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Abstract
National human rights institutions, defined as domestic but globally legitimated agencies charged with promoting and protecting human rights, have emerged worldwide. This article examines the effect of these organizations on two kinds of human rights outcomes: physical integrity rights and civil and political rights. We analyze cross-national longitudinal data using regression models that account for the endogeneity of organizational formation. Our first main finding is that all types of human rights institutions improve long-term physical integrity outcomes but not civil and political rights practices. This finding may reflect a greater worldwide focus on physical integrity violations such as torture, and also many countries’ propensity to resist Western civil and political rights standards. A second main finding is that time matters: in the cases we observe, initial increases in rated abuse levels were followed by improvements. These initial increases may be due to closer scrutiny or the expanded scope of what constitutes human rights abuses. Our results call for rethinking the concept of decoupling in the sociology of human rights and other focal areas.

Keywords
human rights, information paradox, decoupling

The concept of “decoupling” is frequently invoked by sociologists and other social scientists to describe situations in which formal policies or structures are disconnected from substantive practices (Bromley and Powell 2012). According to institutional theorists, decoupling reflects the external construction and constitution of social actors (Meyer et al. 1997; Meyer and Rowan 1977). Organizations, including nation-states as organizations writ large, derive their core features from the institutional environments in which they are embedded, rather than from internal conditions or task demands. They enact externally institutionalized models and scripts but often fail to translate these into practice. At the global level of analysis, decoupling appears frequently in the literature on international human rights. Human rights norms have become so highly legitimated that it is nearly impossible for countries, even abusive ones, to reject them (Hafner-Burton, Tsutsui, and Meyer 2008). One consequence is that repressive countries routinely join, but rarely implement, human rights treaties (Clark 2010; Hafner-Burton and Tsutsui 2005, 2007).

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In this article, we rethink decoupling by examining the effect of a different human rights innovation: government-sponsored national human rights institutions (NHRIs). These institutions serve “to embed international norms in local structures” (Cardenas 2003:24) and represent important receptor sites (Frank, Camp, and Bouchet 2010; Frank, Hironaka, and Schofer 2000) in the diffusion and implementation of global human rights norms. In studying NHRI effects we consider variation in outputs as well as inputs—whether some practices change more readily than others, and whether particular types of organizations are more effective than others. We focus on two core sets of rights: physical integrity rights such as freedom from torture, extrajudicial killing, and arbitrary imprisonment, and civil and political rights such as the right to vote and freedom of speech, assembly, and religion. We also explore dynamic processes by analyzing the nonlinear effects of NHRIs over time.

We arrive at three main conclusions. First, the effect of NHRIs is stronger for physical integrity abuses than for civil and political rights violations. We suggest that physical integrity rights have become highly institutionalized in global human rights discourse, whereas civil and political rights remain more contested. Second, these effects are not straightforwardly linear. The effect of NHRIs on physical integrity outcomes is negative in the short term but becomes positive over time. The initial increase in physical integrity violations may be due to a spotlight effect, because NHRIs increase the likelihood that existing abuses will be detected and reported. NHRIs may also help expand the scope of what constitutes human rights abuses, giving rise to “new” violations. Finally, NHRI effects are substantively uniform across organizational subtypes, despite differences in form and function. The effectiveness of NHRIIs therefore depends on the nature of the rights targeted for improvement, rather than specific organizational attributes. We explore some of the potential mechanisms driving these effects with illustrative case studies of NHRIs in two countries, Indonesia and Argentina.

Our analysis departs in important ways from existing studies of the international human rights regime. Research examining effects of international human rights treaties, for example, typically attributes decoupling to the properties of treaties themselves. Hafner-Burton and colleagues (2008) argued that decoupling is endemic to human rights treaty regimes due to their weak monitoring and enforcement mechanisms. Building on this insight, Cole (2012) found that treaties with stronger monitoring provisions evince higher levels of compliance. In contrast, we conclude that stronger human rights institutions are no more or less effective than their weaker counterparts. Rather, we show that the efficacy of NHRIIs is shaped by the substance of different rights outcomes, not organizational structures and powers. Existing studies of human rights treaty effects have not adjudicated between outputs and inputs in this manner, either because they analyze the effect of multiple treaties on one outcome (e.g., Hafner-Burton and Tsutsui 2005) or because they match specific outcomes to each individual treaty (e.g., Cole 2012). In contrast, we analyze the effect of the same organizations on different outcomes, which allows us to determine whether some rights practices change more readily than others.

Studies of human rights treaties also depict their effects as static or straightforwardly linear. Analysts either compare countries’ practices before and after ratification (Cole 2012; Keith 1999; Neumayer 2005; Simmons 2009) or treat the effect of ratification as a linear and unidirectional function of time (Hafner-Burton and Tsutsui 2005, 2007; Hathaway 2002). We find, in contrast, that decoupling is a dynamic temporal process. Although NHRIIs and physical integrity rights outcomes are initially decoupled from one another, they become more tightly coupled over time.

Our focus on substantive outcomes and temporal processes draws attention away from the organizational characteristics of NHRIIs and toward a global institutional environment that privileges some human rights over others. Moreover, our findings challenge
standard interpretations of decoupling as a product of mere window dressing or willful duplicity, and instead emphasize the conditions under which decoupling is more or less likely to occur.

SITUATING NHRI\textsc{s} IN THE LITERATURE

NHRI\textsc{s} emerged in nineteenth-century Europe to investigate alleged instances of government maladministration, but they expanded rapidly—and also acquired an explicit human rights mandate—over the past four decades. They have been defined alternately as “domestic non-judicial institution[s] for the implementation of international human rights law” (Reif 2004:2) and as “statutory bodies . . . set up either under an act of parliament, the constitution, or by decree with specific powers and a mandate to promote and protect human rights” (Smith 2006:909).

All NHRI\textsc{s}, however defined, share some common attributes and purposes. In 1994, the United Nations adopted a set of principles—the Paris Principles—that defined the basic features of NHRI\textsc{s} and specified their core functions. Among other things, the Paris Principles invest NHRI\textsc{s} with the responsibility to

1. issue “opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights” (United Nations 1994: para. 3[a]);
2. promote the “harmonization of national legislation, regulation and practices with the international human rights instruments to which the State is a party” (United Nations 1994: para. 3[b]);
3. contribute to reports submitted by governments to human rights treaty bodies; and
4. educate people about human rights.

NHRI\textsc{s} of all stripes therefore bear responsibility for monitoring and publicizing countries’ human rights practices, encouraging governments to comply with human rights obligations, and raising citizens’ awareness of their internationally protected human rights.

Compared with ratification of human rights treaties, Koo and Ramirez (2009:1322) surmised that the formation of NHRI\textsc{s} “involves more elaborate efforts in changing national legal structures” and, as a consequence, “may bring human rights standards closer to home than ratification of a treaty.” Although this claim has not yet been subjected to empirical scrutiny, human rights treaty effects have been extensively studied. We take as our point of departure the burgeoning empirical literature on the effects of these treaties.

Initial studies evaluating the impact of international human rights treaties on country-level practices concluded they were ineffective at best and counterproductive at worst. The decision to ratify these treaties is largely unrelated to states’ human rights practices (Cole 2005; Goodliffe and Hawkins 2006; Hathaway 2002, 2007; Vreeland 2008; Wotipka and Tsutsui 2008). In turn, treaty effects are frequently null or even negative, sometimes resulting in greater levels of repression and abuse than before a country ratified the treaty (Clark 2010; Hafner-Burton and Tsutsui 2005, 2007; Vreeland 2008; Keith 1999). Such pessimistic findings led Hafner-Burton and Tsutsui (2005) to conclude that human rights treaties are radically decoupled from their intended outcomes.

To interpret this escalation in abuses, some scholars emphasize that treaty ratification confers important symbolic and reputational benefits irrespective of implementation. According to this view, disingenuous ratification is an exercise in legitimation made possible by weak enforcement mechanisms (Hafner-Burton et al. 2008; Hathaway 2003). Recent work exploring the conditional effects of human rights treaties gives reason for cautious optimism. A handful of studies show that internal enforcement and external monitoring, in particular, enhance human rights treaty effects. When governments are held accountable by judicial or democratic institutions, they are more likely to comply...
with their treaty obligations (Hathaway 2002; Landman 2005; Neumayer 2005; Powell and Staton 2009; Simmons 2009). Human rights treaties are also more effective when compliance is monitored and abuses are reported. Optional treaty-based procedures that allow individuals or other states to complain about treaty violations are associated with better practices (Cole 2012). Similarly, countries with dense linkages to international nongovernmental organizations (INGOs) experience better human rights outcomes (Hafner-Burton and Tsutsui 2005; Neumayer 2005). INGOs play an important role in monitoring and publicizing human rights abuses, bringing pressure to bear on abusers, and mobilizing victims to defend their rights (Keck and Sikkink 1998). In short, although human rights treaties, by themselves, have been impotent to effect meaningful change in human rights practices, they are somewhat more effective when leveraged by domestic and international actors such as voters, lawyers, and INGOs (Simmons 2009).

If internal and external accountability mechanisms enhance the efficacy of international human rights treaties, we suspect that domestic human rights institutions should have an even greater impact on countries’ practices. We base this expectation on the principle of subsidiarity. “One of the fundamental tenets of the international protection of human rights,” according to Jhabvala (1984:176), “is that they have to be implemented domestically, through local institutions.” Likewise, Simmons (2009:377) avers that “domestic supervision is of far greater and more enduring significance for the promotion and protection of human rights than external machinery.” Because NHRIs perform monitoring and enforcement functions that exceed those of even the most closely monitored international human rights treaties, we suspect they will have a stronger impact on human rights outcomes.

We also suspect, however, that the benefits of NHRI formation may not be immediately realized. According to the information paradox, countries that embrace human rights standards are more likely to have their abuses highlighted precisely because of more intensive scrutiny efforts, giving the short-term appearance of worsening practices (Clark and Sikkink 2010; Hafner-Burton 2008; Keck and Sikkink 1998). Others suggest that countries’ practices simply take time to catch up with new standards (Lim and Tsutsui 2012; Schofer and Hironaka 2005). Capacities for implementing human rights standards may be slow to develop. Initial decoupling need not be intentional or nefarious; in the long run, these scholars expect to find a positive association between human rights developments and outcomes.

NHRIs also have different structures, missions, and capacities, which could enhance or impede their effectiveness. We consider these differences and hypothesize their possible effects on human rights outcomes. We also theorize the effect of NHRIs on different human rights outcomes and suggest reasons to expect these effects will vary over time.

THEORIZING THE EFFECTIVENESS OF NHRIs

Types of NHRIs

NHRIs come in three basic varieties: classical ombudsmen (COs), human rights commissions (HRCs), and human rights ombudsmen (HROs). Figure 1 plots the cumulative number of these institutions over time. By 2004, nearly 180 NHRIs had been established in 133 countries, of which 82 were COs, 70 were HRCs, and 25 were HROs.

One view on the effectiveness of NHRIs holds that they will improve human rights outcomes regardless of their particular typological characteristics. All NHRIs monitor government practices, link domestic publics to the international human rights community, and foster a human rights culture that can serve as a “prophylactic” against abuses (Blau and Moncada 2007:369). Perhaps more important, the very existence of an NHRI plays a symbolic role in legitimizing and institutionalizing human rights norms, and...
this function does not depend on any precise set of organizational capacities or structural characteristics. For these reasons, we pose the following hypothesis:

**Hypothesis 1**: NHRIs of all subtypes will improve human rights outcomes.

Another view suggests that NHRIs will be differentially effective based on their distinct missions, mandates, and capacities. Institutional subtypes differ with respect to (1) the timing of their emergence, which can influence organizational capacity and effectiveness; (2) substantive focus, as some NHRIs are invested with an explicit mandate to preserve and protect human rights while others are not; and (3) structural capacity, because some organizations enjoy stronger powers than others.

The classical ombudsman model, which emerged in Scandinavia during the early 1800s, is typically a single-member office whose mission is to hold government bureaucracies accountable by monitoring their practices and receiving complaints from victims of public maladministration. Most COs enjoy relatively strong powers to investigate and, in some cases, prosecute instances of government malfeasance. They typically command the authority to access government documents and “compel witnesses, including government officials, to provide information” (Centre for Human Rights 1995:8). Being the oldest type of NHRI may also enhance the effectiveness of COs, given that “as organizations age, they learn from experience and improve their capabilities” (Le Mens, Han-nan, and Pólos 2011:97). Unlike their counterparts, however, COs were not established with an explicit human rights mandate, although many have acquired one over time (Reif 2004). For example, Sweden’s classical ombudsman office—the first of its kind, established in 1809—was given jurisdiction over human rights in 1974 (Pegram 2010; Reif 2004). Nevertheless, COs that gain a human rights mission in addition to their existing responsibilities may be less effective than NHRIs with an exclusive human rights mandate.

Human rights commissions, a more recent development, first appeared in the 1970s. They have been established in a wide variety of countries, both democratic and autocratic, but they are especially prevalent in Commonwealth member states (Pegram 2010; Reif 2000, 2004). HRCs are multi-member organizations with an explicit and exclusive charge to defend human rights. This substantive

![Figure 1. Number of National Human Rights Institutions, 1965 to 2004](image-url)

*Note: CO = classical ombudsmen; HRC = human rights commissions; HRO = human rights ombudsmen.*
mandate may render HRCs more effective than COs. At the same time, HRCs generally assume an advisory rather than an investigatory role, making them especially popular among abusive countries seeking to feign support for human rights (Pegram 2010; Reif 2000, 2004). For this reason, HRCs may be less effective than COs.

The final category of NHRIs, human rights ombudsmen, emerged in the late-twentieth century, as countries in southern Europe, Latin America, and the former Soviet bloc transitioned to democracy (Reif 2000, 2004). HROs represent hybrid organizations that infuse the classical ombudsmen model with a human rights focus. As such, HROs are structurally comparable to COs and generally enjoy the same investigatory powers, but they share with HRCs an explicit mandate to protect and promote human rights. Nevertheless, as the newest type of NHRI, HROs may have the least developed capacity, perhaps rendering them less effective than their better-established counterparts. (HROs have also had less time to exert their effects on governmental practices.)

These differences in age, mandate, and powers among NHRIs may influence their effectiveness. We therefore consider an alternative hypothesis:

**Hypothesis 2:** Some NHRIs will be more effective than others based on (1) the length of time each form has been in existence and characteristics such as (2) substantive mandate (whether the human rights focus is explicit) and (3) structural capacities (the power to investigate government wrongdoing).

If the organizational effectiveness that comes with age is important, then COs will be more effective than HROs and HRCs. Alternatively, if an explicit charter to protect and promote human rights is essential, then HROs and HRCs will be more effective than COs. Finally, if the power to investigate is key, then classical and human rights ombudsmen will be more effective than HRCs.

**Rights Domains**

In addition to differences among NHRIs, some practices may be more amenable to change than others. We focus on two categories of rights. The first pertains to physical integrity: the right not to be physically harmed or arbitrarily imprisoned by government officials or their agents. The other category is civil and political rights: sets of rights and liberties that empower citizens to participate in government and civic life. These provisions include freedom of speech, assembly, movement, and religion, as well as the right to vote.

The right of individuals to be free from torture—and to be free in their persons more generally—is fundamental, unambiguous, and absolute (Lutz and Sikkink 2000). States are legally authorized to suspend civil and political rights during periods of national emergency or crisis, but the torture prohibition is, in legal theory at least, non-derogable (Hafner-Burton, Helfer, and Fariss 2011). Under no circumstances are states legitimately permitted to violate individuals’ physical integrity rights.

Because physical integrity rights are regarded as inviolable, their abuse is especially likely to draw ire from the international community. Indeed, international human rights watchdogs such as Amnesty International have historically focused more intently on physical integrity abuses than on civil and political rights violations (Clark 2001). Given this focus, we might therefore expect NHRIs to have the greatest impact on physical integrity abuses.

Whereas physical integrity rights represent a highly institutionalized domain in international human rights law, civil and political rights are often interpreted as fundamentally Western in character. Unlike the universally sanctioned rights to life and freedom from physical harm, culturally based resistance to civil and political rights is commonplace. Turner (2006:9) emphasizes “the common ground that unites individuals in an existential context of shared experiences of pain and
humiliation,” and contends that the general “need for ontological security provides a strong moral argument against cultural relativism.” Rights to personal security and physical integrity, in other words, are regarded as essential and universal in ways that civil and political rights are not.

Tensions surrounding the 1993 World Conference on Human Rights demonstrate the nature and scope of cultural opposition to human rights norms. In preparatory meetings for the conference, “many Asian and African governments [sought] to redefine human rights away from political and civil rights” (Riding 1993). Western notions of individual liberty and democracy, they argued, do not comport with non-Western values emphasizing order, community, and deference to authority. Islamic countries also privilege physical integrity rights over civil and political rights, at least rhetorically. The Cairo Declaration on Human Rights in Islam, adopted in 1990, recognizes the “God-given” rights to life and safety from bodily harm, but it does not mention such basic rights as freedom of speech, assembly, and religion or the right to vote. Widespread inattention to or outright rejection of civil and political rights in large portions of the world may limit the effectiveness of NHRIs in these domains.

The bottom line is that few countries regard torture and other physical integrity violations as justifiable on cultural or religious grounds. Rather, when human rights are criticized for suffering from a Western bias, civil and political rights are at the center of the critique. Whether due to the principled inviolability of physical integrity rights or widespread cultural opposition to civil and political rights, we offer the following hypothesis:

Hypothesis 3: NHRIs will have a stronger effect on physical integrity violations than on civil and political rights abuses.  

Temporal Dynamics

We further posit that NHRIs will have a positive effect on rights outcomes over time, even if their initial effects are negative. Any process or institution that raises awareness of wrongdoing, when first introduced, can make it appear as though rates of wrongdoing are on the rise—and, moreover, that the process or institution itself is responsible for that increase. In addition to spotlight effects, whereby existing abuses become more likely to be detected and reported, abuses can also be redefined, interpreted, and recategorized in expansive ways. Take, for example, implementation of sexual harassment and discrimination policies in the workplace. New grievance procedures, expanded definitions of wrongdoing, and the introduction of sensitivity training gave the impression of increased violations, at least initially (Dobbin 2009). What really happened, of course, is that previously unnoticed or undefined behaviors were now labeled, reported, publicized, and addressed. In similar fashion, police reports of rape increased following legal reforms that broadened definitions of sexual assault to encompass nonconsensual sex within marriages and coerced nonvaginal sex acts (Frank, Hardinge, and Wosick-Correa 2009). These reforms did not, by themselves, increase incidences of rape; rather, they elevated the number of reported rapes, in part by redefining what constitutes rape.

Keck and Sikkink (1998) refer to this phenomenon as the information paradox. They found that subjective assessments of a country’s human rights practices worsen, even if objective practices remain constant, when changing conditions make it more likely that violations will be observed and reported. These perverse information effects are especially likely when advocacy networks become active in a country, as was the case with the women’s rights movement:

Prior to the campaign on violence against women very little data was available on the incidence of domestic abuse, female genital mutilation, or other kinds of gender-based violence. As a tool in the campaign, and as a by-product of it, networks began to help generate more
reliable data. But by doing so they sometimes create the impression that the incidence of violence against women has increased, because there is now better reporting of the practice. (Keck and Sikkink 1998:194)

Because of this dynamic, Keck and Sikkink (1998:195) warned that “the problem may at least appear to get worse before it gets better.” Advocacy networks can give the impression of exacerbating the very problems they seek to mitigate, at least in the short run.

We suspect that establishment of NHRIs will similarly heighten awareness of human rights abuses and thus increase the likelihood that infractions will be detected. NHRIs, after all, are charged with monitoring, investigating, and reporting government abuses. Rated levels of abuse may therefore increase in the years immediately following establishment of an NHRI, precisely because existing abuses are more likely to be spotlighted. Over time, however, NHRIs may begin to have their intended effects on state behaviors.

Some rights violations seem more susceptible to information paradoxes than others. Physical integrity abuses such as torture, extrajudicial killing, and political imprisonment leave behind physical evidence in the form of scarred, lifeless, or detained bodies, making these violations relatively easy to detect. Although disappearances, by definition, do not leave evidence, they can nevertheless be quantified. The measure of physical integrity rights we employed in our analysis, discussed below, rates countries according to the frequency of different violations. In contrast, civil and political rights are less objective and therefore more difficult to measure. The index we used relies on qualitative assessments rather than quantitative enumerations; restrictions on religious freedoms, for example, are rated “severe,” “moderate,” or “practically absent” (Cingranelli and Richards 2008:33). Because physical integrity abuses can be more readily observed and cataloged, they may also be more susceptible to biases arising from the information paradox.

The greater subjectivity of civil and political rights may also render NHRIs less effective in particular cultural contexts. What constitutes a violation of speech freedoms in a Western society may be overlooked in, say, Southeast Asian countries, where interpretations of the freedom of speech tend to be more circumscribed (Bauer and Bell 1999). Finally, it is also possible that NHRIs place demands on governments that cannot be immediately realized. Such was the case with globally promulgated environmental policies. According to Schofer and Hironaka (2005), development of stringent environmental protection standards outpaced countries’ capacity to implement them, even though conditions often drifted toward improvement over time. Likewise, it may simply take time for governments to implement human rights standards after adopting an NHRI (Cardenas 2003). Longer-standing NHRIs, such as COs, may not experience this problem as acutely as younger organizations.

DATA AND METHOD
To analyze the effect of NHRIs on country-level human rights practices, we compiled data on up to 143 countries between 1981 and 2004, based on availability.

Dependent Variables
We analyzed two measures of human rights practices—physical integrity rights and civil/political rights—from Cingranelli and Richards’s (2008, 2010) Human Rights Dataset. These measures, available from 1981 onward, were coded from the U.S. Department of State’s Country Reports on Human Rights Practices and Amnesty International’s Annual Report. The physical integrity rights index comprises four indicators: torture, extrajudicial killing, political imprisonment, and disappearances. Each component was scored 0, 1, or 2 based on whether there were 50 or more, 1 to 49, or zero reported incidents, respectively, in a given year. These scores were summed to
create an index ranging from 0 to 8. The civil and political rights index ranges from 0 to 10 and summarizes respect for civil liberties and political rights: the freedoms of assembly, speech, religion, and domestic movement; the right to participate in free and fair elections; and workers’ rights. As noted, this measure is based on qualitative rather than quantitative assessments of countries’ practices. For both indices, higher scores correspond to increased levels of rights protection.

Our use of these human rights measures allows us to examine the effect of NHRIs on different rights outcomes, which is a core focus of our analysis. Other common human rights measures, such as the Political Terror Scale (Wood and Gibney 2010), cover the same practices as the physical integrity index but do not account for civil and political rights.

**Independent Variables**

Our independent variables count the number of years since a country established each of three kinds of NHRIs: classical ombudsman, human rights commissions, and human rights ombudsmen. This operationalization assumes that NHRIs will have a stronger effect on practices as time elapses, based on the notion that the “effort to protect human rights . . . may be seen as an extreme case of time lag between undertaking and performance” (Chayes and Chayes 1993:197; Hathaway [2002] offers a similar logic vis-à-vis human rights treaty membership). In some analyses, we also included squared terms to explore nonlinear temporal effects.

When examining the effect of COs on human rights outcomes, we restricted our analysis to countries that established a CO after the start of our observation period in 1981. Doing so places COs on an equal footing with HROs and HRCs in terms of exposure—the amount of time each form has had to exert an effect on human rights behaviors—and it also removes first movers that may differ systematically from earlier adopters.

**METHOD**

To obtain valid estimates for the effect of NHRIs, we employed methodological techniques that account for the endogeneity of organizational formation. Countries do not adopt NHRIs at random, and each subtype of NHRI tends to cluster in different kinds of countries: COs in stable democracies; HROs in transitioning democracies; and HRCs in a variety of regimes, but especially in Commonwealth nations (Cardenas 2003; Carver 2004; Koo and Ramirez 2009; Smith 2006). Countries with favorable human rights practices also establish NHRIs at higher rates (Koo and Ramirez 2009), precisely because it is relatively costless for them to do so. Alternatively, countries with unfavorable practices may establish NHRIs as a form of window dressing, to gain legitimacy or deflect criticism. Failure to account for systematic variation in the factors that predict the formation of NHRIs can lead to biased estimates of their subsequent effects. We therefore used two-stage least-squares regression with instrumental variables. The models take the following form:

\[
Y_{it} = \beta_0 + \beta_1 Y_{i,t-1} + \beta_2 X_{i,t-1} + \beta_3 NHRI_{ij,t-1} + \epsilon \quad (1)
\]

and

\[
NHRI_{ij,t-1} = \gamma_0 + \gamma_1 X_{i,t-2} + \gamma_2 Y_{i,t-2} + \gamma_3 Z_{i,t-2} + \nu, \quad (2)
\]

where \( i, j, \) and \( t \) represent countries, types of national human rights institutions (COs, HROs, HRCs), and years, respectively; \( Y \) is the human rights outcome of interest (physical integrity or civil/political rights); \( X \) is a matrix of control variables, described below; \( NHRI \) is an endogenous variable counting the number of years since country \( i \) established institution \( j; Z \) is a vector of instrumental variables; \( \beta \) and \( \gamma \) are regression coefficients; and \( \epsilon \) and \( \nu \) are error terms. Note that both equations include a lagged dependent variable. In Equation 1, this variable adjusts for autocorrelation and models changes in countries’ human rights practices;
in Equation 2, it accounts for the possibility that NHRI adoptions are endogenous to a country’s human rights record (i.e., that respect for human rights is both a cause and a consequence of NHRI establishment).

We instrumented NHRI adoptions using the following variables: yearly tallies of worldwide NHRI densities, to model demonstration effects and diffusion processes; a count of countries’ ratification of six core human rights treaties, to gauge their rhetorical support for international human rights; dummy variables for years in which U.N.-sponsored NHRI workshops were held, to tap the effect of socialization processes associated with global meetings; a dummy variable for Western countries; and variables that model duration dependence (years at-risk of establishing an NHRI and three cubic splines), as suggested by Beck, Katz, and Tucker (1998; see also Simmons 2009; Simmons and Hopkins 2005).

Control Variables

Our analyses control for a number of variables shown to affect human rights practices. All of the following variables are lagged by one year in our models.

Democracy and democratization. We controlled for levels of and change in democracy, which reduces human rights abuse (Davenport 1999; Hafner-Burton and Tsutsui 2005; Henderson 1991; Poe, Tate, and Keith 1999). We included a measure of democracy from the Polity IV database (Marshall and Jaggers 2007) that ranges from −10 (most autocratic) to 10 (most democratic). Using this measure we computed a change score based on annual deviations in a country’s rating. Positive values imply democratization from one year to the next; negative values suggest movement toward autocracy; and null values represent regime stability.

Communism and the Cold War. Among autocratic countries, Poe and colleagues (1999) argued that Marxist-Leninist regimes were most likely to be repressive. Although they found little support for this claim, we nevertheless included a dummy variable for communist regimes (Easterly 2001). If nothing else, this variable adjusts for alleged anti-communist biases in the State Department–based human rights measures (Poe, Carey, and Vazquez 2001). We also controlled for the seismic world-historical shift in political and economic conditions after the Cold War with a dummy variable coded 1 prior to 1991. Cingranelli and Richards (1999) found that the collapse of global communism triggered a worldwide wave of democratization and economic integration that led to increased respect for human rights.

Economic development and integration. Economic development, democracy, and human rights are strongly linked (Bollen and Jackman 1985; Kurzman, Werum, and Burkhart 2002), making it important to control for a country’s gross domestic product (GDP) per capita in constant 2000 U.S. dollars (World Bank 2008). In addition, a variable measuring trade as a proportion of GDP gauges the extent of a country’s trade openness, which is often associated with better rights conditions (Blanton and Blanton 2009; Richards, Gelleny, and Sacko 2001).

Civil war. Studies have established a reliable link between internal conflict and state repression (Hafner-Burton and Tsutsui 2005; Hironaka 2005; Keith 1999; Poe et al. 1999). A dummy variable from the Correlates of War Project (Sarkees 2000) indicates whether a country was involved in a civil war during a given year.

Population pressures. Population size increases the potential for repression due to greater levels of instability and competition for scarce resources (Hafner-Burton and Tsutsui 2005, 2007; Henderson 1993; Keith 1999; Mitchell and McCormick 1988; Poe et al. 1999). Population size also controls for a simple law of probability: the more people in a country, the more opportunities for abuse
(Henderson 1993). We therefore included a measure of (logged) population from the World Bank (2008).

Civil society linkages. The number of linkages a country has to INGOs often correlates with better human rights practices, although scholars have theorized different mechanisms for this relationship. Some argue that INGOs affect states via the diffusion of norms (Hafner-Burton and Tsutsui 2005). Others conclude that the INGO effect operates through citizens via mobilization dynamics (Risse, Ropp, and Sikkink 1999: Simmons 2009). Either way, it remains important to partial out the effect. Data on INGO linkages, defined as the total number of INGOs that count at least one citizen or domestic organization as a member, came from the Union of International Associations (various years).

Information paradox. Given our interest in information paradoxes that might occur when NHRIs amplify perceptions of abuse, we adjusted our estimates for similar paradoxes arising from other quarters by computing a name-and-shame index (Hafner-Burton 2008). This index sums the standardized scores of four variables, each measured annually: media reporting of human rights abuses in (1) The Economist and (2) Newsweek (Ramos, Ron, and Thoms 2007); (3) Amnesty International press releases targeting a country’s human rights abuses (Ron, Ramos, and Rodgers 2005); and (4) U.N. Commission on Human Rights resolutions condemning a country’s human rights performance (Lebovic and Voeten 2006).

Human rights treaty membership. Finally, recent work shows that countries making deep optional commitments to international human rights treaties experience improved human rights practices (Cole 2012). States’ acceptance of interstate and individual complaints mechanisms under the Convention against Torture (CAT) and the Covenant on Civil and Political Rights (CCPR), in particular, enhances the effectiveness of these treaties. To test whether NHRIs influence human rights outcomes over and above treaty effects, we included dummy variables for countries that undertook these optional commitments. In keeping with Cole (2012), we matched treaties to their respective outcomes (the CAT with physical integrity rights and the CCPR with civil and political rights).

Cole (2012) and others (Landman 2005; Simmons 2009; von Stein 2005) argue that treaty membership is often endogenous to countries’ human rights practices. These researchers adjust their results accordingly using the same two-stage models we employ in our analysis. Unfortunately, these models do not allow us to account simultaneously for endogeneity in both NHRI formation and treaty ratification, so we were forced to adopt another strategy. Our approach, following Wooldridge (2003), proceeds in two stages. First, we estimated binary logistic regression models analyzing whether (1) or not (0) countries acceded to interstate or individual complaints procedures under the CAT and CCPR, based on specifications reported in Cole (2012). We then derived predicted scores gauging a country’s overall propensity to make these optional commitments and included these scores as additional control variables. The predicted scores indicate whether countries with a greater or lesser propensity to join human rights treaties differ systematically with respect to their human rights outcomes.

FINDINGS

Tables 1 and 2 present estimates for the effect of NHRI subtypes—classical ombudsmen (post-1980), human rights ombudsmen, and human rights commissions—on respect for physical integrity rights (Table 1) and civil and political rights (Table 2). We report two models for each type of NHRI: the first evaluates the linear effect of years since establishment on human rights outcomes; the second adds a squared term to assess nonlinear effects. The statistically insignificant coefficient on COs in Model 1 of Table 1 shows
Table 1. Two-Stage Least-Squares Estimates for the Effect of Classical Ombudsmen, Human Rights Ombudsmen, and Human Rights Commissions on Physical Integrity Rights Scores, 1981 to 2004

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<th>Human Rights Ombudsmen</th>
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<td>(2)</td>
<td>(3)</td>
</tr>
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<td>-0.214**</td>
<td></td>
</tr>
<tr>
<td></td>
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<td>(.075)</td>
<td></td>
</tr>
<tr>
<td>Years since first CO</td>
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</tr>
<tr>
<td>Years since first CO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRO</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical integrity rights (lagged)</td>
<td>.606***</td>
<td>.612***</td>
<td>.607***</td>
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<tr>
<td></td>
<td>(.018)</td>
<td>(.019)</td>
<td>(.016)</td>
</tr>
<tr>
<td>Democracy/autocracy</td>
<td>.031***</td>
<td>.032***</td>
<td>.028***</td>
</tr>
<tr>
<td></td>
<td>(.005)</td>
<td>(.006)</td>
<td>(.005)</td>
</tr>
<tr>
<td>Democratization/autocratization</td>
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<td>.015</td>
<td>.012</td>
</tr>
<tr>
<td></td>
<td>(.015)</td>
<td>(.017)</td>
<td>(.014)</td>
</tr>
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<td>INGO linkages (ln)</td>
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<td>-0.50</td>
</tr>
<tr>
<td></td>
<td>(.052)</td>
<td>(.057)</td>
<td>(.049)</td>
</tr>
<tr>
<td>GDP per capita (ln)</td>
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<td>.149***</td>
<td>.183***</td>
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<td></td>
<td>(.009)</td>
<td>(.034)</td>
<td>(.026)</td>
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<td>Trade openness</td>
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<td>.001</td>
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<td></td>
<td>(.001)</td>
<td>(.001)</td>
<td>(.001)</td>
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<td>Population size (ln)</td>
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<td>-0.173***</td>
<td>-0.162***</td>
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<td></td>
<td>(.009)</td>
<td>(.032)</td>
<td>(.027)</td>
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<tr>
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<td>.493***</td>
<td>.543***</td>
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<tr>
<td></td>
<td>(.163)</td>
<td>(.176)</td>
<td>(.159)</td>
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<tr>
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<td>-.790***</td>
<td>-.749***</td>
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<td>(.103)</td>
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<td>(.095)</td>
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<td>Cold War</td>
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<td>.111</td>
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<td></td>
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<td>(.072)</td>
<td>(.060)</td>
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<td>Name-and-shame index</td>
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<td>-0.038**</td>
<td>-0.054***</td>
</tr>
<tr>
<td></td>
<td>(.012)</td>
<td>(.012)</td>
<td>(.011)</td>
</tr>
<tr>
<td>CAT interstate complaints (1 = yes)</td>
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<td>.462</td>
<td>.196</td>
</tr>
<tr>
<td></td>
<td>(.473)</td>
<td>(.517)</td>
<td>(.435)</td>
</tr>
<tr>
<td>Pr(CAT interstate complaints)</td>
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<td>.469</td>
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<tr>
<td></td>
<td>(.576)</td>
<td>(.623)</td>
<td>(.515)</td>
</tr>
<tr>
<td>CAT individual complaints (1 = yes)</td>
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<td>-.413</td>
<td>-.195</td>
</tr>
<tr>
<td></td>
<td>(.470)</td>
<td>(.515)</td>
<td>(.435)</td>
</tr>
<tr>
<td>Pr(CAT individual complaints)</td>
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<td>-.231</td>
<td>-.342</td>
</tr>
<tr>
<td></td>
<td>(.574)</td>
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<td>(.515)</td>
</tr>
<tr>
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<td>4.004***</td>
<td>3.303***</td>
</tr>
<tr>
<td></td>
<td>(.450)</td>
<td>(.538)</td>
<td>(.416)</td>
</tr>
</tbody>
</table>

Note: Standard errors in parentheses.
*Restricted to COs established after 1980.
*p < .05; **p < .01; ***p < .001 (two-tailed tests).
these organizations are not associated with linear improvements in physical integrity rights scores, but Model 2, which adds a squared term, reveals a significant curvilinear trend. The negative linear coefficient points to a short-term reduction in physical integrity rights scores, but the positive coefficient on the squared term indicates a longer-term salutary effect. The point of inflection, calculated by dividing the coefficient of the linear term by \(-2\) times the value of the squared term’s coefficient, identifies the point at which the effect changes direction. According to Model 2, COs established since 1980 began to improve physical integrity rights scores after approximately five years in existence \((-0.214/[-2 \times 0.021] = 5.09)\).

Effects of HRCs and HROs on physical integrity rights follow a very similar curvilinear pattern. Models 3 and 5 show that these organizational forms are not linearly associated with physical integrity rights, but Models 4 and 6 demonstrate significant non-monotonic effects. Although physical integrity rights abuses worsened in the years immediately following establishment of an HRC or HRO, these trends became positive after nearly five years for HRCs (Model 4: \(-0.164/[-2 \times 0.017] = 4.82\)) and four years for HROs (Model 6: \(-0.485/[-2 \times 0.058] = 4.18\)).

Apart from these NHRI measures, the effects of most control variables are consistent with previous studies. Degree of democracy and level of development correlate with better physical integrity rights practices. Coefficient estimates for communism were also slightly positive. It may be that credible threat of repression obviates the actual deployment of repressive tactics in these regimes (Davenport 2007; Poe et al. 1999). Three additional variables—civil war, population size, and the name-and-shame index—were associated with significantly lower physical integrity rights scores. The negative effect of the name-and-shame index suggests that increased scrutiny by the media and external watchdogs may “infect” evaluations of human rights practices by biasing them downward.9

Table 1 further shows that deep membership in the Convention against Torture (CAT) does not significantly affect countries’ physical integrity outcomes, over and above effects of NHRIs. (Estimates of the probability of each mode of treaty membership were also insignificant, indicating that endogeneity bias is not a problem.) Optional commitments designed to enhance the CAT’s monitoring capabilities do not improve human rights practices in our analysis (cf. Cole 2012), suggesting that national institutions are indeed more effective than international treaties in promoting, protecting, and monitoring human rights. This finding supports the principle of subsidiarity.

To facilitate interpretation of these results, Figure 2 plots the effect of different types of NHRIs on physical integrity rights scores over time while holding control variables constant at their mean values. COs and HRCs follow remarkably similar trends, with scores dipping slightly but then rebounding after approximately five years. The trend for HROs is also curvilinear but more pronounced. Rights scores plummeted more than one full point (on a nine-point scale) during the first four years after an HRO was established, only to increase sharply thereafter. This condensed pattern may reflect the relative newness of HROs: although the effect of these organizations is similar to HRCs and COs, they have operated over a shorter time frame.

Turning to Table 2, we find that NHRIs have much weaker effects on respect for civil and political rights. Indeed, none of the organizational subtypes—post-1980 COs, HRCs, or HROs—were significantly related to civil and political rights outcomes, but several control variables posted significant effects. As with physical integrity rights, democracy had a positive effect on civil and political rights, whereas effects of population size, civil war, and the name-and-shame index were generally negative. Civil and political rights scores also increased as a function of democratization in some models and were higher during the Cold War than after. Our measures of global integration had contradictory effects on civil and political rights: the
impact of INGO linkages (indicating global-institutional embeddedness) was significantly positive, while that of trade openness (indicating economic integration) was significantly negative. Finally, countries accepting interstate and individual complaints procedures under the Covenant on Civil and Political Rights (CCPR) did not differ systematically from other countries with respect to their civil and political rights scores.  

On the basis of this evidence, we found partial support for Hypothesis 1, which predicted that all NHRIIs regardless of subtype would improve human rights scores. Effects of different types of NHRIIs were similar with respect to both rights outcomes: U-shaped—and hence ultimately positive—for physical integrity rights, but statistically null for civil and political rights. We did not find support for Hypothesis 2, which predicted differential effects based on the particular mandates and capacities of each type of NHRI, at least when analyses controlled for each form’s time in existence.  

We also found support for Hypothesis 3: the effect of NHRIIs was stronger for physical integrity rights outcomes than for civil and political rights outcomes. Indeed, NHRI effects were completely absent for rated civil and political rights scores.  

### DYNAMIC EFFECTS: A SEARCH FOR MECHANISMS

To explore the causal mechanisms driving the curvilinear effect of NHRIIs on physical integrity rights outcomes, we examined two cases: Indonesia and Argentina. Panel A in Figure 3 plots physical integrity rights scores against the number of years since the formation in 1993 of an HRC in Indonesia and an HRO in Argentina. Both cases follow the U-shaped trend we observed in our quantitative analysis of NHRI effects. For comparison, Panel B in Figure 3 plots civil and political rights scores for the same countries. In Argentina, these scores remained constant at nine (indicating favorable practices) except for the first two

<table>
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<th>Human Rights Ombudsmen</th>
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<td>(7)</td>
<td>(8)</td>
<td>(9)</td>
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<td>Years since first CO</td>
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</tr>
<tr>
<td></td>
<td>(.012)</td>
<td>(.083)</td>
<td>(.011)</td>
</tr>
<tr>
<td>Years since first CO squared</td>
<td>.005</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>(.008)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRC</td>
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<td>—</td>
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<tr>
<td></td>
<td>(.011)</td>
<td>(.071)</td>
<td>(.007)</td>
</tr>
<tr>
<td>Years since first HRC squared</td>
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<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>(.007)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Years since first HRO</td>
<td>—</td>
<td>—</td>
<td>.018</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(.019)</td>
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<td>Civil and political rights (lagged)</td>
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<tr>
<td></td>
<td>(.016)</td>
<td>(.016)</td>
<td>(.015)</td>
</tr>
<tr>
<td>Democracy/autocracy</td>
<td>.087***</td>
<td>.088***</td>
<td>.085***</td>
</tr>
<tr>
<td></td>
<td>(.007)</td>
<td>(.008)</td>
<td>(.007)</td>
</tr>
<tr>
<td>Democratization/autocratization</td>
<td>.026</td>
<td>.034*</td>
<td>.034*</td>
</tr>
<tr>
<td></td>
<td>(.016)</td>
<td>(.016)</td>
<td>(.015)</td>
</tr>
<tr>
<td>INGO linkages (ln)</td>
<td>.155*</td>
<td>.154*</td>
<td>.166**</td>
</tr>
<tr>
<td></td>
<td>(.061)</td>
<td>(.061)</td>
<td>(.056)</td>
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<tr>
<td>GDP per capita (ln)</td>
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<td>−.033</td>
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<tr>
<td></td>
<td>(.029)</td>
<td>(.031)</td>
<td>(.027)</td>
</tr>
<tr>
<td>Trade openness</td>
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<td>−.004***</td>
<td>−.003***</td>
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<td>(.001)</td>
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<td>Population size (ln)</td>
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<td></td>
<td>(.033)</td>
<td>(.034)</td>
<td>(.029)</td>
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<tr>
<td>Communist</td>
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<td></td>
<td>(.153)</td>
<td>(.154)</td>
<td>(.148)</td>
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<tr>
<td>Civil war</td>
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<td>−.219*</td>
<td>−.182*</td>
</tr>
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<td></td>
<td>(.098)</td>
<td>(.098)</td>
<td>(.089)</td>
</tr>
<tr>
<td>Cold War</td>
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<td>.299***</td>
<td>.262***</td>
</tr>
<tr>
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<td>(.069)</td>
<td>(.070)</td>
<td>(.061)</td>
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<tr>
<td>Name-and-shame index</td>
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<td>−.021</td>
<td>−.022*</td>
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<td></td>
<td>(.012)</td>
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<td>(.011)</td>
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<td>CCPR interstate complaints (1 = yes)</td>
<td>.516</td>
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<td>.234</td>
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<td></td>
<td>(.315)</td>
<td>(.315)</td>
<td>(.278)</td>
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<td>CCPR individual complaints (1 = yes)</td>
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<td>−.234</td>
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<td>(.211)</td>
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<td>(.223)</td>
<td>(.224)</td>
<td>(.194)</td>
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<td>3.462***</td>
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<tr>
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<td>(.550)</td>
<td>(.450)</td>
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<td>2,229</td>
<td>2,673</td>
</tr>
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<td>122</td>
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<td>9573</td>
<td>12330</td>
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<td>df</td>
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<td>16</td>
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Note: Standard errors in parentheses.  
*Restricted to COs established after 1980.  
*p < .05; **p < .01; ***p < .001 (two-tailed tests).
years of the period and a minor blip in the ninth year. Indonesia’s scores, conversely, held steady at one (indicating unfavorable practices) until 1999 and varied erratically thereafter. In keeping with results of our statistical analysis, civil and political rights scores show little direct correspondence with the formation of NHRI s in these countries.

**Indonesia**

President Suharto established the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*, or Komnas HAM) in 1993 amid growing international criticism of human rights abuses in Indonesia (Carver 2004; Jetschke 1999). Establishment of an NHRI came at the behest of the foreign ministry only a week before the World Conference on Human Rights, suggesting the act was intended primarily for an external audience. Suharto’s choice of a commission as opposed to an ombudsman is noteworthy, given that “the generic commission model is viewed as an advisory body while all human rights ombudsmen have investigatory powers” (Pegram 2010:755). Commissions are favored by abusive regimes seeking merely to feign support for human rights.

![Figure 3. Human Rights Scores Following the Establishment of NHRI s in Argentina and Indonesia](image)

*Note:* Dashed lines represent best-fitting trend lines.
Consistent with its role as a symbolic institution, Komnas HAM was constituted as a weak body that lacked autonomy. At its founding, the commission was chaired by a senior military officer and staffed primarily by ruling party insiders and senior civil servants. The decree establishing it “gave only sketchy guidance as to its powers and mandate” (Carver 2004:22), and statements issued by the organization required approval from both Suharto and the armed forces prior to release.

Despite its initial shortcomings, Komnas HAM often took a critical stance toward government policies and practices (Jetschke 1999). During its first year, commissioners made an unannounced prison visit and discovered a number of detainees were being held without charge or trial. Several prisoners were released as a consequence. The commission also investigated politically motivated murders, allegations of torture by the military, and the unlawful detention of protestors around the country—in short, it focused overwhelmingly on physical integrity rights violations. These developments likely contributed to Indonesia’s improved physical integrity scores immediately following the establishment of Komnas HAM, as illustrated in Panel A of Figure 3.

These early successes were short lived. After Komnas HAM’s impromptu prison visit, the government mandated that all future inspections be approved in advance. Still, the very existence of an NHRI served to legitimize human rights discourse in Indonesia and link domestic activists with the international human rights community (Jetschke 1999).

Human rights conditions deteriorated markedly during the economic crisis of the late 1990s, culminating in the 1998 riots during which hundreds of people lost their lives and scores of women were raped. Komnas HAM kept close watch on the government, issuing strongly worded statements that criticized security forces for physical integrity abuses and for their alleged role in the disappearances of pro-democracy activists (Carver 2004). Widespread unrest, coupled with pressure emanating from abroad, prompted Suharto to resign in May 1998. In one of the first acts of the newly elected parliament, Komnas HAM was granted investigatory powers and the authority to compel witnesses.

The establishment of Indonesia’s NHRI conforms to the spiral model of human rights (Jetschke 1999; Risse et al. 1999). Komnas HAM was created as a tactical maneuver intended to rehabilitate the country’s image on the world stage. But this concession, however perfunctory, galvanized opposition groups within the country to agitate for even more reforms, leading the government to ramp up repression. Ultimately, however, “Komnas HAM developed an independent and effective agenda that helped pave the way for Suharto’s ouster” (Goodman and Pegram 2012:12).

Argentina

In contrast with Indonesia, where an NHRI was established by an autocrat as a purely symbolic gesture, Argentina created an ombudsman to signal the country’s break from a brutally repressive military regime. The junta that ruled Argentina between 1976 and 1983 had deployed a variety of techniques—murder, torture, and, most notoriously, disappearances—during its reign. In 1993, 10 years after the country emerged from military rule, President Carlos Menem established an NHRI, the Defensor del Pueblo de la Nación, by executive decree. The organization was accorded constitutional status the following year.

Cardenas (2003:35) notes that HROs “appeal to states that are undergoing regime change and seeking to create democratic institutions,” and Argentina fits the bill perfectly. Fledgling democracies often join human rights regimes to stabilize domestic reforms, reduce political uncertainty, and forestall autocratic backsliding (Moravcsik 2000). With the adoption of a human rights ombudsman, it appeared Argentina was poised to overcome the ghosts of its past.

But old practices die hard, and serious human rights violations persisted (Lessa
2011). Conditions deteriorated during the 1990s, a period of political and economic turmoil in Argentina. Constitutional reforms in 1994 reinforced the Defensor del Pueblo and incorporated several human rights treaties into domestic law, but presidents were now allowed to stand for reelection for the first time since 1853. These reforms likely contributed to the initial improvement in Argentina’s physical integrity rights scores (Panel A in Figure 3), but they also gave shape to an “ultrapresidential” system with a “politically malleable judiciary” (Chavez 2004:451).

During his second term, Menem intensified a campaign to deregulate the economy, relying on emergency decrees and a court-packing scheme that added three politically beholden justices to the Supreme Court (Peruzzotti 2001). He also exonerated government and military officials accused of committing human rights abuses under the junta. To progress economically, Menem argued, the country had to leave these atrocities in the past. Neoliberal reforms had a drastic impact on the Argentinian economy. Unemployment rates spiked to nearly 20 percent, and police forces often repressed the resulting demonstrations. Rates of political imprisonment also increased. Unlike in Indonesia, where economic crisis precipitated the downfall of the repressive Suharto regime, in Argentina it contributed to democratic retrenchment and the use of excessive force, torture, and arbitrary detentions by security forces. But the Defensor del Pueblo had one powerful weapon at its disposal: the ability to publicize incidents of abuse. The number of complaints submitted to the ombudsman quadrupled between 1995 and 1998 (Reif 2004), helping expose human rights abuses.

Political and economic conditions began to stabilize with the election of Néstor Kirchner as president in 2003. Kirchner presided over Argentina’s economic recovery, reformed the Supreme Court, and overturned amnesty laws for military officers accused of human rights abuses. The Defensor del Pueblo benefited from and helped instigate these reforms, in part by holding the government accountable in the wake of the economic crisis (Reif 2004). The ombudsman’s effectiveness was also enhanced by Kirchner’s judicial reforms. When courts are impotent, NHRI can become stymied (Cardenas 2003). This seems especially true in the Argentinian case, where Peruzzotti (2012:248) points out that “the ombudsman, which lacks the power to make legally binding decisions has to rely on the willingmess of other horizontal mechanisms ‘with teeth’ to impose sanctions on wrongdoers.” NHRI, by themselves, may be successful in publicizing human rights abuses, but they often depend on institutions such as courts to redress those abuses.

Alternative explanations of trends in Argentina’s human rights record during the 1990s can of course be proffered. In addition to the role of NHRI in increasing the visibility of human rights violations, mass protests in the wake of Menem’s neoliberal reforms provoked a government backlash that may have contributed to a significant increase in objective levels of abuse. The protests themselves might also have drawn international attention to human rights conditions in the country. We suspect, however, that the NHRI effect operated alongside and in tandem with these other processes. For example, supplementary analyses showed that the curvilinear relationship between NHRI and physical integrity rights scores remained statistically significant when controlling for the number of anti-government demonstrations in a country (Banks 2008).

These brief case studies illustrate the general relationships between human rights institutions and outcomes in our cross-national quantitative analysis. Physical integrity abuses in both Indonesia and Argentina were curbed more effectively than were civil and political rights violations, but these improvements took time to develop. These cases suggest that NHRI can serve as a bulwark against physical integrity abuses in newly democratized regimes (as in Argentina) and help pave the way to better practices in autocratic regimes (as in Indonesia). The strength
of these institutions seems to lay primarily in their ability to monitor and publicize egregious abuses—even if these activities give the impression that practices worsen before they improve.

Not surprisingly, there are unique features to human rights developments in each case, and to attend to them would take us beyond the scope of this article. It is clear, however, that although repressive or democratizing regimes often establish NHRIs to gain external legitimacy, these institutions may undercut legitimacy if regimes fail to change. The road to better human rights practices may, ironically, be paved with bad intentions.

DISCUSSION AND CONCLUSIONS

Our analyses show that NHRIs improved physical integrity rights outcomes, but they were not associated with civil and political rights outcomes. These effects were similar across different types of NHRIs despite variation in their structural forms and substantive missions. We thus conclude that the nature of rights being targeted for improvement, rather than characteristics of the organizations themselves, determines the effectiveness of NHRIs.

We also found that effects of NHRIs, where they exist, change direction over time. Among countries with NHRIs founded after 1980—representing over 86 percent of all NHRIs in the world—rated levels of physical integrity abuse worsened in the four or five years immediately after these organizations were established. Once this threshold was reached, however, NHRIs began to improve governments’ respect for physical integrity rights.

That NHRIs have been successful in redressing physical integrity abuses but not civil or political rights violations is consistent with the overall tenor and focus of the global human rights regime. The case of Amnesty International is illustrative. Despite its initial concern with prisoners of conscience—individuals jailed for their political or religious beliefs—Amnesty International quickly expanded its purview to include victims of torture, disappearances, and extrajudicial executions (Clark 2001). The organization’s focus was squarely on physical integrity rights violations. Blau and Moncado (2009:32) note that groups like Amnesty International and Human Rights Watch continue to “prioritize the most egregious abuses, such as torture and mass rape.”

Given the prominence of Amnesty International in the global human rights field, it is not unreasonable to imagine that this organization exerts a powerful agenda-setting influence on NHRIs. Indeed, Amnesty International has implored NHRIs to focus their efforts on physical integrity abuses:

NHRIs frequently have a broad remit and scarce resources. It is therefore important to . . . work on priorities strategically. . . . Violations of the right to life and the right to physical and mental integrity frequently involve crimes under international law, such as extrajudicial and other unlawful killings, torture, “disappearance,” war crimes and crimes against humanity. In many countries NHRIs will need to prioritize work on such violations in order to be effective and credible in their work to protect and promote human rights. (Amnesty International 2001:4)

The United Nations similarly encourages “NHRIs to center their work on core protection issues, such as the prevention of torture and degrading treatment, summary executions, arbitrary detention and disappearances, or the protection of human rights defenders.”

The world’s largest intergovernmental organization and the most prominent human rights nongovernmental organization agree that NHRIs must triage their efforts by attending to gross physical integrity abuses. Our study shows that where there is greater worldwide consensus around the need to address a subset of human rights, the formation of an NHRI shows positive effects over time.

These linkages between domestic NHRIs and international human rights organizations
may help explain the curvilinear effects we observed. The human rights measures we used to analyze NHRI effects were derived in part from reports issued by Amnesty International. Given that NRHIs funnel information about countries’ human rights practices to international organizations such as Amnesty International, it is entirely possible that NRHIs are complicit in the very processes that make them appear ineffective in the short term. NRHIs generate information about government abuses that, presumably, would be harder to detect in their absence. This information then finds its way into third-party reports, which form the basis of social scientific measures of human rights practices (Clark and Sikkink 2010).

For these reasons, the curvilinear effect of NRHIs on physical integrity rights violations appear to reflect the expanded levels of scrutiny and detection that these organizations provide. Definitions of basic physical integrity rights violations remained fairly constant over our observation period, and physical integrity abuses are relatively easy to enumerate. What matters, then, is whether these acts are witnessed and reported.

We suspect that civil and political rights norms are subject to a different sort of information paradox, one rooted in definitions and interpretations as opposed to detection and reporting. Compared to physical integrity rights violations, civil and political rights abuses are more ambiguous, highly contested, and subject to greater levels of interpretation. It is simply easier to determine when an individual has been tortured or killed than to determine when speech freedoms have been violated.

Furthermore, disputes over the cultural relevance and resonance of human rights standards tend to center on civil and political rights. The debate as to whether international human rights norms are culturally commensurable with “Asian values” is instructive (Bauer and Bell 1999). A high-ranking government minister from Singapore, a country at the forefront of the claim that human rights norms must be culturally mediated and conditioned, declared in 1993 that Asians and Westerners “can agree on minimal standards of civilized behavior that both would like to live under. For example, there should be no torture, no slavery, no arbitrary killings, no disappearances in the middle of the night, no shooting down of innocent demonstrators, no imprisonment without careful review” (Cerna 1994:745). Where Asians and Westerners differ, presumably, is with respect to civil and political rights. Western political culture privileges individuals and their rights and freedoms; Asian cultures, conversely, prioritize communitarian values and respect for authority, including state authority (Zakaria 1994). Because civil and political rights are subject to continued debate and divergent interpretations, they bear a more tenuous relationship with NRHIs. If and when international consensus builds around civil and political rights norms, we suspect NHRI effects will strengthen.

In conclusion, our analysis suggests that future studies of the international human rights regime should account for temporal dynamics. Doing so will lead to more nuanced—and more accurate—theoretical generalizations. Our own theoretical framework, the world society perspective, emphasizes both institutional isomorphism and decoupling (Meyer et al. 1997). The worldwide diffusion of NRHIs illustrates institutional isomorphism, but our article calls for a fundamental rethinking of decoupling. The gap between policies and practices or organizations and outcomes is too often discussed as evidence of symbolic window dressing. By paying attention to temporal dynamics, we show that formation of NRHIs has beneficial human rights effects in the long run. And by demonstrating that these effects depend on whether the human rights targeted for improvement are consensual or contested, we theorize more precisely the conditions under which decoupling will persist or diminish. Finally, this study recognizes that the rise and impact of an international human rights regime may influence countries’ practices via increased scrutiny and expanded scope dynamics that require further unpacking.
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Notes
1. Treaties protecting these rights—the Convention against Torture and the International Covenant on Civil and Political Rights—are among the most widely studied (e.g., Cole 2012; Goodliffe and Hawkins 2006; Hafner-Burton 2008; Hafner-Burton and Tsutsui 2007; Keith 1999; Neumayer 2005; Vreeland 2008).
2. In practice, of course, countries often resort to forms of torture (e.g., waterboarding) in response to real or imagined exigencies (e.g., terrorist threats).
3. We also acknowledge the possibility, in contrast to Hypothesis 3, that NHRIs are most effective in protecting civil and political rights. It may be easier for governments to hold sham elections and enact civil rights legislation than to control physical integrity abuses committed by state agents (Hafner-Burton 2008; Lutz and Sikkink 2000). Decentralized physical integrity abuses of this sort are relatively widespread. Cases of police brutality and prisoner abuse occur in most countries, even in democracies (Cingranelli and Richards 1999).
4. We thank an anonymous reviewer for this observation.
5. The measure of civil and political rights is called the “empowerment rights index” in the Human Rights Dataset.
8. As reported in Cardenas (2003), these meetings were held in Paris (1991); Tunis (1993); Manila (1995); Mérida, Mexico (1997); Marrakesh (2000); and Copenhagen/Lund (2002).
9. It is also possible that abusive countries simply attract more attention.
10. A reviewer suggested that NHRIs might affect the procedural and substantive dimensions of civil/political rights differently, insofar as it is easier to hold perfunctory elections than to implement civil liberties. One advantage of our measure is that it can be disaggregated into its component parts, allowing us to explore this possibility. In supplementary analyses we subtracted the “electoral self-determination” component from the civil and political rights index, leaving only civil liberties, and then re-estimated the models in Table 2. We found no significant or substantive differences using this reduced measure (results available upon request).
11. By the start of our observation period in 1981, many COs had acquired a human rights mandate, rendering them functionally equivalent to HROs in both structure and substance. In supplementary analyses we found that the effect of all COs, including ones established before 1981, on both rights-based outcomes was positive and linear. These ancillary findings offer partial support for Hypothesis 2.
12. Results from these analyses are available upon request.

References


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