideology” reflects a policy change, indicating perhaps that the pressure started to take effect.

The judiciary is still coded as “partially independent” even though occasional bribery was reported, in addition to the usual lack of resources and inefficiency. 20’000 prisoners confessed since the adoption of the law that reduced sentences of those who confessed. The confessions programme was blamed for helping people who committed atrocities get away with their crimes (USDS 2000). But more than 100’000 prisoners still awaited genocide trials, and more than a thousand people died in Rwandan prisons. In 2000, an encouraging factor was the continuing work of the Anti-Corruption Commission that fought corruption in the judiciary, and suspended and dismissed magistrates and prosecutors that did not conform to new standards. Besides, over “100 judicial defenders trained by a foreign NGO began their work” (USDS 2000). Some hope began to emerge that genocide trials would be more efficiently conducted in 2000.

The UNCHR resolution 2000/21, similar to resolution 1999/20, called for the investigation of violations of human rights and international humanitarian law in Rwanda while extending the
mandate of the Special Representative on the situation of human rights in Rwanda (UNCHR 2000).

2000 saw a significant amount of negative publicity by HROs, a partially independent judiciary as well as a UNCHR resolution. It turns out that the Physical Integrity variable registers an increase from 2 in 2000 to 3 in 2001. Now, is it due to the combination of pressures from above and below as posited in the theoretical model? Regarding the first hypothesis, the combination of HRO shaming with a higher degree of judicial independence than in earlier years was indeed associated with better human rights practices. Unlike stated in H1, judicial independence was not complete, but for the purpose of the analysis, a score of 1 is considered independent enough. Improved judicial independence and the adoption of a targeted UNCHR resolution might have helped to contribute to the better human rights record in 2001.

In 2001, the first secret ballot elections at district level were held for council members, and those elections were considered generally free and fair by international observers (USDS 2001). Otherwise, the political environment remained stable since the presidential transition of 2000. The government remained hostile towards HROs and domestic human rights groups, which had close to no resources to conduct extensive human rights monitoring. In April, the government passed a law that made licenses compulsory for local NGOs to operate and that gave the government increased influence “over the staff, budget, and committee membership of NGOs” (USDS 2001). Both local and international human rights groups’ staff were harassed and intimidated, and the government interfered with their work in other ways too. This might explain the decrease in HRO shaming events in Murdie’s (2014) data from 17 in 2000 to 11 in 2001. Following a practice that started in 2000, the government maintained its virulent criticism of HRO reports.

The judiciary in 2001 was still subject to presidential influence, and impunity remained a major problem despite some arrests of soldiers for crimes committed in the DRC. The law that allowed continued pre-trial detention was amended to allow even longer detention before being tried on genocide charges, be it in conventional courts or the gacaca courts. Speaking of, the gacaca courts are an alternative justice system inspired by Rwandan tradition, which could be described as a “domestic legal experiment in which survivors, witnesses, and alleged perpetrators converge under the supervision of lay judges from local communities to determine truth and justice about the genocide” (Chakravarty 2006: 132). One of the stated goals of relying on gacaca courts was to expedite the long-pending trials of more than 100’000 detainees. This participatory justice system was vigorously criticised by HROS as being “unfair to both victims and perpetrators” (Chakravarty 2006: 135). Nonetheless, gacaca courts, by law, were mandated
to serve as the government’s “primary judicial process for adjudicating genocide cases” (USDS 2001). The pilot gacaca project began slowly, before the nationwide hearings that would start in 2006. Conventional courts tried a higher number of genocide suspects in 2001, in trials that largely met international standards, which appeared to augur change in the right direction.

Even so, government forces continued to commit extrajudicial killings in 2001, notably when fighting rekindled in the northwest between the RPA and a Hutu rebel group (Army for Liberation of Rwanda). Furthermore, Rwandan security forces committed serious human rights abuses in the DRC, where its forces were operating until at least September, even though the ceasefire commenced in March. Frequent reports emerged of the RPA killing, torturing and raping its way through the Kivu region of DRC. Even though the government admitted that repression by its forces did occur in the DRC, it claimed that these acts were committed by individuals and not the military as an institution. Disappearances also allegedly continued, as did beatings at the time of arrest and torture.

In 2001, resolution 2001/23 was passed by the UNCHR (2001). Notably much shorter than the 2000 resolution (38 operative paragraphs), the 6 operative paragraphs of the 2001 resolution end the Commission’s work in Rwanda. Indeed, the text reads: the Commission “decides to end its consideration of the situation of human rights in Rwanda” and “to end the mandate of the Special Representative” (OHCHR 2001). For obvious reasons then, it is problematic to consider such a resolution as an instance of shaming.

In 2002, most of the conditions (HRO shaming, a slightly more independent judiciary than a few years before and a resolution) were present for expecting the outcome to occur, but there was no further improvement to Physical Integrity Rights. The score remained 3 through both 2001 and 2002, reaching a plateau that one might think points to a consolidation of better practices.

In 2002, despite the apparent end of the war waged in the DRC, most human rights abuses committed by Rwandan security forces occurred in Congolese territory in 2003. There were however no reports of unlawful killings and other serious abuses, though impunity was still a big problem. In Rwandan territory, no reports of extrajudicial killings by the Rwandan Defence Forces (the RPA’s new name) were reported. Except disappearances, not many human rights abuses were reported. Detainees are thought to have been treated more humanely.

Turning now to HRO naming and shaming, 2002 was a better year for human rights groups (USDS 2002). There is no proof that the police prevented NGO meetings, but some local NGO staff were imprisoned during the course of 2002. For this reason, perhaps, an increase in HRO naming and shaming events (17) can be seen in Murdie’s (2014) dataset. Among the most
memorable accusation is HRW’s Kenneth Roth and Alison Des Forges (2002) paper in the Boston Review entitled “Justice or Therapy?”, that heavily condemned the gacaca system: they “protest that ‘gacaca courts’ — no longer community-based conflict-resolution mechanisms, but parts of a centrally-organized state initiative — put the investigative power of the state at the service of the prosecution while prohibiting legal assistance for the accused”. Even though not all HROs criticised the gacaca system according to Chakravarty (2006: 132), it was at the centre of most condemnations, instead of actual human rights violations.

In terms of judicial independence, it was still far from being attained (USDS 2002). But the courts were finally beginning to function rather normally with the help of the international community and the Anti-Corruption Commission, after years of catastrophic inefficiency. The first gacaca local courts began operating in July, with the accused taken to villages to allow citizens to “make complaints against them or to confirm that there was no reason to detain them” (USDS 2002).

From 2002 onwards until the end of the selected period, the UNCHR did not issue any resolutions targeted against the government of Rwanda. Nor did the United Nations Human Rights Council, created in 2006 to replace the UNCHR. This means that no assessment can be made concerning the expectations of Hypothesis 2 for the Rwandan case from 2002 to 2007.

With 17 shaming events and a partially independent court, it is expected that the first hypothesis would be somewhat supported in 2003, considering the amount of pressure exercised on the government. Yet poorer government respect for human rights is registered in 2003 than in 2002, with a score of 2 on the Physical Integrity Rights Index. Consistent with H2, such a score could be explained by the disengagement of the Human Rights Commission, which ceased to examine the situation of human rights in Rwanda from 2002 onwards. Although the CHR seemed to move on, preventable prison deaths continued, at least one instance of torture and fresh violations were reported. Unlike previous years, there were reports of politically motivated disappearances, and a frequent use of arbitrary arrest and detention when individuals expressed dissenting views. This occurred especially ahead of the July presidential campaign.

Under these circumstances of increased repression, it makes sense that 2003 witnessed a high (indeed the highest in the sample) number of HRO shaming events (25). Unlike in previous years, the government did not systematically respond to HRO accusations, but the Rwandan Supreme Court did issue a justification of its use of gacaca courts directed to Amnesty International (see Meyerstein 2007 for extensive account). Human Rights Watch was also heavily criticised by the government through its state radio (USDS 2003).
On the political front, Paul Kagame’s strong presidency was reinforced in 2003 by marred elections and a new Constitution. On the judicial front, the government changed the procedure to monitor *gacaca* trials, which rendered the work of HROs monitoring this process even more difficult. Another serious impediment to justice was the security forces’ unilateral decision to refuse to release prisoners, ignoring court decisions and governmental authority. The courts were still considered “partially independent” according to CIRI data.

The significant number of HRO shaming events in 2003 could be expected to lead to improved rights if combined with an independent judiciary. However, judicial independence is still not attained in Rwanda. The fact that the Physical Integrity Rights Index remains at 2 in 2004 therefore does not completely challenge the expectations of H1. The low score could also potentially be justified by the lack of resolutions targeting the government.

With reference to international criticism, the government did not provide replies to HRO reports in 2004 (USDS 2004). There were also numerous reports of security forces beating, harassing and threatening political dissidents, journalists and NGO staff members, meaning that the environment was still not conducive to extensive human rights monitoring. The government started to rely on a new strategy to discredit local NGOs such as the influential Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR). It consisted in accusing certain Rwandan NGOs of supporting genocide ideology (or divisionism), and effectively dismantling dissenting civil society organisations. The second half of 2004 witnessed the near disappearance of independent human rights monitoring from the inside of the country. International NGOs were not spared: the government drafted a new law to manage HROs – among others, – but the proposal did not include the compromises made during negotiations with the government and “was widely seen as an attack on international NGOs” (USDS 2004). Despite the calls by HROs to allow for freedom of expression and association and the condemnation for other human rights abuses (HRW 2004a), naming and shaming of the Rwandan authorities did not make it to the international news media in 2004, according to Murdie’s dataset (2014).

In reference to the judiciary, it is tricky to judge its independence due to it being operational only in November and December 2004. Indeed, the first ten months of the year were spent in judicial reforms, court restructuring and improving judges’ qualifications. Rwanda is estimated to have had less than 100 lawyers by the end of the year. Added to this, the widely publicised trial of former President Bizimungu did not meet international standards, as it was neither fair nor impartial. Genocide trials did not live up to expectations either: HRW (2004b) and AI (2004) both published reports on the weaknesses of the Rwandan legal system that prevented
the investigation and prosecution of sexual violence against women during the genocide. All in all, the justice system left a lot to be desired.

The significant improvement in the Physical Integrity Rights Index is remarkable, leaping from 2 in 2004 to 4 in 2005. Why did Cingranelli and Richards (2014) code the human rights performance of Rwanda as 4 (the biggest score since the first year of the sample) in 2005? First of all, no political killings were reported in 2005, even though some extrajudicial killings, torture and other abuses were committed by Rwandan forces in the DRC. In addition, no politically motivated disappearances were denounced. Some torture was reported by local NGOs, but it was impossible to confirm those findings. Overcrowding in prisons was slightly eased by the release of more than 20’000 prisoners. There was some progress in the effective control by government authorities of the security forces, that acted independently less frequently than previous years. A small number of political prisoners (including former President Bizimungu) was still incarcerated. But overall, compared to the previous years examined, abusive practices did decline. However, human rights conditions improved in the absence of any of the conditions postulated in the hypotheses.

Moving on to international attention, it was still difficult for local NGOs to monitor government practices, considering the “divisionist” accusations they faced (USDS 2005). Either NGOs resorted to self-censorship, or they faced strong pressures from the government to comply. LIPRODHOR was particularly targeted by the government because of its ties with the international community, which trusted its reports. Once again though, whether by media fatigue or other, no media reported HRO shaming, even though HROs and other NGOs such as Freedom House continued to monitor rights issues in Rwanda.

At the domestic level, the court system made an effort to expedite genocide trials through the gacaca system. There was some significant progress towards increased independence, even though some problems remained, such as the important roles of the ministers of justice and finance in defining the judicial budget. In brief, judicial reforms were successful in increasing independence. On the gacaca side, some concerns were voiced because the trials did not accomplish the double goal of justice and reconciliation due to their unfairness. The exchange of confessions against reduced sentences or access to family members became widespread; this worrying policy left room for false confessions and accusations. Since the law was adopted, almost 100’000 people had confessed.

In a context of zero shaming events and some judicial independence (1), the Physical Integrity Rights Index remains stable at 4 in 2006. There were no political killings reported by the RDF, but some prisoners were killed and wounded due to excessive use of force by the police. There
were no reports of politically motivated disappearances within the country. The sheer number of confessions led to fresh arrests due to the large number of individuals newly accused and consequently to increased prison overcrowding.

The judicial system demonstrated enhanced independence, ruling increasingly against the executive branch and releasing some political prisoners, while also conducting investigations into judicial corruption. The dismissal of judges for abuse of office or corruption was also a good sign of increased independence. More troubling, there were reports of some government interference with gacaca cases, with attempts by officials to influence judges. Speaking of, gacaca hearings officially began nationwide, after the pilot project was conducted from 2004 onwards, with its share of violence such as threats against genocide witnesses. But overall, it is hard to understand why the CIRI data coded 2006 as having absolutely no judicial independence. It is indeed one of the first years in which executive influence was contained.

In terms of HRO advocacy, the government remained suspicious of local and international human rights monitors. Whereas HROs appear to have been active in advocating against state repression, there is only one shaming event captured in the data. HRW (2006) released a 13-page paper “Swept Away: Street Children Illegally Detained in Kigali, Rwanda” accused Rwandan authorities of illegally detaining people (most notably children) in an official detention centre called Gikondo. This pressure led the government to close the centre. Based on allegations of spreading genocide ideology, the parliament recommended to ban 5 NGOs and called for action against HROs operating in Rwanda: HROs “such as Human Rights Watch and Amnesty International, expressed serious concern that these decisions were based on overly broad interpretations of the law, vague allegations, and insubstantial research” (Freedom House 2006). During “a session of the UN Human Rights Council, the International Federation for Human Rights and the World Organization Against Torture, two international NGOs that work frequently with domestic NGOs in the country, alleged that the government used various legal restrictions to ‘control’ NGOs” (USDS 2006). Speaking of, the UN Commission on Human Rights was replaced by the UN Human Rights Council in 2006, in an attempt to generate a less politicised and criticised body. It did not issue a resolution against Rwanda in 2006.

The highest level of respect for physical integrity rights from the selected sample is recorded in 2007: the score of 5 is not far from 8, which stands for full respect for the 4 types of physical integrity rights. However, this increase does not conform with the expectations of H1, because permissive conditions (significant HRO shaming combined with judicial independence and/or UNHRC resolution) were not present. Let us look into the situation in 2007 in greater detail.
No political killings were reported but extrajudicial killings seem to have been carried out by government forces. No politically motivated disappearances are thought to have occurred. There was a sharp decrease in reports of torture and abuse of detainees and prisoners by police officers or prison officials. However, in its 2007 report “‘There Will Be No Trial’: Police Killings of Detainees and the Imposition of Collective Punishments”, HRW (2007) reports that the new collective punishment policy resulted in “administrators impos[ing] fines or even beatin[g] on citizens who had not been tried but were held responsible for alleged offenses because they had the misfortune to live near the scene of the crime”. Furthermore, security forces arrested and detained people arbitrarily and without due process (USDS 2007).

Marking a break from earlier HRO attempts to attract negative public attention, some good news were reported: “Amnesty International today welcomed the promulgation of legislation by Rwanda to abolish the death penalty” (Amnesty International 2007). The relationship between the government and human rights NGOs improved slightly, as demonstrated by the lack of “divisionism” accusations by the authorities (USDS 2007). Only 3 shaming events by HROs made it to the media.

The judiciary operated, in most cases, without government interference. Sometimes, there were constraints on judicial independence, primarily in gacaca cases. A new law adopted in March doubled the number of gacaca courts from 1545 to 3000, which was supposed to reduce the number of judges sitting on each case. The fact that gacaca judges were neither professionals nor qualified was a reason to worry. A good development was the improved effort by the government to prevent the killings of genocide witnesses and survivors. In April, President Kagame pardoned former President Bizimungu, a political prisoner, who was consequently released. Because year 2008 is not included in the sample, the effect of the three independent variables cannot be examined. Next, this case study is analysed in light of both the results of the regression analysis and the theoretical model.

6. Discussion

Let us examine the evidence gathered above from a spiral model perspective. At first glance, adopting this 5-phase angle to Rwanda’s history of human rights seems contrived. Speaking of the events surrounding the 1994 genocide, Straus and Walford (2011: 16) assess that the “Rwandan case casts some doubt on teleological models of political transitions and human rights norm diffusion” of Risse, Ropp and Sikkink (1999). They add that that “Rwanda is not transitioning towards democracy despite efforts by donors and nongovernmental organizations” (Straus and Walford 2011: 16). What about the findings of this paper?
An attempt at somewhat forcefully fitting post-genocide Rwanda into the spiral model might be helpful to understand why the underlying hypotheses of the theoretical framework do not completely match the data. It is hard to imagine a repression more extreme than that of genocide, but post-atrocity Rwanda was extremely coercive as well, in what can be considered phase 1, “repression and activation of network” (according to Risse and Sikkink 1999: 22). Violations were a result of the militaristic government’s lack of tolerance for political dissent, mixed with retaliation for the acts of the génocidaires. It also fits the expectations of phase 2, “denial”, which occurs after the norm-violating state has been put on the international agenda as a result of the work of the transnational networks (Risse and Sikkink 1999: 22). Indeed, governments “which publicly deny the validity of international human rights norms as interference in internal affairs, are at least implicitly aware that they face a problem in terms of their international reputation” (Risse and Sikkink 1999: 22-3). This is exactly what the RPF government did in 1999 and 2001, by responding to HROs in written form, most notably to HRW’s denunciation of killings in the DRC.

But the most challenging transition, for the transnational human rights network, is the one from the second to the third phase (Risse and Sikkink 1999: 24). The “cosmetic changes” made to “pacify international criticism” involved in phase 3 entitled “tactical concessions” have several different manifestations (Risse and Sikkink 1999: 24). For instance, the creation of a National Commission for Human Rights (NCHR) in 1999 and the release of prisoners in 2005 are examples of such concessions made in reaction to international criticism (USDS 1999; 2005). The NCHR, which shows the willingness of the leadership to “talk the talk”, did intervene in some cases of human rights violations, on behalf of citizens (USDS 2000), but was mostly on the government’s side. A notable example is the NCHR’s production in 2003 of “only one communiqué before the election period, in which it severely criticized the pre-election report of HRW” (USDS 2003). In another type of cosmetic change, releasing some 22’000 prisoners due to overcrowding in 2005 only led to their re-arrest in 2006, after being accused of additional crimes (USDS 2006). So such concessions are indeed tactical, and serve as window dressing to continue to commit serious abuses. What occurred in Rwanda is a continued backlash on activists, journalists and human rights movements, instead of an opened political space and a better respect for physical integrity. Moreover, what emanates from the analysis is that domestic organisations, which are supposed to play a crucial role in phase 2, were not outspoken enough due to the threats linked to noncompliance with the government. The conciliatory tone of NGOs domestically did not prevent international HROs from monitoring and shaming the state, but
this was not enough to build an efficient opposition coalition, as Risse and Sikkink (1999: 26) suggest it should. This is why there was no significant pressure from below.

On the other hand, why was there, as the spiral model calls for, no pressure from above? There is no indication in the period ranging from 1996 to 2007, that any movement from phase 3 to phase 4 (“prescriptive status”) materialised. Nowhere does the data betray the indication that “a process which began for instrumental reasons, with arguments being used merely rhetorically, increasingly becomes a true dialogue over specific human rights allegations in the target state”, steps that should occur in the “later stages” of phase 4 (Risse and Sikkink 1999: 29). As a result, the fifth phase of the spiral model is never attained either, as this involves “rule-consistent behaviour” (Risse and Sikkink 1999: 31). In sum, if the spiral model may have started in Rwanda, the sampled years do not witness a full realisation of its phases.

Why is the spiral model not fully applicable to the case study, and what is the role of HROs in this outcome? As a reminder, Murdie and Davis’ (2012: 2) vision of HROs’ role is threefold, the first being “to put issues on the international community’s agenda”. Human rights NGOs did put it on the agenda, because the situation in the country was reported in the media, and the UN human rights body did condemn the violations. This corresponds to phase 2 of the spiral model, and it appears that HROs managed to play their role rather successfully. However, the second role of HROs has not been fulfilled: “to assist domestic advocacy groups in their own struggle against repression” (Murdie and Davis 2012: 2). There is no indication that domestic human rights groups, though silenced and intimidated, received consistent aid from HROs. The third role that Murdie and Davis (2012: 2) attribute to HROs is “to push other states and intergovernmental organizations to join in advocacy attempts”. What might be missing here for the spiral to take full effect is the lack of influential states naming and shaming the human rights violator state. Guilt for failure to act during the genocide might be to blame, as explained below.

The analysis of post-genocidal Rwanda has shown that its process of human rights change does not match the linear progress described in the five phases of the spiral model. The fact that Rwanda was subjected to international human rights campaigns did not make the government change its practices consistently in the long run. It must not be forgotten that the spiral model is flexible: “not every country will necessarily go through each phase, and the length of time in which states go through these phases will be dependent on the strength of the opposition, human rights networks and the state itself” (Pace 1999: 10). However, in a time span of 12 years, even though some real improvement is noted in the compliance with human rights norms, the three phases (repression, denial, concessions) seem to occur either simultaneously, or without a clear chronological order. Rwanda’s trajectory is, however, not a challenge to the spiral model of
norm diffusion and transmission. Indeed, even though the case study shows that repressive methods do not change linearly, a look at the CIRI Physical Integrity Rights Index score of Rwanda over the years comprising the sample reveals an overall clear improvement from 1996 (1) to 2007 (5).

Such a change in the direction of better rights does not mean that the causal link posited in the theoretical section is accurate. Even though a range of control variables were added to the analysis, there exists a risk of endogeneity when examining the postulated causal mechanisms. A justification must now be attempted of why the explanatory model detailed in the theorising section does not entirely fit Rwanda’s case study but also the statistical analysis conducted on the entire sample in section 4. There are numerous reasons that may be invoked for such an outcome.

First, the hypothesis on judicial independence (H1) finds some support across Models 1, 2, 3, 4 and 9 (though not Models 7 and 8), which are to some degree supported by the case study. In Rwanda’s case, the value for Judicial Independence alternates between 0 and 1, which does not allow for much accuracy in the interpretation of H1. As explained above, the analysis does not conform faithfully to the terms of the hypothesis, because full judicial independence is a condition for shaming to influence the outcome, but Rwanda only attains partial judicial independence in the sampled years. Such a compromise was made to illustrate the argument in greater depth in concordance with the case selection method described in section 3.5.

Second, in the case of Rwanda, certain inconsistencies in both the data used for the case study and the dataset collected by Murdie (2014) must be reported. A look at Figure 3 suffices to bring doubt to the coding method used for the variable HRO Shaming. For instance, how is it possible that NGOs are cited zero times in the media in 1999 and then 17 times a year later, in 2000? Also, Murdie’s (2014) data only reflect shaming events that were actually reported in the international media, so whatever does not make it to the page is not expected to make a difference. HROs did manage to put issues on the international community’s agenda: the 110 times that they targeted Rwanda in the media in the course of the sample speaks for itself. All the same, it has been shown that global publicity is not consistently followed by more nor less repression: it is therefore difficult to draw definitive conclusions concerning the effect that such a spotlight has on government action.

Third, an unexpected and important insight can be derived from the regression analysis concerning the unconditional impact of HRO Shaming. Shaming does seem to have an impact by itself, even though the direction of this impact is not clear-cut. This calls into question the
claim by Murdie and Davis (2012: 4), as well as the assumption made in the introduction of this paper, that human rights NGO advocacy only works conditionally.

Fourth, even though a higher number of resolutions adopted per year was not expected to influence the outcome to a greater extent, it was not predicted to have a deteriorating effect on human rights either. Figure 2 graphically illustrates the following finding: 1 resolution interacted with shaming appears to slightly strengthen the positive impact of HRO Shaming on human rights. Being targeted by 2 resolutions, on the other hand, is associated with a greater level of repression.

Last, the combined impact of the two types of international pressures (HROs and UNCHR/UNHRC resolutions) were actually closely linked, as was posited by Hypothesis 2, in the case of Rwanda. An indication that this connection can be made, if ever so slightly, is that the UNCHR referred to the NGOs and vice-versa in their working methods. Within the UNCHR resolutions, RES/1999/20 and RES/2000/21 both encourage Rwanda to seek the cooperation of governments, the UNCHR and NGOs to provide an “agreed framework of cooperation, financial and technical support necessary for the reconstruction of human rights infrastructure generally and the effective functioning of the National Human Rights Commission in particular”. The additive effect is quite clear when comparing some years that combine HRO shaming and a resolution (1997, 1998, 2000), which have a better record, versus years that do not (1996, 1999). A single year does not point in that direction (2001), but because the human rights score remains stable (as opposed to declining), the evidence points to some support for H2. As a reminder, the resolution issued in 2001 was a procedural resolution which simply decided for the UN Human Rights Commission to stop considering the issue of Rwanda (UNCHR 2001). For this reason, it cannot be regarded as a resolution that targeted the government with shaming intentions.

Importantly, the large-N regression analysis also supports H2 to some extent, so this finding demonstrates the interest of supplementing statistical analysis with a case study. Models 1, 2, 5 and 6 (though not the tests using the alternate dependent variable) seem to point in this direction. In any event, the coefficients are very small, which may be explained partly by the fact that UNCHR/UNHRC resolutions do not always shame governments. For instance, resolution 2001/23 showed how useful a case study could be, providing proof that some UNCHR resolutions can even contain positive language praising the government for bettering human rights practices (UNCHR 2001). Indeed, it contains terms like “takes note with great satisfaction” or “profound appreciation” and ends its consideration of the Rwandan case (UNCHR 2001). Consequently, the regression analysis does not differentiate between those
resolutions that shame countries and those that either praise or contain procedural provisions. Due to the merging of all resolutions under the same label of “shaming”, the results of the analysis may therefore be biased. Inasmuch as the case study reveals that the aim of some resolutions is not to shame governments, a more careful analysis of this particular type of pressure is required to draw conclusions about their impact. For instance, UNCHR/UNHRC resolutions could be coded by differentiating, for instance, the ones that explicitly condemn certain types of repressive behaviour by the state from those that end their consideration of a country situation.

In addition, in the selected case, Rwandan delegates sat on the UNCHR from 1998 to 2000, shaping the language of the resolutions directed against its own government. Can international shaming really be as efficient if the state is involved in the redaction of the text criticising its very own government? The text of the resolutions passed from 1998 to 2000 is indeed not only moderately incriminating for the government, referring more extensively to justice for genocide victims than violations that occurred during Rwanda’s membership in the UNCHR. The simple fact to have a resolution passed against a country might consequently not be enough to shame it into compliance with human rights norms.

A valuable extension of the argument presented here would be to include a variable capturing the shaming of international donors that support norm-violating countries. Murdie and Davis (2012: 12-13), relying on levels of foreign aid and foreign direct assistance, find that economic vulnerability has no conditional impact on repression. But to our knowledge, such a quantitative database detailing international criticism towards donors disregarding human rights abuses in the recipient country does not exist. Even though international aid is not one of the variables studied in this paper, the fact that donors were not consistently shamed by HROs for giving enormous amounts of aid to Rwanda might have something to do with media coverage. Most HRO reports did not directly urge foreign governments to rethink their funding, opting instead most frequently for descriptive accounts like this HRW (2000) report:

Despite unresolved questions about massive killings of civilians in the Congo and in northwestern Rwanda and its continuing poor human rights record, the Rwandan government enjoys substantial international support. During 1999, about 45 percent of its budget was paid for by foreign aid. The World Bank, the United Kingdom, and the Netherlands continue to be major donors, and Austria, Denmark and Norway have all indicated their intention to increase aid to Rwanda. . . Although U.S. officials insist that they show no special favor to Kigali, their continued military assistance program, though small, and their silence about human rights issues suggest continued tolerance for the unsatisfactory performance of the Rwandan government.

Zorbas (2011: 106) agrees that Rwanda’s independence “vis-à-vis its top donors is inextricably linked to the genocide” because of the guilt elicited among major Western donors. Future
research might be needed to understand the consequences of what could be called “secondary shaming” of donors by HROs for providing unconditioned aid.

What else could have strengthened the explanatory effect of the theoretical propositions? In methodological terms, the data collected by Murdie (2014) do not allow to identify important parameters about the instances of naming and shaming by HROs cited in Reuters news such as the intensity and importance of the criticism. Indeed, the aggregate nature of the HRO Shaming dataset makes it impossible to know whether human rights advocacy made the front page or was relegated to a sentence. Whether the NGOs’ reports and press releases referred to and cited in the case study are the same as the ones gathered by Murdie and Davis (2012) also remains a mystery. Indeed, the case study on Rwanda relies on reports and press releases from prominent HROs, but there is no way of knowing whether Murdie (2014) counted those reports and releases as instance of shaming. In sum, the causal link between HRO Shaming and Physical Integrity is hard to establish with certainty, but both the statistical tests and the case study do carry some hope for the interactions posited in the hypotheses.

7. Conclusion

This paper has sought to identify the conditional determinants of human rights improvement. More precisely, it was argued that the naming and shaming activities of international human rights NGOs (HROs) would likely lead to greater respect for human rights, when combined with either judicial independence or UN Human Rights Commission/Human Rights Council resolutions. The broad explanatory model adopted in this study to tackle the research question is the “spiral model” of Risse, Ropp and Sikkink (1999). Two hypotheses were derived from this constructivist approach, which stipulates that states targeted by transnational advocacy networks are expected to progress towards respect for human rights by evolving through five phases (repression, denial, tactical concessions, prescriptive status, and rule-consistent behaviour). Following Murdie and Davis (2012), it was assumed that naming and shaming by HROs alone cannot account for changes in states’ human rights policy for the better: it must be combined with other factors.

Two hypotheses were postulated, starting from the assumption that for HROs to influence the outcome, some form of institutionalised pressure would be necessary. The rationale for this assumption originates in the lack of institutionalisation of NGOs, that yield limited influence in the global community because they miss economic and political levers, especially at the UN where states reign supreme. However, the comparative advantage of NGOs (as opposed to states) is their highly credible information. Accordingly, an interaction between naming and
shaming by HROs with both domestic and international pressures was thought to be a combination that would push the human rights agenda forward.

The first hypothesis expected human rights NGO naming and shaming, when coupled with judicial independence, to be associated with better human rights practices. This hypothesis was derived from the prediction of the spiral model according to which domestic level pressures facilitate HROs’ shaming campaigns. Because judicial independence has been linked to better physical integrity rights in several studies (Powell and Staton 2009, Simmons 2009, Hill and Jones 2014), but has never been tested in interaction with HRO shaming, H1 has sought to prove that the combination of both types of pressure leads to human rights protection.

The second hypothesis was derived from the fact that both HROs and the UNCHR/UNHRC bring state terror to the international spotlight, using different shaming methods. The UNCHR/UNHRC relies on targeted resolutions to formally condemn certain states’ behaviours. In other words, the raison d’être of this UN body is to shame governments into compliance with human rights norms. Hence, H2 assumes that the impact of human rights NGO naming and shaming, when coupled with targeted UNCHR/UNHRC resolutions, will be associated with better human rights practices.

First, to test the hypotheses put forward, a large-N regression analysis was conducted. Second, on the basis of the residuals obtained from the baseline Model 1, a single case – Rwanda – was selected for further analysis through a case study. In terms of statistical findings, the first hypothesis was modestly supported: the impact of HROs naming and shaming, when coupled with judicial independence, was indeed associated with slightly improved human rights practices. The case study analysis of post-genocide Rwanda has contributed to draw the conclusion that the judiciary (which alternates between not independent and partially independent), when combined with HRO naming and shaming, does influence human rights performance to some degree. Therefore, the first interaction (H1) is cautiously assumed to hold.

The results of the regression analysis also account for the second hypothesis to a certain extent. The combined pressures of human rights NGO shaming and UNCHR/UNHRC resolutions have a small positive effect on repression, the coefficients being small but significant in most cases. An interesting – and potentially disturbing insight, – is that 2 resolutions are followed by worsened human rights practices. The case study of Rwanda solidified those claims, because UNCHR/UNHRC resolutions combined with significant HRO shaming were often followed by enhanced respect for human rights. In brief, Hypothesis 2 is also carefully confirmed.

Even though results are partly in line with the spiral model and the broader transnational human rights advocacy networks, and thus reach towards the constructivist approach of norm-
internalisation, both combinations (H1 and H2) do not yield satisfyingly clear-cut results in the pattern laid out by the theoretical framework. Nonetheless, these findings still bring two important insights. First, contrary to what has been claimed by Murdie and Davis (2012), human rights NGO shaming alone does seem to influence human rights practices by itself, even though the direction (positive or negative) of this unconditional impact is not clear-cut. Second, targeting a state with a single resolution appears to slightly strengthen the positive impact of HRO Shaming on human rights, while two resolutions seem to increase repression a little. These puzzling discoveries open up avenues for future research on the influence of HRO shaming and of UN human rights resolutions on actual practices.

The interplay between HRO shaming and other explanatory factors can also be further investigated in a number of ways. In the present paper, the human rights environment of a country has mostly been viewed via either a micro (country-level) or macro (the international community) lens, but it could also include regional elements. The United Nations is regarded as a key player in this paper, but other institutionalised organisations like the African Union or the European Union could play a potent role in reducing state terror. A future study could examine ways that regional organisations shame states into compliance with human rights norms, in combination with the work of human rights NGOs. Another path to explore the conditional impact of HRO shaming would be to incorporate donor country shaming into the analyses. Silence about repression and continued support by donor states can be interpreted as permissiveness from their part. It would be interesting to find out whether norm-violating countries supported by international donors are sensitive to naming and shaming if those donors become targeted by negative HRO reports.
8. References


http://www.ohchr.org/EN/HRBodies/CHR/Pages/Membership.aspx [accessed 5 May 2018].


### 9. Appendix

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*Table 4: Countries Included in the Analysis*
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*Table 5: Descriptive statistics*

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*Table 6: Time Series Plot of Main Variables*