

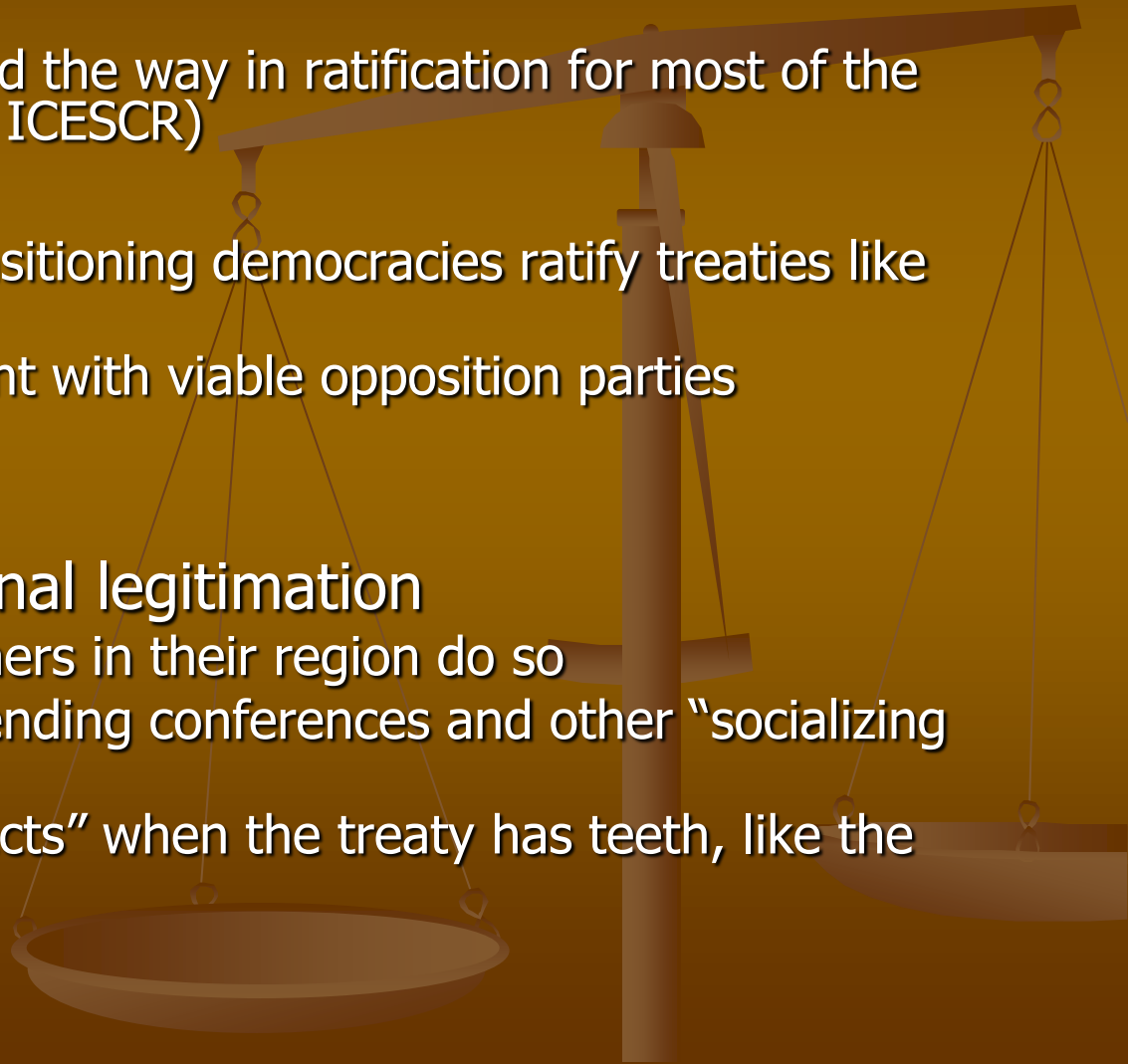


Seven Things I Want to Know About Human Rights Treaty Ratification... And What Social Science Can Contribute

Beth Simmons

#1 Why Do States Ratify?

- Principles and beliefs
 - Democracies have lead the way in ratification for most of the early treaties (ICCPR, ICESCR)
- Domestic politics
 - Relatively new or transitioning democracies ratify treaties like the CAT
 - Repressive government with viable opposition parties
- Coercion
 - (evidence?)
- Social pressure/external legitimation
 - States ratify when others in their region do so
 - States ratify after attending conferences and other “socializing events”
 - (NB: no “regional effects” when the treaty has teeth, like the ICC statute.)



#2. Does Norway's ratification influence others to do so?

■ Mechanisms:

■ Emulation: Norway is a respected model in HRs policies

■ Surveys:

■ "how likely is your country to ratify treaty X?"

■ "As you know countries X, Y and NORWAY have ratified treaty X. how likely is your country to do so?"

■ "Which of the following countries do you think are the best models when it comes to human rights policies?"

■ Signal: Norway usually does a good job vetting

■ Should emulate other treaties and policies as well (environmental, criminal, technical)

■ Norway becomes evangelical

■ Increases ratification pressures on others

■ Soft conditionality

■ Maybe Norway is irrelevant. S. Africa, India, Argentina ratification might be more important.

#3. Do treaties matter?

#3. Do States comply with
ratified treaties?

#3. *Under what conditions* does
treaty ratification contribute
positively to rights behaviors and
outcomes?

One Approach...

It depends on the right

- *The issues and politics differ by rights area*
- Even areas covered within one convention
 - ICCPR:
 - Death penalty
 - Religious freedom
 - Fair trials
 - CEDAW:
 - Education
 - Employment
 - Access to modern forms of reproductive health care
- Why this matters
 - Framing
 - Coalition members vary
 - Collective action
 - Information environment
 - Legitimacy
- May be most fruitful to focus on specific rights, and do comparative research



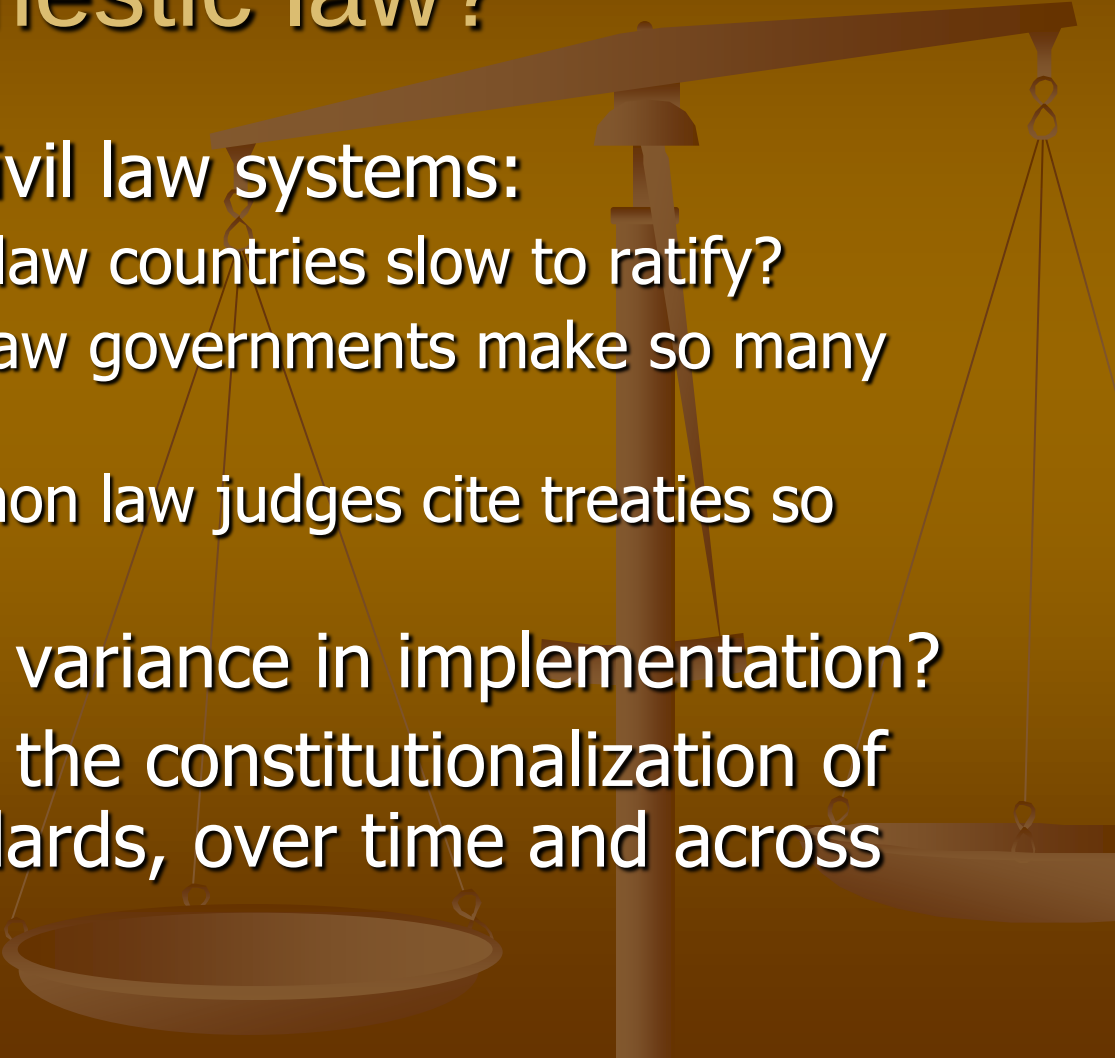
Another Approach:

It depends on domestic institutions

- Nature of the regime
- Nature of legal institutions: Can the courts be used and be useful for rights litigation? (e.g., South Africa)
 - Jurisdiction
 - Capacity
 - Independence
- Nature of civil society institutions
 - Density
 - Activity
 - How networked
- Nature of religious institutions & coalition with the state

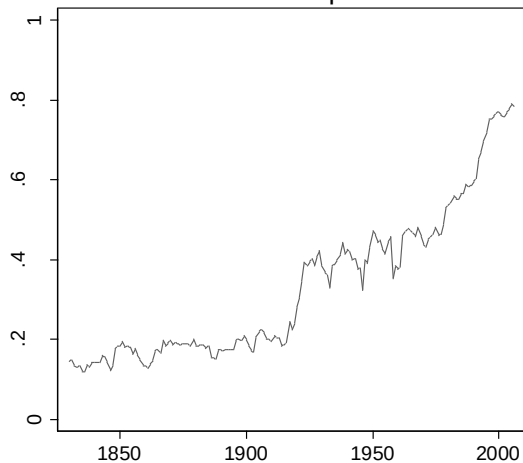


#4. How do international human rights treaties interaction with domestic law?

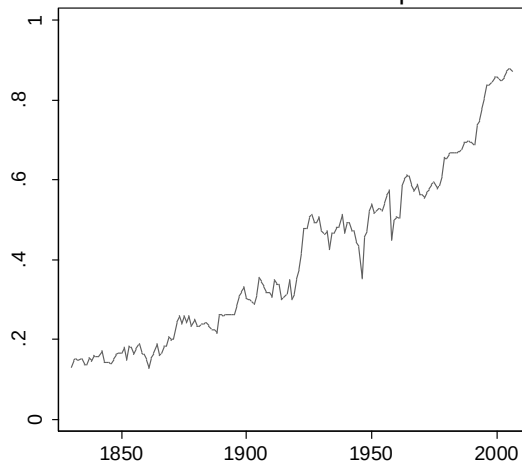
- Common versus Civil law systems:
 - Why are common law countries slow to ratify?
 - Why do common law governments make so many reservations?
 - BUT why do common law judges cite treaties so much?
 - What accounts for variance in implementation?
 - What accounts for the constitutionalization of international standards, over time and across countries?
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Civil and Political Rights, Part I

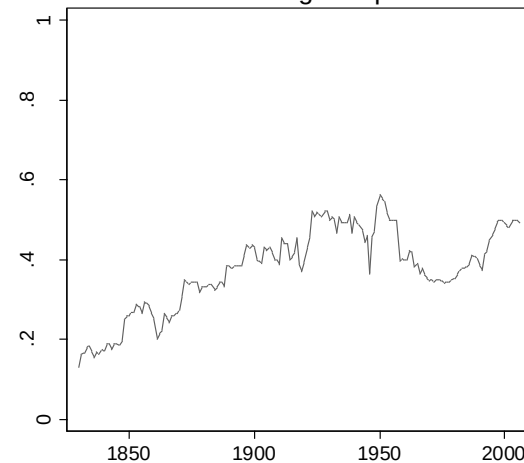
OPINION: Freedom of opinion/conscience



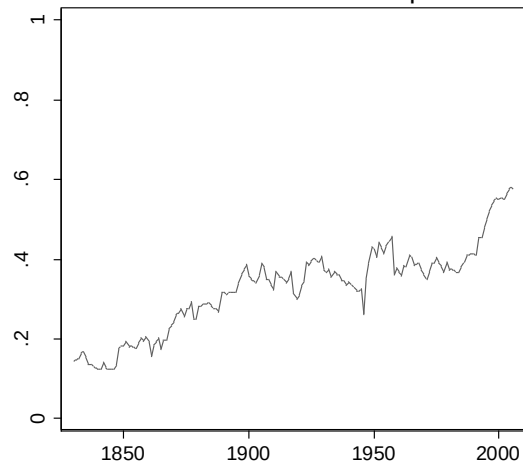
EXPRESS: Freedom of expression



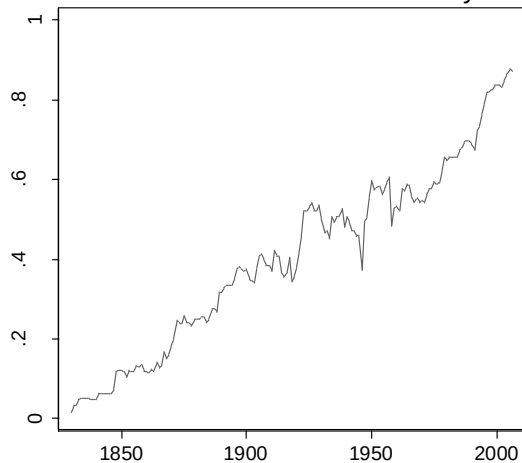
PETITION: Right of petition



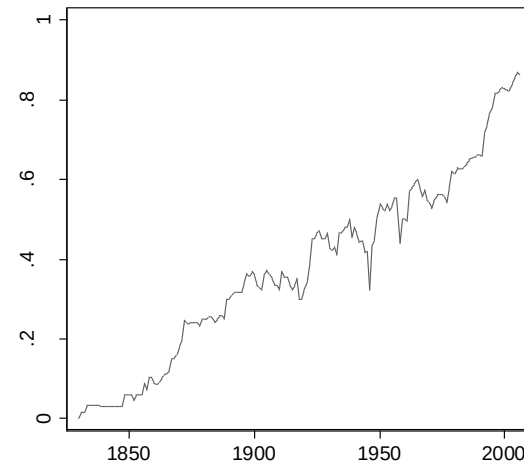
PRESS: Freedom of the press



ASSEM: Freedom of assembly



ASSOC: Freedom of association



Year

#5. Under what conditions and by what mechanisms do international institutions contribute to improvements in human rights?

- When they generate clear rules (especially in high “rule of law” settings)
- When they shame and confront (social enforcement)
- When they generate new and *credible* information (especially in high accountability settings)
- All of these are enhanced when the international institution is view as legitimate.

#6. What conditions contribute to and detract from the legitimacy of international institutions?

- Objective indicators?
 - Rule-consistent behavior of regime managers/enforcers
 - Unbiased, “fair”
 - Efficiency
 - Outcome legitimacy: Fosters (at least conditional) compliance [circular if using legitimacy to *explain* compliance]
- Subjective indicators? (survey research – elite and mass)
 - Indicators of “support”
 - Indicators of sense of “obligation to obey”
 - *Comparative responses at varying levels of governance* (domestic v international courts, e.g.)

#7. Are there downsides to ratification?

- Rights fatigue
- Unreasonable expectations
- Privileges State-Society relations
- Signal erosion
- Resource allocation (e.g., litigation)
- Local backlash – fanning flames of social conflict (Nepal?)
- Pernicious consequences of rights themselves
 - Religious freedom: assault on local culture?
 - Child labor: family poverty



Social Science

(my views)

- Human rights is about passion – Social Science is about being *dispassionate*.
- What matters is not we think we “know” or “believe” but what we can *demonstrate*.
- The nature of social science:
 - generalize: leverage what we can observe to draw tentative conclusions about what we cannot.
 - Verify: design research so you could be surprised.
 - Transmit knowledge: any reasonable person could check my conclusions using
 - My definitions (which are debatable)
 - My methods (which can be improved on)
 - My data (which can be corrected and supplemented).
 - Embrace uncertainty: all conclusions are provisional!

