

# Conceptualizing and Measuring Institutional Variation in National Human Rights Institutions (NHRIs)\*

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## Abstract

A wealth of literature argues that domestic institutions can sometimes restrain government repression. In this article, we highlight an institution tasked specifically with protecting and promoting human rights: the National Human Rights Institution (NHRI). Although common international standards exist, NHRIs exhibit substantial variation in their organization, the rights that they protect, the activities they permit, and the manner in which they appoint their members. Scholarship to date has conceptualized and measured NHRIs dichotomously; an NHRI either exists or it does not. We present data that highlights NHRI heterogeneity collected via content analysis of NHRI annual reports, NHRI websites, national constitutions, government legislation, and other sources. Using these data, we show NHRIs that can publish their findings and NHRIs that can punish offenders are each associated with less state torture. These data will allow future researchers to better explore important questions regarding NHRI origins, design, processes, and effectiveness.

Accepted at *Journal of Conflict Resolution*

Keywords: national human rights institutions, data, human rights, content analysis  
Word Count: 8692

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\*We dedicate this article to Will H. Moore, without whom its origination and completion would not have been possible. Earlier versions of this article were presented to audiences at Griffith University, the University of Texas at Dallas, the 2012 Annual Meeting of the Peace Science Association (International), the 2018 Annual Meeting of the International Studies Association, the 2019 Annual Meeting of the Florida Political Science Association, and the 2019 Annual Meeting of the Southern Political Science Association. We are grateful to Daniel Arce, Patrick Brandt, Suparna Chaudry, Vito D’Orazio, Paul Diehl, Patrick LaRue, and two anonymous reviewers for helpful comments and discussions on previous drafts and to Alyssa Ball, Emily Batt, Amanda Fildago, Dan Hollister, Ashley Huddleston, Nichole Jeter, Phil Marino, Eric Martinez, Maria Savarese, Courtney Schaefer, and Austin Wilkins for invaluable research assistance. Replication material can be found at that National Human Rights Data Collection Website—<https://nhridata.weebly.com/research.html>.

The international human rights regime is a set of institutions meant to generate, strengthen, and enforce shared norms associated with limiting states' power to arbitrarily coerce people under their charge. Much of that regime builds on the successful advocacy of nongovernmental organizations (NGOs) and smaller states, who pushed for the inclusion of human rights language in the United Nations (UN) Charter (Hunt 2007; Korey 1998). Shortly after the adoption of the UN Charter, the Commission on Human Rights introduced a resolution to the UN Economic and Social Council (UNESCO) calling for the creation of domestic institutions to gather local information on states' human rights practices. It was not until 1978, against the backdrop of increasing human rights discourse and the creation of international treaty bodies, that a UN seminar first used the term “national human rights institution” (NHRI). The seminar was entitled “National and Local Institutions for the Promotion and Protection of Human Rights” and highlighted the particular role of NHRIs in that protection and promotion (Cardenas 2014, 39). States did not begin establishing NHRIs en masse until 1993 when the UN General Assembly adopted the Paris Principles—the document widely held to define NHRIs and standardize their design (de Beco and Murray 2015).

Although scholars have shown great interest in the effect of domestic and international institutions on the protection of human rights,<sup>1</sup> the systematic study of NHRIs is in its infancy. The lack of attention paid to NHRIs is surprising given that in contrast to most domestic institutions, NHRIs possess an explicit human rights mandate. Unlike international institutions, the domestic nature of NHRIs grants them access to the social and political environments where abuse occurs. In addition, although governments design their own NHRIs

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<sup>1</sup>For illustrative examples, see Chilton and Versteeg (2016); Keith (2002); Keith, Tate and Poe (2009) on constitutions; Cingranelli and Filippov (2010) on electoral rules; Lupu (2013); Powell and Staton (2009); Simmons (2009) on domestic courts; DeMeritt (2012); Esarey and DeMeritt (2017); Lebovic and Voeten (2009); Miller, Welch and Vonasch (2019) on international institutions; and Conrad and Ritter (2019); Fariss (2018); Hafner-Burton and Tsutsui (2005); Hathaway (2002); Hill (2010); Simmons (2009); Von Stein (2018) on international human rights treaties.

to suit the local context (Mertus 2009)—generating a great deal of variation between states—most scholars have to date conceptualized and measured NHRIs dichotomously; an NHRI either exists or it does not (e.g., Cole and Ramirez 2013; Kim 2013; Koo and Ramirez 2009; Welch 2017).<sup>2</sup> While these studies provided important steps forward in understanding the conditions under which states create national human rights institutions and how they affect government behavior, scholars do not yet understand the systemic causes and consequences of the design variation that makes NHRIs appealing to the international regime as localized, context-specific institutions.

The lack of rich conceptualization and measurement of national human rights institutions limits our ability to answer interesting questions about the effect of institutions on government repression and violence. In this article, we present data that highlights NHRI heterogeneity collected via content analysis of NHRI annual reports, NHRI websites, national constitutions, government legislation, and other sources. These data will allow researchers to better explore important questions regarding how NHRIs are legally established, their objectives, their jurisdiction, their available actions, and the extent to which they are accountable to other domestic and international institutions.

## What We Know About NHRIs

To the extent that institutions can constrain state repression, scholars often argue that they do so by increasing the costs of violence for the government and its agents. Both international institutions—NGOs (INGOs) and transnational advocacy networks (TANs) (e.g.,

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<sup>2</sup>See Lacatus (2018); Linos and Pegram (2016); Welch (2019) for recent exceptions.

Allendoerfer, Murdie and Welch 2020; Hafner-Burton 2008; Hill, Moore and Mukherjee 2013; Murdie and Davis 2012); international organizations (IOs) (e.g., DeMeritt 2012; Lebovic and Voeten 2006, 2009; Miller, Welch and Vonasch 2019); treaties (e.g., Conrad and Ritter 2019; Simmons 2009); and other states (e.g., Franklin 2008)—and domestic institutions—civil society (e.g., Davenport 2007*a*; Simmons 2009); courts (e.g., Powell and Staton 2009); and legislatures (e.g., Conrad and Moore 2010; Davenport 2007*b*)—serve this function.<sup>3</sup>

National human rights institutions (NHRIs) are domestic institutions that increase the (perceived) costs of repression for government leaders and their agents. NHRIs differ from other abuse-limiting domestic institutions in that they are created by the government of the state in which they act and are explicitly charged with promoting and protecting human rights. Even prior to the 1978 UN National and Local Institutions for the Promotion and Protection of Human Rights Seminar at which states first began to discuss the formal creation of national human rights institutions, some countries had in place domestic institutions to protect human rights.<sup>4</sup> The oldest of these traditions,<sup>5</sup> ombudspersons received individual complaints of government maladministration (Cheng 1968). Another precursor institution was government commissions (e.g., British commissions of inquiry and French consultative commissions); these focused on deliberation and recommendation regarding human rights rather than the receipt of individual complaints like ombudsperson offices. Even the United States, which vacillated between ambivalent and hostile towards NHRIs, established inter-

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<sup>3</sup>The media, both domestically and internationally, can also increase the costs of government repression, both directly and in conjunction with many of the institutions listed above (e.g., Hafner-Burton 2008; Ron, Ramos and Rodgers 2005).

<sup>4</sup>See Cardenas (2014, Ch. 2) for a detailed discussion of historical linkages to predecessor institutions.

<sup>5</sup>Sweden's Ombudsperson dates back to at least 1809. Sweden is consistently an early adopter of institutional checks including UN human rights treaty reporting requirements (Creamer and Simmons 2015, 2018) and the first freedom of information act in 1766 (Eck and Fariss 2018).

racial commissions in several cities and states after World War II; many eventually focused on civil rights more broadly.<sup>6</sup>

By the 1980s, activists began seeking standardization and clarity on the types of institutions that could be considered NHRIs. In October 1991, the first International Workshop on National Institutions for the Promotion and Protection of Human Rights produced the Paris Principles, which were adopted by the UN General Assembly in 1993 and outlined the standards to which NHRIs should aspire in order to promote and protect human rights (Carver 2010; Pohjolainen 2006; Smith 2006).<sup>7</sup> Under the Paris Principles, NHRIs should be established by constitution or legislation, have an explicit human rights mandate and the ability to investigate allegations, integrate state law with international human rights law, provide advice on domestic legislation, interact with international organizations and civil society, and promote human rights through public education (e.g., Linos and Pegram 2015). To these ends, NHRIs field citizen complaints, visit sites of common abuse (e.g., prisons), advise on and draft legislation, work with human rights NGOs, educate the public, and publish their findings about state rights practices (e.g., Carver 2004; Pegram 2012; Reif 2012).

After the adoption of the Paris Principles, many states tapped existing institutions to serve as NHRIs. Some were the predecessor institutions described above; others were institutions born of conflict transition like those in Northern Ireland and South Africa (Smith 2006). More recently, states looking to democratize and/or increase their legitimacy in the eyes of the international community have established new NHRIs (Reif 2000). Unsurprisingly, NHRIs exhibit great variance in their institutional design. Some are similar to ombudsperson

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<sup>6</sup>The U.S. federal government established the Commission on Civil Rights in 1957.

<sup>7</sup>See de Beco and Murray (2015) for an overview of the Paris Principles.

offices in structure, but have an explicit human rights focus; these are often called human rights ombudsperson offices. Others are human rights commissions made up of groups of decision-makers; these, too, are explicitly tasked to promote and protect human rights. Still others are hybrids, combining characteristics of ombudsperson offices and commissions.

To date, national human rights institutions have received little systematic theoretical and empirical scrutiny. Extant research is dominated by legal scholarship (e.g., Carver 2010, 2012; Hadden 2000; Kumar 2003, 2006; Mertus 2009, 2012; Okafor 2012; Okafor and Agbakwa 2002; Ramcharan 2005; Reif 2000, 2004; Sidoti 2012; Smith 2006), but includes a growing body of work in political science and sociology (e.g., Cardenas 2003; Goodman and Pegram 2012*a*; Kim 2013; Koo and Ramirez 2009; Lacatus 2018; Welch 2017, 2019). Much of this literature documents the historical development of the NHRI movement and seeks to explain the global spread of that movement (e.g., Cardenas 2014; Koo and Ramirez 2009; Pegram 2010; Sidoti 2012). It recognizes that NHRIs are highly varied institutions and debates the characteristics that make them most effective (e.g., Cardenas 2012; Carver 2005, 2012; Goodman and Pegram 2012*b*; Kjaerum 2003; Mertus 2012; Pegram 2012; Peruzzotti 2012; Steinerte and Murray 2009; Ugglá 2012; Welch 2017). Empirical studies are particularly rare and either conceptualize NHRIs as dichotomous (i.e. absent/present) or trichotomous, focusing only on the ombudsperson, commission, and hybrid typology.<sup>8</sup> Here, scholars find that the presence of an NHRI decreases the probability of the most egregious government violations of human rights (e.g., Cole and Ramirez 2013; Haglund and Welch 2020; Koo and Ramirez 2009; Welch 2017).

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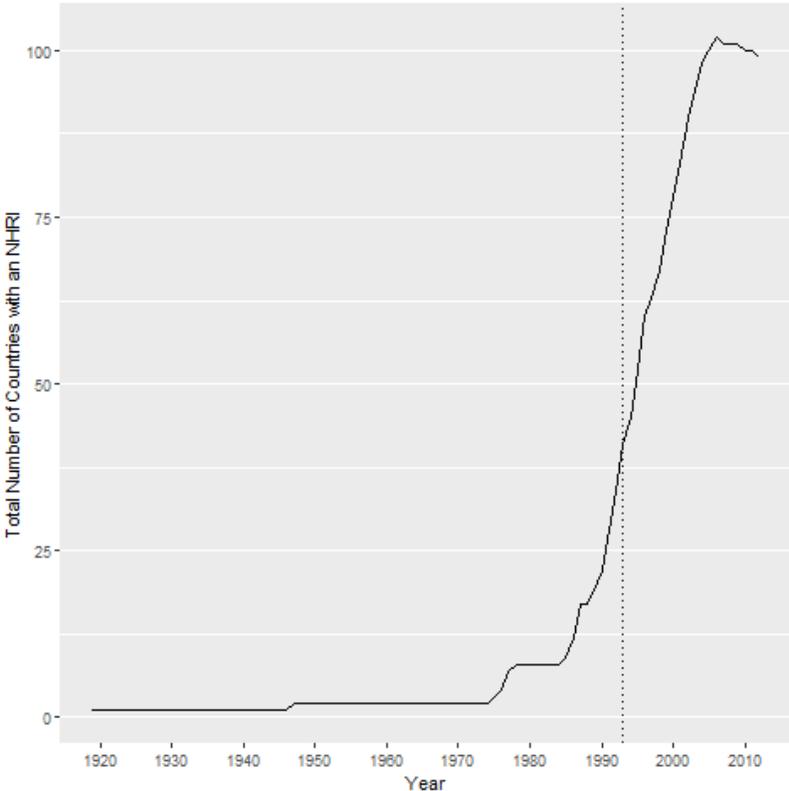
<sup>8</sup>A notable exception is Welch (2019), which uses the data described in the current manuscript.

## Conceptualizing and Measuring Variation in NHRIs

We define a national human rights institution (NHRI) as an independent domestic institution created by the state that is explicitly charged with the promotion and protection of human rights. Regardless of when they were established and how they are organized, all NHRIs share a directive to collect and disseminate information about state human rights practices. This is semi-consistent with the definition of an NHRI provided by the Global Alliance of National Human Rights Institutions' Subcommittee on Accreditation (GANHRI SCA), an international body responsible for reviewing and accrediting NHRIs, who define them as “state bodies with a constitutional and/or legislative mandate to protect and promote human rights...part of the State apparatus and are funded by the State...(but) operate and function independently from government.”

Unlike the SCA, however, we include in our conceptualization NHRIs not created via constitutional or legislative legal mandate. In Indonesia, for example, Suharto established an NHRI, Komnas HAM, via executive action in 1993. Even without the legal protection of a constitutional or legislative mandate, Komnas HAM “developed an independent and effective agenda (Goodman and Pegram 2012*a*, 12)... that “pav[ed] the way for Suharto’s ouster.” Including NHRIs created via executive action allows scholars to study plausibly sincere institutions and to test the importance of constitutional/legislative origins compared to executive mandates. As the Indonesian example highlights, states that adopt NHRIs cynically to appease international audiences risk institutional challenges if they do so by creating a (mostly) Paris Principle-compliant NHRI.

Figure 1: Total Countries with a National Human Rights Institution (NHRI), 1919-2012



Note: The vertical line positioned at 1993 indicates the year in which the UN General Assembly passed the Paris Principles.

Figure 2: Countries with a National Human Rights Institution (NHRI), 2012



Empirically, our population of NHRIs includes all institutions that have ever been given at least a “C” accreditation grade by the GANHRI SCA.<sup>9</sup> States incur material and reputational costs when they apply for SCA accreditation; as such, the accreditation process screens out the most insincere or ambiguous institutions and institutions that are nominally similar to NHRIs but do not function in the spirit of international expectations. For example, although the United States recently created the Commission on Unalienable Rights, many legal scholars doubt the sincerity of the institution to promote and protect human rights (e.g., Kaufman 2019; Radhakrishnan and Sarver 2019; Risse 2020). Lending face validity to the decision to limit our sample of NHRIs to those graded by the SCA, the Commission on Unalienable Rights has shown no interest in SCA accreditation to date.

To generate data on the organizational heterogeneity of NHRIs, we performed content analysis of English language sources including founding documents, NHRI annual reports,

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<sup>9</sup>Accreditation information is available from the GANHRI website: <http://nhri.ohchr.org/>. The SCA’s accreditation process has strengthened over time, so we include in our data any NHRI that eventually receives a “C” grade from the SCA. We code the NHRI’s grade as missing until that point in time. This allows us to include many institutions that originated before the SCA began more systematically grading their effectiveness.

official NHRI websites, and academic and media sources.<sup>10</sup> The unit of observation is the NHRI. Our data begin in 1919, the year of establishment of the first NHRI that eventually received SCA accreditation (Finland).<sup>11</sup> As shown in Figure 1, the total number of NHRIs nearly doubled following the drafting and adoption of the Paris Principles in 1993. Spatially, our data include information on NHRIs in the 153 states whose populations at some point surpassed one million people. Figure 2 shows the geographic distribution of NHRIs in 2012.

Our data record information on the structure, origins, and other characteristics of the population of NHRIs. We first extend the spatial and temporal domain of two variables collected by Koo and Ramirez (2009): the year of NHRI establishment and the type of NHRI. In order to speak to questions about the emergence of NHRIs, their design, the extent to which they are independent of and accountable to governments, as well as the effect of these covariates on state repression, we also collect information on each NHRI's GANHRI status and accreditation, origination, stated objectives, scope of jurisdiction, relationship to government institutions and NGOs, and appointment procedures. Table 1 provides descriptive information on each of the variables in our data.<sup>12</sup>

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<sup>10</sup>To establish the feasibility of our content analysis, we first worked with a team of undergraduate coders from Summer 2011 to Spring 2012 to establish whether our identified sources provided sufficient information to code the data. Once established, Welch trained several additional undergraduate coders to systematically collect the information described in our codebook. Undergraduate students advanced from training to collecting after consistently coding data at least 80% accurately. Even after this test, we performed inter-coder reliability tests on our final data. For additional information on coder training, practices, and inter-coder reliability results, see Welch et al. (2014).

<sup>11</sup>Our data can easily be converted to a country-year unit of observation. In our empirical analyses below, we use the country-year as our unit of observation and restrict our temporal domain from 1991 to 2012.

<sup>12</sup>For additional information on these variables, including descriptive statistics, please refer to the NHRI User Guide (Conrad et al. 2013).

Table 1: Description of Variables in the NHRI Data

Variable Name	Description	Values
GANHRI Status	GANHRI Accreditation Letter Grade	Ordinal; Higher values indicate higher compliance
Office Type	Type of NHRI	Binary; 1 if Ombudsperson, 2 if Commission
Established by	Legal foundation for NHRI existence	Nominal; Institution responsible for NHRI creation
Year Established	Year of initial NHRI establishment	Four digit numeral (e.g., 2011)
Year Occupied	Year the NHRI was initially convened	Four digit numeral (e.g., 2011)
Identified Objectives	Human rights objectives of NHRI	Not mutually exclusive; e.g., torture, freedom of speech
Scope of Jurisdiction	Authority to comment on all domestic institutions	Binary; 1 if Limited, 2 if Unlimited
Report to	State institutions to which NHRI reports	Not mutually exclusive; e.g., executive, legislature
Independent	Claims independence from other actors	Binary; 0 if No, 1 if Yes
Member Appointment	Appoints its own members	Ordinal; 0 if No, 1 if Yes with Approval, 2 if Yes
Leadership Appointment	Method by which leadership is appointed	Not mutually exclusive; e.g., executive, legislature
Chairperson Term	Length of one chairperson term	Interval; Recorded in years
Funding Sources	Sources able to provide NHRI funding	Not mutually exclusive; e.g., government, NGO
Permitted Activities	Formally permitted activities	Not mutually exclusive; e.g., hear complaints, punish
NGO Relations	Relations with NGOs	Not mutually exclusive; 0 if no mandate, 1 if mandate

## How Design Variation Affects Institutional Effectiveness

Our data will allow researchers to explore important questions about the origins, designs, processes, and effectiveness of national human rights institutions. As an illustration of the myriad questions that can be answered using these data, we focus here on a very simple question. How do differences in NHRI design affect institutional effectiveness? In what follows, we present a short—admittedly incomplete—theory linking institutional design to effectiveness. We then test the implications of our argument using a simple econometric test—again, one that is admittedly incomplete—in the hopes of motivating other scholars to better address both question posed here and other new questions about national human rights institutions and government repression, broadly defined.<sup>13</sup>

Recall that a national human rights institution is a domestic government institution charged with the promotion and protection of human rights within a given country. We expect the influence of NHRIs, to the extent that it exists, to be exerted through the promotion and/or protection of human rights. Institutional effectiveness in this context can be observed through state human rights practices: like other human rights institutions, NHRIs are ar-

<sup>13</sup>Our goal here is to illustrate the promise and potential of new data, not advance a directional theory. To that end, this section produces hypotheses that make claims about association rather than causality.

guably increasingly effective as the governments of their home states become decreasingly repressive.<sup>14</sup> We suggest that this sort of institutional effectiveness covaries with two forces: the NHRI's ability to promote human rights by publicizing information about government repression and the NHRI's ability to protect citizens from state repression through direct legal enforcement. We briefly develop these arguments and derive specific hypotheses below.

First, we argue that NHRI effectiveness increases with the ability to promote human rights; this is accomplished, in part, by publicizing the home state's rights practices. Most NHRIs release annual reports updating the public—and other domestic actors—on the current human rights situation, recommendations on the creation/amendment of laws and policies to increase protections for human rights, and proposals on how to decrease government abuses. The high proportion of reporting may be a consequence of the GANHRI SCA requirement that NHRIs generate these reports (de Beco and Murray 2015, 171-172).<sup>15</sup> In effect, the reports act as human rights audits, providing information for interested parties about the human rights situation in a given country.

NHRI reports increase information for three audiences: the legislature, the domestic public, and the international public. Extant scholarship suggests that each of these audiences is equipped to help limit state repression. First, NHRI reports can create frames for legislators to prioritize human rights by passing new legislation and amending old legislation to fall in line with international standards (Carver 2004; Welch 2017). Legislatures can also use the information provided in reports as the impetus to open investigations into the executive's past and current actions—an action that, all things equal, should increase political costs to

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<sup>14</sup>We consider this to be a conservative assessment of institutional effectiveness; NHRIs could arguably be “effective” in some ways absent having a substantive effect on human rights outcomes.

<sup>15</sup>The content of NHRI reports is outlined in the Paris Principles.

the executive. Second, more informed domestic publics represent threats to repressive governments. NHRIs act as vertical ties between political elites and the domestic public offering information about repressive elite behavior or legal rulings from domestic and regional courts (e.g., Haglund and Welch 2020). By presenting statistics on the prevalence of abuse, reports can also break feelings of isolation that formerly abused individuals may feel (e.g. Scarry 1985), helping them to overcome collective action problems and join movements willing to make demands of the government (Welch 2017). Finally, just as NHRI reports can create vertical ties with domestic dissident groups, they can also offer information to international NGOs and human rights organizations (HROs). Using the information from reports allows these groups to bring their resources to bear on local issues, mobilize across borders (Bell, Clay and Murdie 2012), and increase economic and political pressure on repressive leaders (Murdie and Peksen 2013, 2014).

**Hypothesis 1.** *The publication of annual NHRI reports covaries positively with government respect for human rights.*

Second, we argue that NHRI effectiveness increases with the NHRI's ability to protect citizens from state repression; this is accomplished, in part, through direct legal enforcement. While most NHRIs increase information by publishing public reports, a smaller proportion (20%) have the ability to levy legal punishment against the state for human rights abuses or for interfering in an investigation on rights abuse. Of the over one-hundred NHRIs in our data, fourteen—Australia, Benin, Canada, Finland, Montenegro, Nepal, Nicaragua, Nigeria, Slovenia, South Korea, Sweden, Thailand, Uganda, and Venezuela—boast these enforcement powers for at least some of their history. Potential punishment includes dismissal, fines, or

imprisonment of government agents found violating others' human rights or impeding NHRI action. The National Human Rights Commission Act of the Republic of Korea [Art 42(4)] states the National Human Right Commission may legally issue restitution, compensation for damage or other necessary remedies. In Nigeria, the National Human Rights Commission (Amendment) Act established “the recognition and enforcement of the awards and recommendations of the Commission as decisions of the High Court.” The threat of enforcement should deter rights abuses by increasing the costs of repression (e.g., Downs, Roche and Barsoom 1996).

**Hypothesis 2.** *The ability of an NHRI to punish rights violators covaries positively with government respect for human rights.*

We test these hypotheses using time-series cross-sectional (TSCS) data on NHRI design and institutional effectiveness. The unit of observation in these analyses is the country-year. Because we want to investigate the effect of NHRI institutional design on human rights outcomes—as opposed to comparing the presence and absence of an NHRI—our sample includes only country-years in which an NHRI is present from 1991 through 2012.<sup>16</sup> To test Hypothesis 1, we use the data described above to create a variable, *Publish*, which equals one in country-years in which an NHRI published an annual report and zero otherwise. To test Hypothesis 2, we again use the aforementioned NHRI data to create a variable, *Punish*, which equals one in country-years where an NHRI has punishment powers and zero otherwise.

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<sup>16</sup>This decision raises an obvious selection concern, given that NHRIs and their functions are not randomly assigned. In this article, we seek primarily to exhibit how design variation can covary with institutional effectiveness. We leave more sophisticated modeling intended to parse out causal relationships to future work.

To measure state respect for human rights, we employ a measure of freedom from torture from Cingranelli, Richards and Clay (2014).<sup>17</sup> Previous work has shown that the presence of an NHRI can decrease government torture (e.g., Cole and Ramirez 2013; Welch 2017). Focusing on torture here allows us to build on those results and to investigate *why* NHRIs might succeed on this front. Cingranelli, Richards and Clay (2014, 3) define torture as “the purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials.” The variable ranges from zero to two; increasing values capture increasing respect for freedom from torture.<sup>18</sup> Given the categorical and ordered nature of our dependent variable, we estimate an ordered probit model (Long 1997). To account for autocorrelation and heteroskedasticity in the time series and spatial panels, we include a lagged dependent variable and robust standard errors clustered on country (Beck and Katz 1995).

Table 2 presents the results from five ordered probit regression specifications wherein we adjust the number of control variables to guard against concerns of model dependence. The first two columns present freedom from government torture regressed on each independent variable. As hypothesized, an NHRI’s ability to publish and punish are each positively associated with a higher respect for the right to freedom from torture ( $p = 0.00$  and  $0.06$ , respectively). In the next three columns, we include control variables commonly associated with other work on government torture and human rights. In Column 3, we add domestic-level controls: democracy (Marshall, Gurr and Jagers 2012), logged population and GDP

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<sup>17</sup>We also estimated models with V-Dem’s torture variable (Pemstein et al. 2020) given Fariss (2019)’s contention that it is less influenced by the changing standards of accountability than CIRI. The results remain virtually the same for publishing, while those for punishing remain signed in the same direction but lose statistical significance in many of the models. We discuss this somewhat puzzling result in the conclusions of the paper.

<sup>18</sup>Illustratively, a value of 0 may indicate at least 50 reports of torture in a given country year, while a value of 1 may indicate between 1 and 49 such reports, and a value of 2 may indicate no reports of torture.

Table 2: Regression Results: Effect of NHRI Powers on Freedom from Government Torture

	(1) Publish	(2) Punish	(3) Domestic Controls	(4) International Controls	(5) All Controls
Publish	0.442*** (5.39)		0.310 (1.28)	0.567*** (2.70)	0.432* (1.66)
Punish		0.137* (1.90)	0.293** (2.05)	0.129 (0.88)	0.271* (1.80)
Democracy			0.00166 (0.11)		0.00497 (0.28)
Population			-0.294*** (-3.86)		-0.199** (-2.20)
GDP			0.0966* (1.80)		0.0765 (1.28)
Judicial Independence			1.253*** (3.07)		1.383*** (2.91)
Civil War			-0.636** (-2.33)		-0.583** (-2.01)
HRO Activity				-0.00715 (-0.90)	-0.0109 (-1.33)
CAT Ratification				0.123 (1.19)	-0.0569 (-0.45)
International War				0.563* (1.84)	0.132 (0.41)
Trade				0.438*** (3.82)	0.219 (1.59)
Torture <sub>t-1</sub>			1.059*** (10.13)	1.362*** (12.46)	1.011*** (8.80)
cut1	0.298*** (3.90)	-0.0478 (-1.39)	-0.960 (-1.28)	3.217*** (6.07)	1.127 (0.90)
cut2	1.493*** (18.28)	1.140*** (26.65)	1.065 (1.38)	5.050*** (9.24)	3.131** (2.45)
N	1575	1575	1165	987	981

Note: \*  $p < 0.1$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

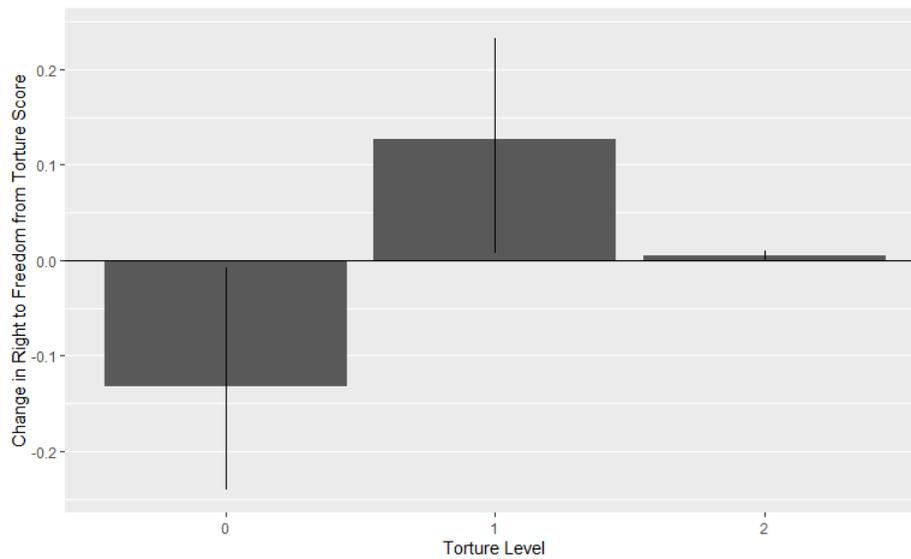
(World Bank 2017), judicial independence (Linzer and Staton 2015), and civil war presence (Themnér and Wallensteen 2011). Although the NHRI ability to publish is no longer statistically significant in these specifications ( $p = 0.20$ ), the ability to punish remains significant at conventional values ( $p = 0.04$ ). In Column 4, we present models that include common international controls—human rights organization (HRO) activity (Murdie 2014), Convention against Torture (CAT) ratification (UN 2012), international war participation (Themnér and Wallensteen 2011), and logged total trade (World Bank 2017). In this specification, *Publish* retains standard statistical significance ( $p = 0.01$ ); *Punish* does not ( $p = 0.38$ ). Finally, we present a saturated model that includes both domestic and international control variables in Column 5. The NHRI’s ability to publish and punish are each positive and statistically significant ( $p = 0.10$  and  $0.07$ , respectively). On balance, these results suggest that when an NHRI can promote human rights through publishing public reports or protect human rights through punishing violators, associated torture levels are lower than in the absence of those powers.

To demonstrate the substantive effect of the associations between NHRI powers and freedom from government torture, we performed 1,000 simulations using the results shown in Column 5 of Table 2 to estimate the change in probability a country exhibits no (0), some (1), or full respect (2) for the right not to be tortured as a function of an NHRI’s ability to punish.<sup>19</sup> The results are shown graphically in Figure 3. The NHRI’s ability to publish reports about government human rights is associated with a 13.16% reduction [90% confidence interval: -23.96, -0.81] in the likelihood that a state exhibits no respect for the

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<sup>19</sup>Control variables were held at appropriate central tendencies (e.g., the median for categorical variables, the mean for other variables).

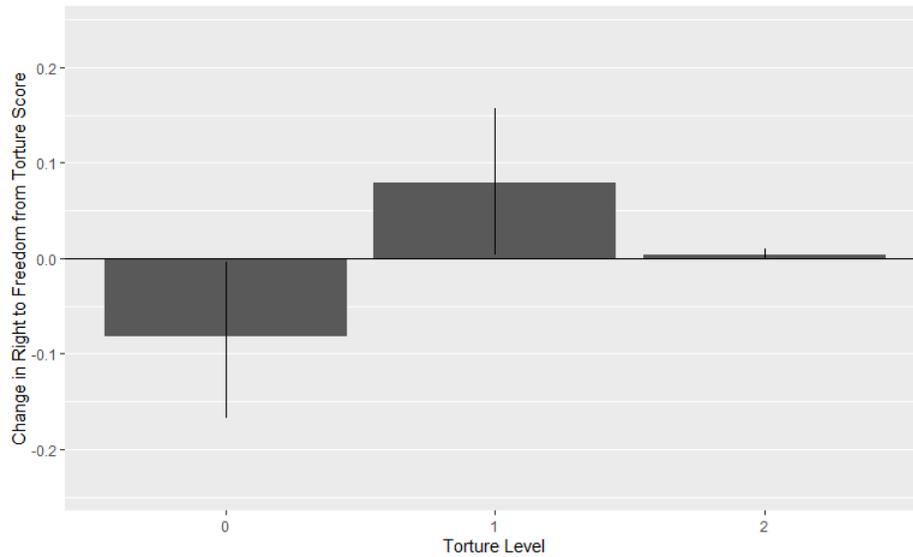
Figure 3: Association of NHRI Publishing Power with the Right to Freedom From Torture



Note: First differences were calculated using 1,000 simulations taken from the saturated regression model estimates (Table 2, Column 5). Vertical bars represent 90% confidence intervals.

right to freedom from torture. Permitting such reports is also associated with an 18.5% [90% confidence interval: 10.02, 29.05] increase in the probability that a state exhibits some respect for the right not to be tortured by the government. Finally, the ability to report is associated with a slightly increased likelihood of full respect for the right not to be tortured by the government by 0.25% [90% confidence interval: 0.04, 0.64]. Overall, a state with an NHRI that publishes reports is substantively less likely to one that engages in high levels of government torture. The probability that state exhibits some respect for human rights is meaningfully associated with an NHRI's ability to publish reports, although the association with *perfect* respect for human rights is modest. Even so, shifting a state from the most egregious to better behavior suggests NHRIs that promote human rights may affect state behavior (Welch 2017).

Figure 4: Association of NHRI Punishment Power with the Right to Freedom From Torture



Note: First differences were calculated using 1,000 simulations taken from the saturated regression model estimates (Table 2, Column 5).

Figure 4 presents the results for a similar exercise where we investigate the NHRI's ability to punish rather than to publish. Taking an NHRI without punishment powers, and introducing such powers, is associated with about an 8.17 [90% confidence interval: -16.78, -0.34] reduction in the likelihood of no respect for the right to freedom from torture by the government. It is associated with a 7.85% [90% confidence interval: 0.33, 15.71] increase in the likelihood of some respect for that right. And it is associated with a 0.32% [90% confidence interval: 0.00, 1.02] increase in the likelihood of full respect for the right not to be subjected to government torture. These effects, though lower in magnitude, otherwise mirror those of publishing. The ability to punish is meaningfully and negatively associated with the probability a state is a worst offender, though the increase in full respect remains minimal. Moving a country from absolutely no respect to some respect, though, is associated with far fewer people experiencing state torture and ill treatment.

## Directions for Future Research

Our hope is that providing scholars with data on institutional variation in national human rights institutions open new areas of inquiry for researchers specifically interested in NHRIs, as well as academics engaging more broadly with institutions, the human rights regime, bureaucratic governance, and accountability mechanisms. In this article, we leverage information from our new data on the legally permitted behaviors of NHRIs and relate them to larger questions about information-raising and punishment for government behavior. We find evidence that the ability to publish human rights information and the ability to levy punishment are associated with increased government torture.

Although our theory and research design provide us with little causal leverage over this relationship, it is possible that the activities of NHRIs increase the potential for mobilization and legal sanction of human rights violations—both of which should keep the government’s behavior in line with their domestic and international commitments. Some scholars (e.g., Fariss 2018; Von Stein 2018) suggest that treaty commitment can increase compliance with international human rights law. Others show the importance of domestic institutions for international human rights treaty compliance (e.g., Conrad and Ritter 2019; Dai 2005; Powell and Staton 2009; Simmons 2009; Welch 2017). Lastly, this study shows domestic institutions to be associated with improved human rights behavior even absent international promises to protect rights. These juxtapositions suggest that relationships connecting treaty ratification and treaty incorporation to other domestic processes, including human rights compliance, may be fruitfully studied with the new data and insights presented here. More research is needed to unpack these suggestive relationships.

Past work on NHRI effectiveness treated NHRIs as homogenous units by dichotomizing them in statistical models (Cole and Ramirez 2013; Welch 2017). What about other NHRI authority? What about other state abuses? When do NHRIs actually make use of these legal authorities and how does that effect state behavior? The brief analysis conducted in this article also highlights the importance of NHRI design choices—but only does so for two of many NHRI legal abilities. Amid the calls for states to establish national human rights institutions, human rights regime stakeholders should also focus on designing institutions in a manner that helps them achieve their charge of promoting and protecting rights. Whereas most NHRIs can publish their findings, for example, almost a fifth of them do not have that authority legally enshrined in their founding document or legislation. Doing so would allow NHRIs to wield their power without worry that the government would strip their functional ability or funding. However, even a Constitutional mandate has not protected the Philippines’ NHRI—the Commission on Human Rights of the Philippines—from Duterte, who has slashed funding, crippling the NHRI’s ability to pursue its legal charge (Netipatalachoochote, Ciacchi and Holzacker 2020). Perhaps more diversified funding allows NHRIs to remain independent.<sup>20</sup> Our data allows scholars to explore that question. Perhaps unsurprisingly, even fewer NHRIs can levy punishments on government actors that engage in violence. Our research suggests that, on average, the human rights regime would be better off trying to increase the punishment power of NHRIs—not simply creating institutions without paying close attention to their internal structures. Though, the results with V-Dem’s torture variable problematize this somewhat. While the results for publishing remained the same, most of the estimates for punishment’s effect, while maintaining a positive, lost standard statisti-

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<sup>20</sup>Though Smith (2006) warns of the potential inefficiencies of NHRI accountability to multiple funding agents.

cal significance. This leaves open questions for future research exploring how the changing standard of accountability affects NHRI abilities and their effects on human rights.

Relatedly, much of our understanding of how states treat citizens is based on reported rather than observed behavior: we tend to rely heavily on information produced by the United States State Department and by Amnesty International. Might the existence and activities of an NHRI produce meaningful differences in the observational environments in which information is obtained and reported on by these outlets? If so, then these pathways may be confounding our current state of knowledge. More work is needed into how NHRI presence and behavior affect the ways that foreign and non-governmental observers access and process information about state-perpetrated violence. These represent just a fraction of the research avenues our data open for scholars. We hope our data lead to a richer understanding of the complex institutional arrangement we as scholars often refer to as the international human rights regime.

## Conclusion

The lack of rich conceptualization and measurement of national human rights institutions (NHRIs) limits our ability to answer interesting questions about the effect of institutions on government repression—a limitation that caught Will H. Moore’s attention. The NHRI data introduced in this article were part of his last data collection effort,<sup>21</sup> and we present them

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<sup>21</sup>One of the major contributions of Will’s career was work on influential and valuable data collection projects. The first of these was Polity II (Gurr, Jagers and Moore 1989), which measured states’ authority characteristics; in its current incarnation, Polity IV (Marshall and Jagers N.d.), it is one of the most often used measures of regime type in quantitative political science. As a junior faculty member, Moore helped produce two datasets: The Violent Intranational Conflict Data Project (VICDP; Moore 1993; Moore and Lindström N.d.), and The Intranational Political Interactions Project (IPI; Leeds et al. N.d.; Moore and Davis 1995). As a full professor, Moore helped bring to fruition the Ill-Treatment and Torture Data (ITT, Conrad, Haglund and Moore 2013, 2014), which have opened new avenues of research and enabled major strides in the empirical study of torture. Moore’s experience with data collection helped motivate the creation of a common set of standards for observational data

with him—our advisor, collaborator, and friend—at the forefront of our minds. Will’s interest in NHRIs was similar to his interest in courts, as he questioned whether and why states would create independent institutions empowered to monitor and sanction their own behavior vis-à-vis the citizenry. Recognizing the potential import of studying NHRI variation—both in its origins and in its potential effects for constraining government violence—led him, and us, to undertake the conceptualization and measurement effort presented in this article. In completing this data collection and publicizing its value and availability, we look to pay it back—just a little bit—by completing this part of his work. At the same time, we hope to pay it forward both by providing a useful resource for testing extant conjecture about human rights and by opening new avenues of inquiry on institutions and state repression.

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in social science: the Conflict Consortium Data Standards & Practices for Observational Data, co-authored with Christian Davenport and available at <http://conflictconsortium.weebly.com/standards-best-practices.html>.

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