

**Unintended Consequences: The Effect of Advocacy to End Torture
on Empowerment Rights Violations**

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Introduction

In a globalized world replete with international organizations (IOs), non-governmental organizations (NGOs), and twenty-four hour news media, human rights abuses like torture are increasingly difficult to hide. Because there are few international mechanisms to address violations of human rights law (Neumayer, 2005), actors like IOs and NGOs engage in naming and shaming campaigns with the hope that negative publicity pressures repressive regimes to better respect human rights. A great deal of resources support these international advocacy campaigns. Between April 2009 and March 2010, Amnesty International (AI) spent \$21,451,000—about \$35 million and 98% of its expended resources—on activities in furtherance of the group's objectives, including research into rights violations and advocacy campaigns publicizing the results of that research (AI, 2010, 8,13).ⁱⁱⁱ And in its 2010-2011 spending plan, the United Nations (UN) earmarked \$24,520,400—5.9% of its operating budget—for human rights and humanitarian affairs (UN, 2010, 2).^{iv} Clearly, international advocacy organizations invest resources in the naming and shaming of human rights violations like torture. But does it work?

Naming and shaming campaigns are organized by actors including sovereign governments, IOs like the United Nations (UN), international and domestic advocacy groups, and the global news media. Quite simply, international advocacy campaigns are designed to shine a spotlight on human rights abuse like torture. Although the goal of this negative publicity is to pressure repressive regimes to better respect human rights and abide by their international commitments (e.g., Ron, Ramos and Rodgers, 2005; Davis and Murdie, 2008; Franklin, 2008; Hafner-Burton, 2008; Hendrix and Wong, 2010), evidence that naming and shaming campaigns “work” (i.e., decrease repression) is mixed

(e.g., Hafner-Burton, 2008; Franklin, 2008). We argue that these mixed results occur either because extant literature assumes that international advocacy has identical impacts on each form of abuse (e.g., Poe and Tate, 1994; Poe, Tate and Keith, 1999; Franklin, 2008; Hafner-Burton, 2008), or it assumes that advocacy campaigns affect respect for one right (e.g., torture) without impacting others (e.g., Davenport, 1995, 1999; Vreeland, 2008; Powell and Staton, 2009; Hathaway, 2002). In this chapter, we relax those assumptions and investigate how the shaming of one type of human rights violation—in this case, torture—affects the extent to which the government continues to torture, as well as the extent to which it engages in other violations of human rights.

We argue that international advocacy campaigns—because they are often targeted at one type of repressive behavior—increase the costs of some, but not all, repressive methods. We focus on how the international naming and shaming of government torture affects both the extent to which the government continues to torture and the extent to which it engages in other repressive tactics. We expect leaders to respond to international naming and shaming for torture by decreasing the use of torture while introducing or ramping up other repressive tactics—including empowerment rights violations that stifle collection action. We test our hypotheses using new time-series, cross-national data set on types of violation shamed by the United Nations Commission on Human Rights (UNCHR) and United Nations Human Rights Council (UNHRC) from 1995 to 2011. We fail to find support for our hypothesis that states respond to international advocacy to end torture by reducing that torture and argue that this may be in part because torture is difficult to stop once it starts (e.g., Conrad and Moore, 2010; Mitchell, 2009). Interestingly, however, our empirical results show that naming and shaming can indeed

have unintended and pernicious consequences: on average, states shamed internationally for torture increase empowerment violations that provide political opponents with opportunities to mobilize against the government.

By studying the effects of international advocacy campaigns on the unintended consequences of naming and shaming, we hope to illuminate the conditions under which states adopt different means of repression, as well as provide information to the international community about how to better limit or prevent rights abuses. Our work suggests that international advocacy organizations should take care in deciding who—and how—to shame states for individual human rights violations like torture. While the goal of naming and shaming for torture is to decrease the likelihood of such violations, calling states out for bad behavior can have unintended negative consequences on state respect for empowerment rights. More specifically, shaming for torture can encourage governments to squelch civil and political rights in an effort to minimize situations in which torture would otherwise prove useful as a tool of government control.

Repression: Rationale and Tactics

We assume that leaders wish to stay in power (e.g., Bueno de Mesquita et al., 2003) and desire a monopoly on the forces of coercion within their territories. When citizens threaten that monopoly, repression is one way to respond to the threat and reassert control over the state and its populace (e.g., Davenport, 2007a). Empirical results support these assumptions, and the observable implications thereof in at least three ways. First, political leaders repress in response to domestic threats (e.g., Gurr, 1988; Davenport, 1995; Gartner and Regan, 1996; Moore, 2000; Shellman, 2006a; Ritter, 2010; Davenport,

2007a). Second, democratic regimes repress less often and less severely than their autocratic counterparts (e.g., Poe and Tate, 1994; Davenport, 1995, 1999; Poe, Tate and Keith, 1999; Davenport and Armstrong, 2004; Davenport, 2007b; Conrad and DeMeritt, 2013). Third, the economy matters—higher government income and incoming international monetary fund (IMF) loans decrease repression, while natural resource wealth and World Bank structural adjustment agreements increase abuse (e.g., Franklin, 1997; Abdouharb and Cingranelli, 2006; Abouharb and Cingranelli, 2007; Young, 2009; DeMeritt and Young, 2013). In short, although there are limits on the extent to which a given state will violate human rights because of domestic and international factors, repression is a rational strategy adopted by leaders when it helps them solidify and/or maintain their grasp on power.

Aside from investigating the covariates of repression writ large, scholars have also begun disaggregating the concept of repression and developing explanations for discrete types of abuse. With respect to torture in particular, empirical results show that leaders often torture—and fail to stop torturing—when they face violent dissent (Conrad and Moore, 2010; Davenport, Moore and Armstrong, 2007). In the absence of dissent, liberal institutions including popular suffrage and a free press constrain the use of torture (Conrad and Moore, 2010; Davenport, Moore and Armstrong, 2007).^v Lastly, torture may also be constrained if autocratic leaders face effective domestic judiciaries (Conrad, 2012; Powell and Staton, 2009). These influences may constrain torture, but they do not eliminate it. Instead, its use remains pervasive. In the final quarter of the twentieth century, for example, an average of 78% of governments used torture against at least one person under their control (Cingranelli and Richards, 1999, 2004a). Rather than disappear

as a tool of state control, torture has evolved and become less pervasive in discourse (Rejali, 2007; Ron, 1997). To avoid international condemnation and punishment for this type of abuse, democratic leaders—and non-democratic leaders who are otherwise monitored internationally—have adopted nonlethal, portable, and non-scarring methods of torture (Rejali, 2007, 423).

The logic behind the decision to shift from “dirty” to “clean” or non-scarring torture underscores the fact that repression itself is a very broad concept: Even considering one type of repression (torture), states have a set of repressive options at their disposal. Building on this insight, we suggest more generally that states have an arsenal of repressive tools available for use against their opposition. They can engage in physical integrity violations like torture (e.g., Rejali, 2007; Evans and Morgan, 1998), killing (e.g., Krain, 1997; Harff, 2003; Midlarsky, 2005), and disappearances (e.g., Grossman, 1991).^{vi} They can throw members of the political opposition in prison (e.g., Seymour, 1979). Leaders can limit civil liberties and political rights, censoring the media, otherwise disallowing free speech, and limiting freedom of domestic and international movement.^{vii} Or they can engage in some combination of these repressive tactics (e.g., Rasler, 1986; Poe, Tate and Keith, 1999; Cingranelli and Richards, 1999; Wood and Gibney, 2010), picking and choosing the human rights violations that best help them meet their goals and avoid the potential costs of condemnation.

Importantly, the decision to use a particular repressive tactic or tactics is not static; leaders can change tactics as they deem necessary. Leaders deciding whether or not to violate human rights condition their decision on the costs and benefits of repression. As we discuss above, the benefits of repression are most obvious when the state faces

violent dissent; repression (potentially) helps keep leaders in power. Some institutions and conditions (e.g., from democratic institutions, economic dependence on the public, etc.) increase the costs of repression writ large; leaders may indeed decrease repression across the board when they face such institutions and conditions.

In other cases, however, the costs of one repressive tactic may increase relative to other repressive tactics. If a government is condemned for a particular type of human rights abuse, leaders may prefer to decrease the use of relatively costly repressive tactics and switch to relatively less costly forms of repression. Between 2001 and 2003, for example, Rwanda held its first series of post-genocide elections. Although physical integrity violations decreased once internal conflict ended, Rwanda's transition to democracy did not end government repression. Instead, Rwanda's transition to democracy "revealed a shift in repressive practices" (Davenport, 2007b, 2-3). More specifically, the emergence of elections was coupled with heightened restrictions on the press and increased imprisonment of the opposition.

Although there are domestic costs to repression writ large and individual repressive tactics, like policymakers and humanitarians, we assume that the costs of repression also vary on an international dimension. As such, we focus in this chapter on the costs of being targeted with international advocacy campaigns. We investigate the effect of being named and shamed for torture on subsequent (1) torture and (2) empowerment rights violations. Our specific interest on international naming and shaming allows us to isolate the effect of a particular event on the use of subsequent repressive tactics. Because shaming is often directed at torture, specifically, rather than at repression, generally, it provides us with an opportunity to look at its effects on both the

shamed tactic and on other repressive tactics that may be employed by the state.

The Effects of Naming & Shaming for Torture

In order to determine the effect of naming and shaming on torture and empowerment rights,^{viii} we assume that being targeted with an international advocacy campaign increases leaders' costs for continuing the status quo. Costs may be imposed directly, as the international community seems to believe. They may also be imposed indirectly: For example, there is evidence that states with repressive human rights records receive less foreign direct investment (FDI) and portfolio investment (Richards, Gelleny and Sacko, 2001; Blanton and Blanton, 2007), as well as fewer arms exports (Blanton, 2000). States are also increasingly tying trade decisions to human rights, creating preferential trade agreements (PTAs) with countries that respect human rights (Hafner-Burton, 2005). Finally, negative attention at the international level can result in the creation of new domestic NGOs and an increased presence of litigants taking claims before a domestic court (e.g., Conrad and Ritter, 2013). In short, negative attention at the international level can lead to costly domestic and international consequences.

Despite high levels of investment in advocacy campaigns and evidence that it imposes indirect costs, empirical evidence on the direct effectiveness of these campaigns is inconsistent: Hafner-Burton (2008) finds that efforts to name and shame states for restricting political freedoms loosen such restrictions, while similar efforts to publicize physical integrity violations have no pacific impact on that terror. Further, states shamed by international actors may actually increase their use of terror after being targeted (Hafner-Burton, 2008). Differently, Franklin (2008) finds that naming and shaming by

NGOs lessens physical integrity abuse, but only in states with high foreign capital dependence. In short, empirical results are mixed: International naming and shaming campaigns may improve respect for human rights, but only by some international actors, only for some human rights, and only under specific conditions.

We believe that these mixed results may be the result of implausible assumptions in extant work.^{ix} The literature either assumes that international naming and shaming has identical impacts on each form of repression (e.g., Poe and Tate, 1994; Poe, Tate and Keith, 1999; Franklin, 2008; Hafner-Burton, 2008), or it assumes that advocacy campaigns affect respect for one right (e.g., torture) without impacting others (e.g., Davenport, 1995, 1999; Vreeland, 2008; Powell and Staton, 2009; Hathaway, 2002). Existing work also tends to conflate naming and shaming by all international actors into a single shaming event, which rules out the possibility that different actors (or their different methods of spotlighting abusers) have different impacts on subsequent abuse (e.g., Hafner-Burton, 2008).

These assumptions strike us as consequentially restrictive. It seems particularly implausible that a leader, having identified repression as a cost-effective means of pursuing a desired outcome, will cease all repression in the face of an international advocacy campaign. Conflating different types of abuse into a single dependent variable, or focusing on one type of abuse without considering alternative options, will not capture the process by which governments decide whether and how to repress, and therefore will not yield consistent results. Conflating these types of abuse into a single dependent variable prevents seeing these countervailing impacts empirically; instead, shame's pacific impact on one form of abuse and simultaneous aggravation of a second may

cancel each other out, leading to the mixed results we see in extant work on state repression. Instead, we suggest that repressive tactics may be a set of related policies. When the costs of one repressive tactic increase, we expect state to turn to less costly ways of engaging in repression against the populace.

In this chapter, we focus specifically on the effects of naming and shaming by the United Nations—specifically, the United Nations Commission on Human Rights (UNCHR) and the United Nations Human Rights Council (UNHRC)—for government torture. Since 2006, the UNHRC—and prior to the 2006, the UNCHR—is the main international organization (IO) responsible for naming and shaming states for violations of human rights.^x As part of their mandate, these bodies are tasked with the issuance of resolutions to publicly condemn repressive countries for violations of human rights.

Although the UN bodies often name and shame states for broad violations of human rights, they also call out states for specific repressive tactics, including government torture. Torture is one violation of the set of physical integrity rights, which are “state or state-affiliated activities [that] target the integrity of the person (i.e., which directly threaten human life)” (Davenport, 2007c, 476). We adopt the United Nations Convention Against Torture (CAT) definition of government torture:^{xi}

... any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is in by or at the instigation of or with the

consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Above, we assumed that being targeting with an international naming and shaming campaign increases leaders' costs for continuing the status quo. As such, when states are named and shamed for human rights violations, they face incentives to decrease human rights violations, writ large. When states are named and shamed for one tactic in isolation, they face incentives to decrease the use of that tactic. But if they believe repression to be an important part of addressing violent dissent and/or remaining in power, they may also face incentives to simultaneously increase the use of other repressive techniques. In this way, leaders can minimize the costs associated with being shamed for abusive tactic A while continuing to pursue their goals via tactics B, C, etc. If this is true, then one observable consequence of being shamed for torture should be a change in the use of torture itself. Torture is the status quo, and (as discussed above) continuing that status quo behavior leaves the state vulnerable to the potential (direct and indirect, domestic and international) costs of shaming. In an effort to reduce these costs, leaders should use less torture once that behavior is put in an international spotlight than they used at the time they were shamed. This discussion leads to our first testable hypothesis about the effect of United Nations shaming for torture on the subsequent use of government torture.

Hypothesis 1. *In response to international advocacy condemning government torture, states decrease torture.*

Reducing the use of torture is not the only way for leaders to move away from a shamed status quo. Government leaders may also change their practices with respect to

other forms of repression, including empowerment rights.^{xii} Why would governments restrict empowerment rights at the same time as they decrease the use of torture? Governments typically engage in torture for three reasons: (1) to generate intelligence or a confession, (2) to intimidate the victim and/or others, and (3) to discriminate (Rejali, 2007). Being named and shamed for torture reduces leaders' abilities to use torture for these purposes because it makes that behavior more costly. That shaming, however, does not eradicate the reason(s) the leader chose to torture in the first place. So when leaders are limited in their ability to use torture in pursuit of these goals, they may instead find other ways to achieve their desired outcome.

One available option is to limit rights that encourage citizen coordination and cooperation—namely, empowerment rights. Restrictions on empowerment rights involve “state or state-affiliated limitations, such as arrests, banning, and curfews, being placed on expression, association, assembly, and beliefs” (Davenport, 2007c, 476). If citizens are less able to communicate freely, form groups, and organize, then they are less able to dissent against the state. In such cases, torture becomes less important; preemptive empowerment rights violations minimize the government's need to engage in physical integrity violations. Another observable implication of our argument, then, is that states may respond to being shamed for torture by increasing restrictions on empowerment rights. Such behavior enables leaders to avoid paying the costs of naming and shaming for torture, while allowing them to continue the rational use of repression to maintain their grasp on power. This discussion leads to a second testable hypothesis linking the UN shaming of torture to increases in government violations of empowerment rights.

Hypothesis 2. *In response to international advocacy condemning government torture,*

states increase empowerment rights violations.

Data & Empirics

We are interested in determining how international advocacy condemning torture influences the subsequent use of torture, as well as state violations of empowerment rights. In what follows, we discuss the empirical strategy we use to test our hypotheses.

Dependent Variables & Model Specification

In order to test our hypotheses, we require measures of two dependent variables: the extent to which government engage in torture and the extent to which governments violate various individual empowerment rights. To capture annual torture incidence, we measure *Torture* using a trichotomous indicator of the concept from Cingranelli and Richards (2004b). It ranges from zero to two, with lower values capturing more frequent/widespread abuse in a given country-year. To make interpretation more intuitive, we reverse this coding so that higher values correspond to increasingly frequent/widespread abuse in the models reported below.

With regard to empowerment rights, we are interested in individual rights that make it easier for people to mobilize against the government. We capture *Empowerment Rights* using several ordinal measures that also come from Cingranelli and Richards (2004b). In the Cingranelli and Richards (2004b) data, each of the measures is an indicator of freedom to pursue rights. *Association* measures the extent to which citizens are free to assemble with others as part of political and special-interest groups. *Domestic Movement* and *Foreign Movement* capture the extent to which citizens are able to move

within their own country and the extent to which they are able to leave and return to their own country, respectively. *Speech* captures the extent to which freedom of speech and the press are censored by the government, while *Electoral Self-Determination* measures whether citizens enjoy “freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them through free and fair elections.” Finally, we measure respect for religious freedom using *Religion*, which captures the extent to which the freedom to practice religious beliefs is subject to government restrictions. Each of these ordinal variables ranges from zero (no respect for the right) to two (full respect of the right). In our analyses, we reverse the coding of these variables, so higher values indicate less respect for a given empowerment right.

Our dependent variables, *Torture* and *Empowerment Rights*, are ordered measures of human rights violations; for each right, we assume that no respect is less than some respect, which is less than full respect. This assumption means that were we to use the simplest available estimator, Ordinary Least Squares (OLS), our errors would be heteroskedastic, and our standard errors would be biased. In this case, our confidence intervals would be unreliable and our hypothesis tests severely awed (Long, 1997). To increase confidence in our results, then, we use ordered probit to model the effects of naming and shaming for torture on the likelihood and severity of subsequent torture and empowerment rights violations.

While avoiding the pitfalls of OLS, this choice of estimator requires us to confront two other potential issues. First, we face a selection effect: governments are more likely to be criticized by the CHR and the HRC as their human rights worsen (Lebovic and Voeten, 2006). Because states with worse human rights records are also the

least likely to change their behavior, however, the coefficient estimates that we present below are biased toward null findings. Second, state decisions to torture may be related to state decisions to violate empowerment rights. Indeed, we argue explicitly that that is the case. The ordered probit models presented here do not allow us to account for the resultant correlated errors across the equations for government torture and empowerment rights violations.^{xiii} We are currently developing an estimator that better captures these aspects of the data generating process, and encourage other scholars to similarly continue the development and application of careful estimation strategies.

Independent Variables

Cross-national data exist on when states are named and shamed by the international community (e.g., Ron, Ramos and Rodgers, 2005; Ramos, Ron and Thoms, 2007; Lebovic and Voeten, 2006; Hafner-Burton, 2008; Franklin, 2008). These data provide valuable information on “who got condemned and by whom” (Lebovic and Voeten, 2006, 862-3). While certainly important, existing quantitative data do not include information on why international condemnation of state repression occurred in the first place. Was it because of torture? Because of government killing? Because political parties were banned? We simply do not know. In order to test our hypotheses about how states respond to the shaming of torture in particular, we require data on the individual tactics for which states were shamed by the international community.

We use new data from DeMeritt and Conrad (2013) on the extent to which a state has been shamed for the use of torture by the United Nations Commission on Human Rights (UNCHR) and the United Nation Human Rights Council (UNHRC) from 1995 to

2011.^{xiv} As part of their mandate, both the UNCHR and the UNHRC are tasked with the issuance of resolutions to publicly condemn repressive countries for violations of human rights.^{xv} In order to generate our data, we performed content analysis of these resolutions to determine the extent to which they shame states for individual violations of human rights including government torture and empowerment rights. The unit of analysis in these new data is the UNCHR or UNHRC resolution.^{xvi} After recording identifying information about each resolution, we code whether the resolution shamed physical integrity or empowerment rights violations (Cingranelli and Richards, 1999), as well as the specific form(s) of abuse mentioned in the resolution.

Within the set of physical integrity violations, we record information on which the extent to which a state was shamed for torture (among other violations of human rights) in a given year. Within the set of empowerment rights, we record restrictions on freedoms of speech, domestic and foreign movement, political participation (electoral self-determination), and religion. We use these data to create a binary measure, *Shamed for Torture*, that records whether or not a country was shamed for torture during a given year. We lag this measure in our empirical models to account for the potential endogenous relationship between human rights violations and international naming and shaming.

In order to account for other factors that affect both human rights violations and the production of naming and shaming allegations, we include a battery of controls from the literature in our models. First, human rights violations are path dependent: the level of past repression affects the extent to which state repress in the future (Carey, 2010; Gurr, 1988; Davenport, 2007b). Thus, we include a one-year lag the dependent variable in each of our models. Second, democracies are, on average, less repressive than their democratic

counterparts (Bueno de Mesquita et al., 2005; Davenport, 1995, 1997, 1999, 2004, 2007b; Davenport and Armstrong, 2004; Fein, 1995; Franklin, 1997; Henderson, 1991; King, 1998; Krain, 1997; Regan and Henderson, 2002; Richards, 1999). We measure democracy using the Polity IV DEM-AUT scale, which accounts for institutional variation within states (Marshall and Jaggers, 2001). We rescale Polity IV such that it ranges from 0 to 20, with 20 representing a fully consolidated democracy. Third, states are more likely to engage in repression of all types when they face domestic dissent or international violence (Davenport, 2007b; Franklin, 2009; Lichbach, 1987, 1995; Moore, 2000; Poe and Tate, 1994; Poe, Tate and Keith, 1999; Shellman, 2006b). We capture this using a binary indicator from the UCDP/PRIO Armed Conflict Dataset, which equals one in country-years experiencing civil and/or international wars (Gleditsch et al., 2002). Lastly, state wealth and national income tend to be related to state repression (Abdouharb and Cingranelli, 2006; Davenport, 1995, 2007c; Poe and Tate, 1994; Poe, Tate and Keith, 1999; Ziegenhagen, 1986). As such, we control for the natural logs of gross domestic product (GDP) and population using data from the Penn World Tables and the World Bank. Each control variable is lagged one period in our empirical models.

Results & Discussion

We hypothesized that states would respond to international condemnation—naming and shaming—for government torture by decreasing the use of torture as a repressive tactic and by increasing violations of individual empowerment rights. Table 1 shows the results of our empirical models. In the first column of Table 1, the dependent variable is Torture, as measured by Cingranelli and Richards (2004b). Columns 3 through 7 provide

information on the effect of our covariates on the violation of various empowerment rights: *Association, Domestic Movement, Foreign Movement, Speech, Self-Determination,* and *Religion*. Although we include in our models a variety of covariates, we are primarily interested in the effect of *Shaming Torture* on each of these dependent variables and focus our discussion on these results.

[Table 1 about here.]

We do not find support for our first hypothesis that UN shaming for torture leads to decreases in the torture incidence. Although the sign on *Shaming Torture* in Column 1 is negative, the coefficient fails to meet conventional levels of statistical significance. Increasing the costs of torture via international naming and shaming does not appear to motivate state leaders and their agents to decrease the use of that violation of human rights. We can think of at least two reasons why this may be the case. First, it is possible that naming and shaming does not increase the costs of state repression. More specifically, governments may be able to ignore United Nations criticism of their behavior because there are no tangible consequences associated with international condemnation. Because of research on the deleterious effects of naming and shaming, as well as the extent to which strategic international actors engage in naming and shaming campaigns, however, we are hesitant to conclude from these results that international criticism enacts no cost on shamed governments. Our results on *Empowerment Rights* discussed below further suggest that governments do not completely ignore international advocacy.

Second, we know from previous work that government torture is subject to principal-agent problems (Mitchell, 2009; Conrad and Moore, 2010). Although state leaders pay the increase cost of international naming and shaming efforts, their agents are

the ones implementing physical integrity violations like torture. As such, even when leaders wish to decrease torture and order their agents to stop violating rights, they may be unable to completely enact such a policy change. Hafner-Burton (2005) also finds that leaders may be unable to control some violations of human rights—like torture—even when they are faced with international condemnation for the practice. Her results on the effect of aggregate naming and shaming suggest that international condemnation of human rights violations writ large increases state terror and decreases violations of civil and political rights. Thus, it may be the case that the international naming and shaming of torture does increase the costs of torture violations; we just are unable to find evidence of it with this model specification. We welcome future research on better determining the effect of naming and shaming torture on the extent to which governments continue to torture in states where principal-agent issues are particularly pervasive.

The effect of shaming torture on empowerment rights violations is more telling about the extent to which governments respond to international condemnation. *Shaming Torture* is positively and significantly related to four of the six violations of empowerment rights we investigate, including violations of the right to freedom of association, the freedom of domestic movement, and the freedoms of speech and electoral self-determination. The international condemnation of torture is not associated with violations of the right to freedom of foreign movement or with religious freedom. We believe that these statistical results reveal a new and important consequence of international naming and shaming: States shamed for torture increase restrictions on citizens' freedoms and empowerment, perhaps to minimize the situations in which torture would be advantageous to the state. But how strong is this response, and how severe are

these changes? To determine the substantive impacts of our findings, Figure 1 presents estimated first differences in the probability of each level of each type of empowerment right, where the difference comes from the introduction of shaming for torture.^{xvii}

[Figure 1 about here.]

As noted above, freedom of assembly and association is the “internationally recognized right of citizens to assemble freely and to associate with other persons in political parties, trade unions, cultural organizations, or other special-interest groups” (Cingranelli and Richards, 2004a). *Ceteris paribus*, shaming for torture lowers the probability that this freedom is unrestricted and freely enjoyed by an average of 36%. Shaming for torture makes it 31% more likely that these freedoms are limited, and 5% more likely that these freedoms are severely restricted or denied completely. When states face international criticism for torture, they restrict the extent to which individuals are free to associate with groups that may form contrary opinions to the government. By limiting the ability of these groups to organize these groups as they form, the government may be able to avoid situations in which torture is the preferable policy choice.

Next, freedom of domestic movement captures “citizens’ freedom to travel within their own country” (Cingranelli and Richards, 2004a). All else equal, international shaming for torture reduces the likelihood that citizens can move freely by 18%, while increasing the likelihood of some restrictions on domestic movement by 18% and increasing the likelihood of severe restrictions by 0.2%. As was the case with restrictions on freedom of assembly, governments do not crack down on all movement in response to the international naming and shaming of torture. To do so would likely warrant a backlash from both domestic and international audiences. But governments do appear to

place some limits on the extent to which individuals are able to move domestically, limiting the likelihood that they are able to engage in dissent against the state.

Third, freedom of speech indicates “the extent to which freedoms of speech and press are affected by government censorship, including ownership of media outlets. Censorship is any form of restriction that is placed on freedom of the press, speech or expression. Expression may be in the form of art or music” (Cingranelli and Richards, 2004a). *Ceteris paribus*, shaming for torture reduces the probability that this type of censorship is absent by 12%, and increases the probability of complete government censorship by 24%. Although it affects the chances that a society is wholly (un)censored, this same shaming has no significant impact on the probability of the middle category, or some censorship by the state. Why might leaders restrict freedom of speech more completely than freedoms of assembly or domestic movement?

Both assembly and movement are clearly individual-level rights; they limit each individual citizen's ability to join with other citizens and potentially organize and mobilize against the state. Differently, freedom of speech places limits on the media. The media is already organized, capable of communicating with a very large number of citizens at once, and therefore equipped to mobilize citizens much more quickly than they could mobilize themselves. Continuing to allow media freedom, then, should increase the chances of dissent and a real threat to the government's grasp on power more than continuing to allow at least some freedom of assembly or movement; continuing to allow some media freedom is more costly than continuing to allow some assembly or movement. As above, imposing complete media censorship may well warrant a backlash. Given the potential risks associated with not imposing complete censorship, however,

states may be willing to risk that backlash in order to maintain their hold on power.

Finally, electoral self-determination captures the extent to which “citizens enjoy freedom of political choice and the legal right and ability in practice to change the laws and officials that govern them through free and fair elections” (Cingranelli and Richards, 2004a). All else equal, shaming for torture lowers by 27% the likelihood that citizens enjoy this right to self-determination in both law and practice. It also raises by 32% the likelihood that self-determination exists in neither law nor practice. Shaming for torture has no significant effect on whether or not a society is somewhat limited (i.e., has the legal right to self-determination but faces limitations to the fulfillment of this right in practice). Like the media, elections are an organized institution capable of reaching a very large number of citizens and allowing their voices to be heard. Elections are, in fact, actually designed to mobilize the population en masse. For leaders who have been using torture and have been named and shamed for that torture, elections pose a direct and immediate threat to their grasp on power. It therefore makes sense that those leaders will act strongly to prevent elections from occurring; they may face a backlash, but they will be in power to (attempt to) weather that backlash.

Overall, our results show that international naming and shaming for torture limits citizens’ abilities to act and interact as they wish. Why might this be the case? We suggest that leaders respond to being shamed for torture by increasing violations of empowerment rights that help citizens overcome their collective action problems and mobilize against the state. If people cannot relocate as desired, associate with one another, express themselves freely or participate in the selection and replacement of their leaders, fewer individuals are able to dissent against the state. As a whole, citizens in these

circumstances are largely incapable of forming a cohesive opposition that threatens leaders' monopoly on power. On the other hand, empowerment violations that have a lesser impact on individuals' ability to mobilize—including freedom of religion and the ability to leave the country—seem to be unaffected by international advocacy campaigns to end torture. Thus we believe that when a state is put on notice for torture, it responds by securing its own grasp on power, limiting empowerment rights that increase the probability of the leader being ousted from office.

Conclusion

In this chapter, we hypothesized that international naming and shaming campaigns targeted at torture would have two effects on domestic respect for human rights. First, we predicted (and failed to find support for the prediction) that the international condemnation of torture would increase the costs of government torture and consequently decrease its subsequent use. Second, we suggested that UN naming and shaming of torture would have another effect: making governments prefer other, relatively less costly types of repression—like empowerment rights violations. We found strong empirical support for this hypothesis.

Although we did not find support for our prediction that shaming for torture decreases torture, we are not entirely convinced that shaming has no effect on subsequent torture. Torture is subject to agency problems, such that even when state leaders wish to stop violations, it is often difficult to do so. Although leaders may feel heightened costs of torture due to international naming and shaming, they cannot stop torture if they cannot control their agents. It may be that the costs of naming and shaming torture only

manifest themselves in decreased violations in states—like democracies—that have relatively better control over their agents. Or, it may be the case that those costs only manifest themselves in decreased violations in states—like dictatorships—that can threaten violence against agents who go rogue. Unpacking the potential mediating role of regime type on the principal-agent interaction that generates torture strikes us as a profitable direction for future research.

Our results make clear that international condemnation of torture does have pernicious effects: when states are called out for torture by the United Nations, they are more likely to place limits on citizens' empowerment rights. They are more likely to limit freedoms of assembly/association and domestic movement, and to quash freedoms of speech and electoral self-determination, than they would be in the absence of naming and shaming for torture. These limits restrict citizens' ability to organize and mobilize against the state, increasing the likelihood that the leadership remains in power and reducing the chance that they face circumstances that would otherwise lead to torture.

Of course, empowerment rights are only one subset of options in the repressive arsenal. In other work, we are focusing on the effects of international shaming for physical integrity violations like torture on subsequent physical integrity violations. That work follows a logic similar to what we lay out here: Naming and shaming for one type of human rights abuse should induce a move away from the status quo, through a reduction in the use of the shamed abuse and/or through the introduction of other forms of repression. Our broad goal with this research program is to unpack the umbrella concept of “repression” in a way that clarifies the mixed empirical findings that characterize current work on naming and shaming and leads to a better understanding of

not only why, but also how, leaders repress their citizens' human rights.

In line with the purpose of this volume, we have focused attention on the effect of naming and shaming torture on torture and empowerment rights violations. Future work could focus on whether shaming for other physical integrity violations—killing, disappearance, and political imprisonment—has similar effects. We expect that international naming and shaming for these violations would have similar pernicious effects on empowerment right violations. Furthermore, killing, disappearances, and political imprisonment are not subject to as much agency loss as torture; as such, we may also find stronger effects for the effect of shaming these violations on subsequent physical integrity violations.

Like the other authors whose work appears in these pages, we believe that the systematic use of torture by states is a troubling indicator of the continued erosion of government respect for human rights. We applaud the international advocates who invest in calling out abusive leaders, but temper our applause with a note of caution: As demonstrated in this chapter, shining a spotlight on torture may lead to unintended and undesirable consequences.

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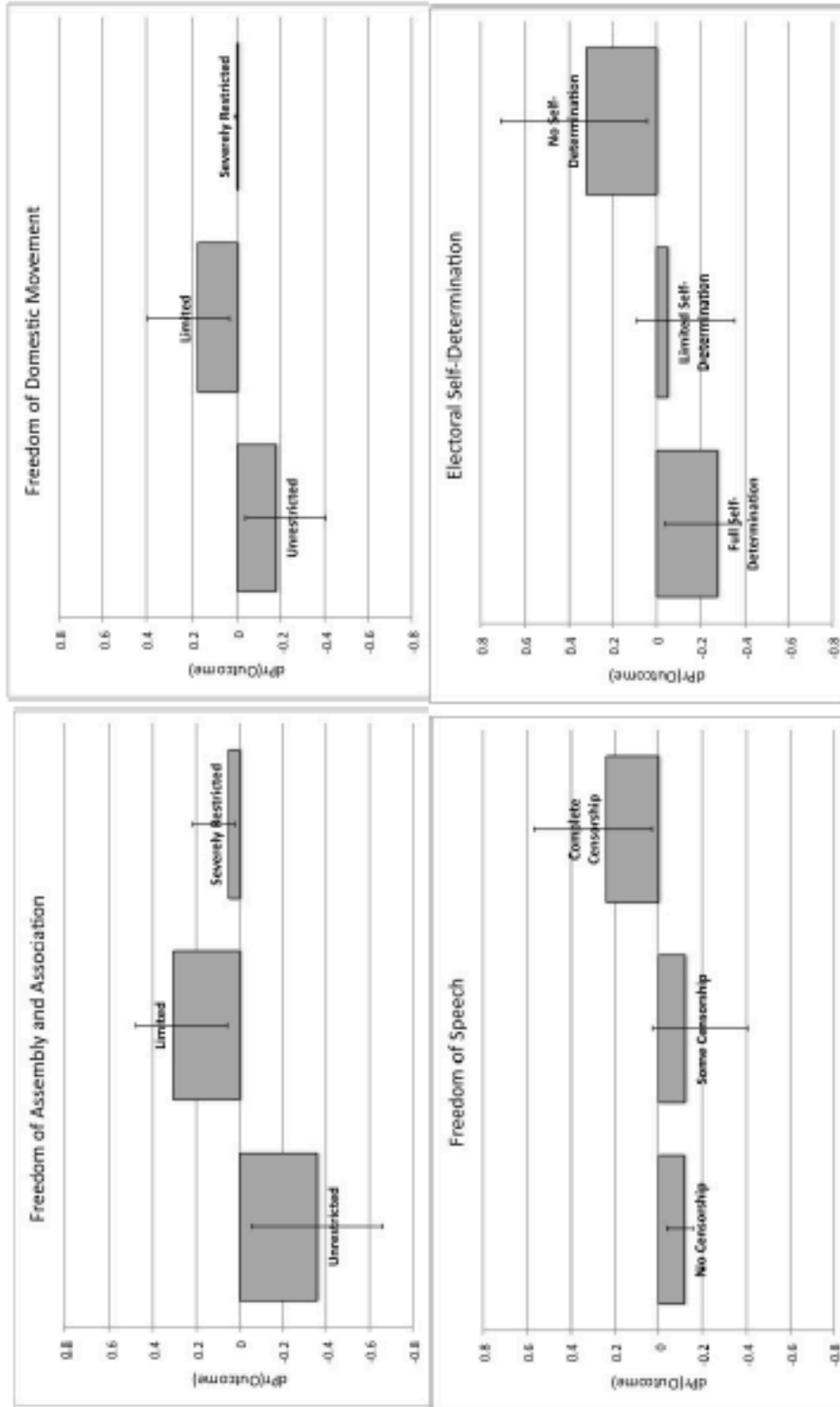
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Table 1: Estimated Effect of UNCHR Shaming Torture on Torture Incidence and Empowerment Rights Violations

	TORTURE	ASSOCIATION	DOM. MOVE.	FOR. MOVE.	SPEECH	SELF-DET.	RELIGION
<i>Shaming Torture</i> _{t-1}	-0.012 (0.247)	0.993** (0.476)	0.740*** (0.302)	0.124 (0.167)	0.922** (0.470)	1.198** (0.537)	0.509 (0.381)
<i>Democracy</i> _{t-1}	-0.026*** (0.007)	-0.080*** (0.007)	-0.050*** (0.007)	-0.056*** (0.006)	-0.084*** (0.008)	-0.115*** (0.008)	-0.048*** (0.006)
<i>War</i> _{t-1}	0.563*** (0.120)	0.173** (0.083)	0.213** (0.097)	0.236*** (0.079)	0.250** (0.107)	0.111 (0.104)	0.181* (0.108)
<i>ln(GDP)</i> _{t-1}	-0.014 (0.028)	-0.031 (0.028)	-0.015 (0.030)	-0.020 (0.026)	-0.029 (0.028)	-0.032 (0.030)	0.018 (0.029)
<i>ln(Population)</i> _{t-1}	-0.034 (0.041)	0.061* (0.037)	0.024 (0.038)	0.038 (0.033)	0.030 (0.040)	0.021 (0.042)	0.008 (0.039)
<i>Dependent Variable</i> _{t-1}	1.582*** (0.088)	1.462*** (0.083)	2.092*** (0.102)	1.815*** (0.102)	1.555*** (0.081)	1.124*** (0.080)	1.445*** (0.091)
/cut1	-0.062 (0.286)	-0.258 (0.285)	0.0729*** (0.314)	0.669*** (0.248)	-0.836*** (0.275)	-1.206*** (0.279)	0.526** (0.250)
/cut2	2.240*** (0.297)	1.750*** (0.306)	3.057*** (0.368)	2.483*** (0.265)	1.653*** (0.281)	0.704** (0.295)	2.013*** (0.282)
<i>N</i>	1876	1876	1925	1925	1876	1876	1911
<i>Log pseudolikelihood</i>	-1158.528	-1093.524	-817.977	-890.653	-1078.297	-1051.463	-1182.131

*** $p \leq 0.01$; ** $p \leq 0.05$; * $p \leq 0.1$, two-tailed at 95%. Robust standard errors (clustered by country) in parentheses.

Figure 1: Estimated Effects of Shaming for Torture on Empowerment Rights



Estimates are simulated first differences in the likelihood of each level of empowerment rights violations, and are based on the introduction of shaming for torture with all other variables held at their median in-sample values. Error bars depict 95% confidence intervals.

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ⁱⁱⁱ See Hill, Moore and Mukherjee (2011) for a discussion of AI as a strategic actor.

^{iv} This can be compared, for example, to the 4.6% allocated to safety and security or the 1.9% dedicated to international law and justice.

^v Other democratic institutions—like veto—can prevent states from stopping torture once it starts (Conrad and Moore, 2010).

^{vi} Following Davenport (2007c, 476), we define *physical integrity violations* as “state or state-affiliated activities (that) target the integrity of the person (i.e., which directly threaten human life).”

^{vii} Empowerment rights violations include “state or state-affiliated limitations, such as arrests, banning, and curfews, being placed on expression, association, assembly, and beliefs” (Davenport, 2007c, 476).

^{viii} We discuss such costs above.

^{ix} See DeMeritt (2012) for a lengthier exposition of this claim.

^x The United Nations Commission on Human Rights (UNCHR) was created by the UN Charter and replaced in 2006 by the United Nations Human Rights Council (UNHCR).

^{xi} Rejali (2007, 35) defines torture as the “systematic infliction of physical torment on detained individuals by state officials for police purposes, for confession, information, or intimidation.” It particularly refers to the “purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials” (Cingranelli and Richards, 2004b).

^{xii} Elsewhere (DeMeritt and Conrad, 2013), we examine the effects of shaming for torture (and other forms of repression) on subsequent physical integrity abuse.

^{xiii} Bivariate probit models are appropriate when theory dictates that two *binary* response variables vary jointly. We prefer not to dichotomize our ordinal measures to make use of this empirical model.

^{xiv} The United Nations Commission on Human Rights (UNCHR) was created by the UN Charter and replaced in 2006 by the United Nations Human Rights Council (UNHCR).

^{xv} Although these bodies can also discuss violations of human rights in confidential sessions, Lebovic and Voeten (2006, 864) argue that public resolutions are explicitly intended to criticize more harshly.

^{xvi} For more information on these data, please refer to DeMeritt and Conrad (2013).

^{xvii} All first differences were simulated with independent variables other than shaming for torture held at their in-sample medians.