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## Is Talk Cheap? Empirical Approaches to Assessing the Impact of Human Rights Advocacy Organizations

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# ABSTRACT

Human Rights Organizations (HROs) have been growing in number and prominence on the international stage with the mission of bringing to fruition the human rights ideals envisioned by the Universal Declaration of Human Rights. With such goals in mind, HROs employ an array of strategies and engage in various advocacy activities that are expected to improve human rights practices globally. Although it is commonly assumed that HROs have powerful influence over state actors, there is currently a paucity of systematic research investigating the causal impact of HRO activities on specific human rights outcomes. The purpose of this paper is to critically review the existing quantitative literature that assesses the impact of HRO strategies on human rights outcomes internationally, with a particular focus on the effectiveness of the most commonly investigated HRO activity involving "naming and shaming" abusive state governments through media politics. The paper will also discuss problems with human rights datasets currently used by quantitative scholars, alternative ways of assessing HRO impact using human rights impact assessments as well as opportunities afforded by newly developed human rights indices, and the inherent limitations associated with empirical assessments of human rights efforts. The paper will conclude with policy recommendations for improving HRO activities in congruence with empirical-based practice.

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#### Introduction

Prior to the Second World War, the term "human rights" was rarely used in international discourse. On December 10<sup>th</sup> of 1948, the United Nations (UN) General Assembly adopted a landmark document: The Universal Declaration of Human Rights (Universal Declaration).<sup>1</sup> The preamble of the Universal Declaration states that the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" and that "human beings shall enjoy freedom of speech and belief and freedom from fear...".<sup>2</sup> The Universal Declaration was followed by the 1976 International Human Rights Covenants made up of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which are treaties that give international legal recognition to the Universal Declaration.<sup>3</sup> Human rights protected by these instruments are notoriously difficult to define but are generally believed to entail a broad range of rights that hold individual dignity at their core and are presumed to be universal, indivisible, interdependent, and inalienable.<sup>4</sup>

## Rise of the Global Civil Society and Human Rights Organizations

Since the introduction of the Universal Declaration of Human Rights, there has been a proliferation of international nongovernmental Human Rights Organizations (HROs).<sup>5</sup> An HRO is a form of non-governmental organization (NGO) that is typically private, independent, and non-profit, viewing its mission as advocating to protect fundamental human rights globally.<sup>6</sup> HROs claim to be the "enforcers of unenforced human rights" by putting

<sup>&</sup>lt;sup>1</sup> Universal Declaration of Human Rights, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 71.

<sup>&</sup>lt;sup>2</sup> Ibid.

<sup>&</sup>lt;sup>3</sup> Jack Donnelly, "The Universal Declaration Model of Human Rights: A Liberal Defense." (2001) 12:1 Human Rights Working Papers 24 at 26

<sup>&</sup>lt;sup>4</sup> Ibid at 28-32.

 <sup>&</sup>lt;sup>5</sup> George E Edwards, "Assessing the Effectiveness of Human Rights Non-Governmental Organizations (NGOs) from the Birth of the United Nations to the 21st Century: Ten Attributes of Highly Successful Human Rights NGOs" (2009) 18:2 Michigan State Journal of International Law 165 at 167.
 <sup>6</sup> Ibid at 170-2.

human rights on the international agenda.<sup>7</sup> The network of operations formed by the presence of many HROs working across national borders and outside of official governmental affiliation has been termed "Transnational Advocacy Networks" (TANs). TANs are key actors in the rise of the global civil society. Global civil society refers to organized and formalized social networks at the international level working in the space between individual citizens and state governments.<sup>8</sup> In other words, global civil society is a phenomenon created by non-state actors, including individuals and groups, that mobilize in the interest of pursuing goals that transcend boarders. HROs reflect an institutionalization of that process.

The growth of the global civil society – along with its dominant HROs – began to gain legitimacy in the 1970s and picked up further momentum in the 1990s, continuing into the present day.<sup>9</sup> With this growing tide, HROs have solidified their influence on human rights discourse by contributing to the negotiation of virtually all international human rights legal instruments since the Universal Declaration, receiving increased attention and coverage by Western media, inspiring public engagement on human rights issues, and participating in more interactions with state actors.<sup>10</sup> Today, tens of thousands of various non-governmental organizations (NGOs), including HROs, participate in UN world conferences in different capacities, including holding participatory and consultative statuses.<sup>11</sup> Article 71 of the Charter of the United Nations explicitly allows for consultative status for NGOs.<sup>12</sup>

Despite this growing presence and influence of HRO activity on human rights discourse at the international level, it is

<sup>&</sup>lt;sup>7</sup> Manuel Castells, "The New Public Sphere: Global Civil Society,

Communication Networks, and Global Governance" (2008) 616:1 The aNNalS of the American Academy of Political and Social Science 78 at 84. <sup>8</sup> See Margaret E Keck & Kathryn Sikkink. "Transnational Advocacy Networks in the Movement Society." (1998) The Social Movement Society: Contentious Politics for a New Century 217.

<sup>&</sup>lt;sup>9</sup> Emilie M Hafner-Burton & James Ron, "Human Rights Institutions: Rhetoric and Efficacy." (2007) 44:4 Journal of Peace Research 379 at 379.

<sup>&</sup>lt;sup>10</sup> Edwards, supra note 5 at 175-6; See Keck, supra note 8.

<sup>&</sup>lt;sup>11</sup> Ann M Clark, et al, "The Sovereign Limits of Global Civil Society: A

Comparison of NGO Participation in UN World Conferences on the

Environment, Human Rights, and Women." (1998) 51:1 World Politics 1 at 4.

<sup>&</sup>lt;sup>12</sup> Charter of the United Nations, 26 June 1945, Can TS 1945 No 7. art 71.

often taken for granted that this HRO limelight translates directly into improved human rights practices.<sup>13</sup> While putting human rights front and center on the international negotiation table is not to be dismissed as a critical step in protecting human rights, talk can be cheap – especially when dealing with high-level political actors. The goal of this paper is to review the empirical literature that attempts to directly link HRO activities with human rights practices and outcomes – on-the-ground human rights violations.

The paper will focus primarily on the quantitative human rights literature which employs quasi-empirical methodology and attempts to systematically map cause-effect relationships between HRO activities and human rights outcomes. The paper will proceed as follows: 1) Various HRO activities and functions will be introduced, 2) followed by a discussion of theories of HRO accountability, 3) a review of quantitative human rights literature linking HRO activities with human rights outcomes, 4) a discussion of the limitations associated with human rights quantitative datasets 5) as well as opportunities for collection and analysis of new data, 6) a cautionary note on the inherent problems associated with empirical assessment of HRO impact on human rights, 7) and finally, a list of policy recommendations for HROs to maximize their potential for positive impact on human rights outcomes.

## **HRO** Activities and Functions

The current paper is concerned primarily with international HROs whose main function is human rights advocacy. According to the Free Online Dictionary, advocacy is defined as "the act of pleading or arguing in favor of something, such as a cause, idea, or policy; active support."<sup>14</sup> Within this broad definition of advocacy, HROs perform many functions including "the monitoring and surveillance of human rights problems, notification of emergency situations, the dissemination of information about human rights norms and violations to the general public, the exchange of such information with other non-state participants in transnational civil society, the reporting of human rights problems to state and international bodies, and ongoing or ad hoc consultation with governments or international human rights

<sup>&</sup>lt;sup>13</sup> Clark, supra note 11 at 21.

<sup>&</sup>lt;sup>14</sup> Free Online Dictionary: <u>https://www.thefreedictionary.com/advocacy</u>.

bodies."<sup>15</sup> The spectrum of HRO activities ranges from mere gathering and dissemination of information to direct lobbying for specific human rights policy implementation. In the middle of this spectrum, and an important focus of the current paper, is the so called "naming and shaming" strategy whereby HROs target state actors for human rights violations via media channels in attempt to shine a negative spotlight on the abusive state. Regardless of where along this spectrum a specific HRO activity is located, it can have material downstream consequences on the human rights outcomes of specific individuals; those consequences may be positive, neutral, or even negative. While this paper makes the assumption that all HROs design their activities with the goal of having a positive outcome on human rights practices, how theory translates into practical consequences is far from unambiguous. Given that HROs - by their very definition - intent to protect human rights, they must at a bare minimum attempt to understand the consequences of their activities on human rights outcomes.

## **HRO** Accountability

This issue of understanding how specific organizational activities relate to outcomes, as defined by an organization's mission statement, relates to the broader issue of accountability. For an HRO to be accountable to its supporters and to those whos rights it aims to protect, the HRO needs to find a way to link its activities to measurable results. In response to growing public concerns over accountability of international NGOs, several NGOs, including HROs, drafted and signed the International Non-Governmental Organisations Accountability Charter (INGO Accountability Charter) in 2006.<sup>16</sup> Among the signatories are Oxfam International and Amnesty International – one of the largest and most well-known HRO. Among the stated purposes of the INGO Accountability Charter are improvement of accountability and transparency, as well as performance and effectiveness. But who should HROs be accountable to? The Accountability Charter lists a variety of stakeholders against

<sup>&</sup>lt;sup>15</sup> Julie Mertus, "From Legal Transplants to Transformative Justice: Human Rights and the Promise of Transnational Civil Society" (1998) 14 Am U Intl L Rev 1335 at 1368.

<sup>&</sup>lt;sup>16</sup> Accountability Now, "International Non-Governmental Organisations Accountability Charter"

https://www.oxfam.org/sites/www.oxfam.org/files/ingo-accountabilitycharter.pdf [Accountability].

whose interests a signatory's effectiveness will be measured which include those individuals on behalf of whom the organization is advocating, as well as supporters (donors), the media, and the general public.<sup>17</sup>

The Accountability Charter introduces the concepts of accountability, effectiveness, and stakeholder interests in very broad and abstract terms. In reality, it may not be possible to be accountable to all these various stakeholders simultaneously for a variety of reasons, including the often-times conflicting nature of interests, as well as the difficulty associated with measuring results. Theoretically, there are two models of accountability at play: hierarchical accountability which would focus HRO accountability on a narrow range of stakeholders, mainly prominent donors, and holistic accountability that aims to account for a broader network of stakeholders, including those whose human rights are at stake.<sup>18</sup>

HROs are particularly resistant to evaluation and measurement of their impact compared to other organizations in the non-profit sector which translates into a fixation on the narrow, hierarchical form of accountability.<sup>19</sup> While the nature of human rights work is highly unpredictable with effects occurring on a long-term basis, donors expect to see immediate results. This is perhaps why Amnesty International, one of the largest HROs, with one of the largest operating budgets, continues to rely on anecdotal evidence for justifying its success.<sup>20</sup> Case study evidence from Amnesty International Ireland showed that the organization was prioritizing hierarchical accountability by focusing its attention on the interests of high net-worth donors.<sup>21</sup> Similarly, Human Rights Watch interprets media visibility as a measure of success instead of attempting to take into account the

<sup>&</sup>lt;sup>17</sup> Accountability, supra note 16.

<sup>&</sup>lt;sup>18</sup> Brendan O'Dwyer, & Jeffrey Unerman, "The Paradox of Greater NGO Accountability: A Case Study of Amnesty Ireland" (2008) 33:7 Accounting, Organizations and Society 801 at 802-4.

<sup>&</sup>lt;sup>19</sup> Catherine C Barber, "Tackling the Evaluation Challenge in Human Rights: Assessing the Impact of Strategic Litigation Organisations" (2012) 16:3 The International Journal of Human Rights 411 at 414.

<sup>&</sup>lt;sup>20</sup> Ibid at 412.

<sup>&</sup>lt;sup>21</sup> O'Dwyer & Unerman, supra note 18 at 813.

actual outcome on the desired human rights practice.<sup>22</sup> Along the same vein, a study by the International Council on Human Rights Policy (ICHRP) on the accountability of HROs concluded that HROs tend to focus on a narrow range of stakeholder interests and measure their performance based on outputs such as media coverage of campaigns, rather than outcomes on the people whose human rights they are purporting to protect.<sup>23</sup>

Outcomes, rather than outputs, need to be measured and linked to HRO activities in order to move towards the holistic form of accountability that is envisioned by the Accountability Charter. For the purposes of this paper, human rights outcomes will be defined as the extent to which individuals within a given society or community enjoy fundamental human rights including political, civil, social, and physical rights. These rights can be violated by a number of actors including state and non-state actors. This paper, however, will focus on HRO activities in relation to human rights violations by the state. The state-citizen relationship is central to human rights and the state is seen as both the perpetrator and protector of fundamental human rights given its broad reaching power over all aspects of citizen's lives.<sup>24</sup> Another reason for focusing the discussion on the state is that much of the dominant HROs specifically target state behaviour in campaigns, and much of the empirical work in this area has focused on measuring statecaused human rights abuses.

## Review of Quantitative Studies Linking HRO Activities to Human Rights Outcomes

Naming and Shaming Literature

Quantitative studies on the effectiveness of HRO strategies and activities on human rights outcomes remain rare.<sup>25</sup> The

<sup>&</sup>lt;sup>22</sup> Ian Gorvin, "Producing the Evidence that Human Rights Advocacy Works:
First Steps Towards Systematized Evaluation at Human Rights Watch" (2009)
1:3 Journal of Human Rights Practice 477 at 481.

<sup>&</sup>lt;sup>23</sup> ICHRP, "By What Authority? The Legitimacy and Accountability of Nongovernmental Organisations" (2003)

http://www.ichrp.org/files/papers/65/118\_Legitimacy\_Accountability\_Nongo vernmental\_Organisations\_Slim\_Hugo\_2002.pdf

<sup>&</sup>lt;sup>24</sup> Donnelly, supra note 3 at 32-5.

<sup>&</sup>lt;sup>25</sup> Jesse D Lecy et al, "Non-Governmental and Not-for-Profit Organizational Effectiveness: A Modern Synthesis" (2012) 23:2 Voluntas: International Journal of Voluntary and Nonprofit Organizations 434 at 434.

literature that does exist has been largely focused on the effectiveness of a specific HRO strategy: media politics. Media, described as the "battleground for an NGOs campaign", is generally a top priority for many professionalized HROs as it helps the organization gain legitimacy and donor support.<sup>26</sup> There is evidence to suggest that Western media coverage is significantly influenced by HRO reports of human rights violations.<sup>27</sup> More specifically, the HRO media politics strategy aims to publicize human rights violations tied to a specific perpetrator, such as a state actor, and to use this international spotlight to put pressure on the violator to end the abusive activity - a strategy termed "naming and shaming" in the human rights scholarship. The naming and shaming strategy can damage a state's domestic and international reputation, and in certain cases, can cause economic vulnerability as a result of sanctions.<sup>28</sup> Naming and shaming is theorized to work via two channels: pressure "from above" is caused by the mobilization of states, organizations, and individuals from the international community that demand a cessation of the abusive actions, and pressure "from below" which is caused by domestic populations that are mobilized by local HRO presence and education efforts.<sup>29</sup> The quantitative literature on the effectiveness of the naming and shaming phenomenon have produced some mixed results, which are reviewed below and summarized in Table 1.

Hafner-Burton (2008) investigated whether naming and shaming by Amnesty International had an effect on physical integrity rights and political rights.<sup>30</sup> Naming and shaming was measured by counting the number of Amnesty International press releases and Background Reports over a twenty-five-year period between years 1975 and 2000, covering a total of 145 countries. Human rights outcomes were assessed using two different indices. The Cingranelli–Richards (CIRI) Physical Integrity Index measures

<sup>&</sup>lt;sup>26</sup> Castells, supra note 7 at 85.

 <sup>&</sup>lt;sup>27</sup> See Howard Ramos et al, "Shaping the Northern Media's Human Rights Coverage, 1986–2000." (2007) 44:4 Journal of Peace Research 385.
 <sup>28</sup> Amanda M Murdie & David R Davis, "Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs" (2012) 56:1 International Studies Quarterly 1 at 3-4.

<sup>&</sup>lt;sup>29</sup> Ibid at 1.

<sup>&</sup>lt;sup>30</sup> See Emilie M Hafner-Burton, "Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem." (2008) 62:4 International Organization 689.

physical integrity rights for every year and country (for which data is available) based on a combination of four physical integrity variables: political imprisonment, torture, extra-judicial killings, and disappearances. The second measure of human rights outcomes was based on political rights taken from the Freedom House data on a government's abuse of the electoral process, its level of political pluralism and functioning government. The study also controlled for a country's gross domestic product (GDP), population size, and civil conflict since these factors are known to be related to human rights outcomes on their own – irrespective of naming and shaming strategies.

The study concluded that Amnesty's naming and shaming strategy was not a robust method for reducing human rights violations. Interestingly, physical integrity rights not only failed to improve in association with naming and shaming, but in some cases physical integrity abuses actually increased. On the other hand, political rights did tend to improve with increased naming and shaming. The author suggests that these findings can be understood in line with the theory that naming and shaming pressures abusive states into holding elections to give the appearance of political rights, while violating other rights, such as with the use of violence, making political participation ineffective in practice. This pattern of state behaviour would cause political rights to appear to improve while physical integrity rights are declining – the direction of effects observed in the study.

A study by Hendrix (2013) similarly assessed the effect of naming and shaming on physical integrity rights and additionally on civil rights.<sup>31</sup> The study used the CIRI Physical Integrity Index and the Freedom House Civil Liberties Index (made up of freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights). Naming and shaming was measured by quantifying Western media coverage of human rights violations in addition to Amnesty International Background Reports and Amnesty Urgent Action petitions. The study found that naming and shaming is associated with reduced human rights abuses, but this effect was conditional on the regime type. Contrary to conventional wisdom, naming

<sup>&</sup>lt;sup>31</sup> See Cullen S Hendrix & Wendy H Wong, "When is the Pen Truly Mighty? Regime Type and the Efficacy of Naming and Shaming in Curbing Human Rights Abuses." (2013) 43:3 British Journal of Political Science 651.

and shaming was only an effective strategy in targeting autocratic states, but not democracies. The theory put forward by the author suggests that in democracies freedom of press is already higher than in autocracies, and thus, it is less likely that an HROs will bring to light new information and additional pressure on a state. The human rights violations in democracies are thus seen as calculated political choices. On the other hand, autocracies may rely on successfully hiding human rights violations when calculating the political gain from such violations, and in such a case, the unveiling of the abuse by HROs may shift the political consequences, no longer making it a viable strategy, causing the autocratic state to reduce its abuse.

Along a similar line of evidence, Franklin (2008) showed that the effectiveness of naming and shaming is conditional on the level of economic interdependence and reliance of a given state.<sup>32</sup> Using a sample of countries within Latin America, Franklin (2008) showed that naming and shaming, measured through news media reports, is associated with reduced human rights abuses, but only in countries that are highly dependent on foreign capital.

Krain (2012) showed that naming and shaming through Amnesty International News Releases and Background Reports, as well as Western media coverage of human rights violations, was associated with lower levels of genocides and politicides (measured by the Political Instability Task Force).<sup>33</sup> The data covered the years of 1955 to 2008 and controlled for military interventions, regime type (autocracy/democracy), and international economic interconnectedness. Interestingly, in addition to measuring the effect of naming and shaming on genocides and politicides, this study also used the CIRI Physical Integrity Index (as employed by the studies discussed above) as well as the Political Terror Scale (PTS). The PTS is a highly similar measure of physical integrity rights to the CIRI Physical Integrity Index. Krain did not find an effect of naming and shaming on physical integrity rights using the CIRI and PTS. The author suggests that while the CIRI and PTS cover a broader range of

<sup>&</sup>lt;sup>32</sup> See James C Franklin, "Shame on You: The Impact of Human Rights Criticism on Political Repression in Latin America." (2008) 52:1 International Studies Quarterly 187.

<sup>&</sup>lt;sup>33</sup> See Matthew Krain, "J'accuse! Does Naming and Shaming Perpetrators Reduce the Severity of Genocides or Politicides?" (2012) 56:3 International Studies Quarterly 574.

abuse, politicides and genocides reflect only the most extreme events. Therefore, it is possible that naming and shaming is effective at reducing only the most extreme abuses, while a state may continue to violate human rights more generally at less extreme levels as captured by the CIRI Physical Integrity Index and the PTS.

Further qualifying the naming and shamming effect, the theory that naming and shaming works by putting pressure on a state from below (local population) and from above (international community), has been directly tested by Murdie and Davis (2012).<sup>34</sup> Murdie and Davis assessed HRO naming and shaming by using events data from the IDEA project that scores all Reuters Global News Service Reports that specifically mentioned a naming and shaming activity by an HRO. An example of such an event is: "On November 1, 2001, Human Rights Watch demanded action by the Macedonian government". The data included naming and shaming data implicating 130 states between the years of 1992 and 2004. The analysis in the study was restricted to international HROs that are human rights focused based on their mission statements. In addition to a measure of naming and shaming by HROs directly, a measure of pressure from above and below were also included. The total number of HROs operating on the ground in a given country was used as a proxy for pressure from below. Pressure from above was assessed from the same Reuters Global News Service Reports, specific for third-party targeting from outside of the state, for example: "On December 2, 2002, the United Kingdom criticized the Iraqi government, citing a report from Amnesty International". This allows direct measurement of pressure created by the international community as a result of naming and shaming that originated from an HRO.

Human rights outcomes in the Murdie and Davis study were assessed using the CIRI Physical Integrity Index and the PTS, in line with previous studies. The study also controlled for international and domestic conflict, GDP, population size, regime type, and dependence on foreign aid. The results demonstrated that on its own, HRO naming and shaming does not improve human rights outcomes. However, there was an interaction of naming and shaming with pressure from above and below. When

<sup>&</sup>lt;sup>34</sup> See Murdie & Davis, supra note 28.

naming and shaming was combined with pressure from below (number of HROs) or pressure from above (naming and shaming by third party actors), physical integrity rights showed improvement. These results suggested an "amplification effect" whereby HROs are most effective when their naming and shaming results in mobilization of both domestic (pressure from below) and international (pressure from above) players to target the human rights abusing state.

The largest effect was from third party targeting (pressure from above) which has implications for countries where domestic HRO presence may not be plausible within an oppressive state regime. The idea is that in oppressive regimes, domestic groups can draw on transnational advocacy networks to put external pressure on their state - the so called "boomerang effect".<sup>35</sup> In addition, given that foreign aid was controlled for in this study, naming and shaming seems to work by way of a reputational mechanism. The study therefore implies that targeting a state with words (naming and shaming), irrespective of economic consequences (given that foreign aid was controlled for), is an effective strategy for improving human rights. Another implication arising from this study is that irrespective of country-specific factors (such as GDP, population size, regime type), naming and shaming, when effective at recruiting pressure from above and/or below, can have measurable effects on human rights outcomes.

Study	Naming and Shaming Variables	Human Rights Outcome Variables	Effect on Human Rights Outcomes
Hafner- Burton (2008)	Amnesty International Press Releases and Background Reports	<ul> <li>CIRI</li> <li>Physical</li> <li>Integrity</li> <li>Index</li> </ul>	<ul> <li>Physical integrity rights did not improve or decreased –</li> </ul>
	• Western media	<ul> <li>Freedom House</li> </ul>	Ļ

Table 1. Summary of Naming and Shaming Effects on Human Rights Outcomes

<sup>&</sup>lt;sup>35</sup> See Margaret E Keck & Kathryn Sikkink. Activists Beyond Borders: Advocacy Networks in International Politics. (New York: Cornell University Press 2014).

	coverage (Economist & Newsweek)	Political Rights	<ul> <li>Political rights improved ↑</li> </ul>
Hendrix (2013)	<ul> <li>Amnesty International Background Reports and Amnesty Urgent Action petitions</li> <li>Western media coverage (Economist &amp; Newsweek)</li> </ul>	<ul> <li>CIRI Physical Integrity Index</li> <li>Freedom House Civil Liberties Index</li> </ul>	<ul> <li>Physical integrity rights improved contingent on regime type ↑</li> <li>Civil liberties improved contingent on regime type ↑</li> </ul>
Franklin (2008)	<ul> <li>News media reports (Keesing's Record of World Events &amp; Facts on File)</li> </ul>	<ul> <li>Study creates own political repression variable combining violent and non-violent repression</li> </ul>	<ul> <li>Political repression improved contingent on economic interdependenc e ↑</li> </ul>
Krain (2012)	<ul> <li>Amnesty International News Releases and Background Reports</li> <li>Western media coverage (Economist &amp; Newsweek)</li> </ul>	<ul> <li>CIRI Physical Integrity Index</li> <li>Political Terror Scale (PTS)</li> <li>Political Instability Task Force: Politicides and Genocides</li> </ul>	<ul> <li>Physical integrity rights did not improve –</li> <li>Politicides &amp; genocides improved ↑</li> </ul>

Murdie and Davis (2012)	• Reuters Global News Service Reports	<ul> <li>CIRI Physical Integrity Index</li> <li>Political Terror Scale (PTS)</li> </ul>	<ul> <li>Physical integrity rights improved contingent on pressure from below and pressure from above ↑</li> </ul>
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In summary, the quantitative literature assessing the impact of HRO naming and shaming on human rights outcomes, has painted a complex picture. Across studies, using various indices for measuring naming and shaming and human rights outcomes, it appears that HRO naming and shaming is generally an effective HRO strategy conditional on broader socio-political factors, namely: regime type, economic interdependence, degree of abuse, and the extent of mobilization of naming and shaming networks involving pressure from below and pressure from above (Table 1).

## HRO Campaign Materials

When naming and shaming is used to garner support from the international community and from domestic actors, it is not only organizations and governments that can put pressure on the abusive state, but engaging the general public can be an important HRO strategy as well. Many HROs, including Amnesty International, put out campaigns to inform the general public about human rights violations in a specific context, and call on individuals to take action – for example, via the signing of petitions to be sent to state officials connected to the abusive situation. HRO campaigns discussed in this section are a subset of the more general naming and shaming strategy that are aimed directly at the public.

A study by McEntire et al. (2015) set out to empirically test which types of HRO campaign materials are expected to be most effective for instigating direct action from individuals in the

general public.<sup>36</sup> Campaign materials are generally categorized into three main types, or "frames". Informative frames are those that provide factual information with a neutral tone, such as with the use of statistics to describe the gravity of a certain human rights violation. Personal narrative frames are those that describe a human rights violation by drawing on a personal story of an identifiable victim, intended to be emotionally-charged. Finally, motivational frames are those that make a direct appeal to action by emphasizing a reader/viewer's agency and ability to make a difference in the given human rights situation.

To test which of these three frames is most effective, McEntire et al. designed a fictitious human rights campaign on the use of sleep deprivation techniques during police interrogations. Participants were recruited online through Amazon's Mechanical Turk and were randomly assigned to one of four campaign frame conditions: control (no campaign materials), informative, personal narrative, or motivational. The survey started out with participants reading a short neutral description on the use of sleep deprivation by police. They were then asked a series of survey questions on their opinion of sleep deprivation as an appropriate technique, and then directed to the campaign page (no campaign page for the controls). They then viewed the campaign (either informative, personal narrative or motivational), followed by another survey to assess whether their opinions on sleep deprivation had shifted after being provided with the campaign materials. Finally, all respondents were asked whether they would be willing to be redirected to a petition page (fictitious) to sign a letter addressed to the Attorney General and the UN Special Rapporteur for Human Rights, demanding the immediate end to the use of sleep deprivation during police interrogations. The last component was meant to gage whether participants are more likely to take direct action after being exposed to certain campaign frames.

The results of the study showed that all three frames – informative, personal narrative, and motivational – decreased the tendency of participants to report that sleep deprivation was an appropriate police interrogation technique (after being exposed to the campaign) in comparison to the control group. Additionally,

<sup>&</sup>lt;sup>36</sup> See Kyla J McEntire et al, "Human Rights Organizations as Agents of Change: An Experimental Examination of Framing and Micromobilization" (2015) 109:3 American Political Science Review 407.

all three frames also increased participants' willingness to sign the petition in comparison to the control group. Out of the three frames, however, the largest effects were observed for the personal narrative frame, suggesting that emotionally-charged material is the most effective for changing attitudes and enlisting direct action.

McEntire et al. also obtained a sample of 3000 promotional and advocacy materials from Amnesty International and assessed the use of various frames in these materials. The author concluded that Amnesty International often combined all three frames in a given campaign ad. The fictitious ad campaign study by McEntire et al. separated the three campaign frames into separate groups, while Amnesty International, and likely other HROs, seem to combine frames within a single campaign ad. There is likely little doubt that a combination of frames is an effective strategy given that in the study all three frames individually affected attitudes and propelled direct action. However, it is not clear how to combine frames in the most optimal fashion to ensure maximum campaign effectiveness, since the study by McEntire et al. did not test mixed campaign materials. Further research can use various combinations of frames to address this issue. In any case, HRO campaign materials that include personal narrative frames are likely to be the most effective for influencing the general public.

## Issues with Existing Quantitative Human Rights Datasets

A large portion of the quantitative human rights literature reviewed above relies on two main datasets: the CIRI Physical Integrity Index and the Political Terror Scale (PTS), both of which attempt to capture virtually the same human rights category: physical integrity rights (see Table 1). This section discusses some of the problems that exist with these two datasets, potentially making it difficult to draw direct inferences on human rights outcomes.

## Description of the Datasets

The CIRI Physical Integrity Index is made up of four physical integrity variables: political imprisonment, torture, extra-

judicial killings, and disappearances.<sup>37</sup> For each of these variables, a score of 0, 1 or 2 is assigned; 0 indicating that the right is frequently violated in the given state, while 2 indicates that the right is not violated. When adding the scores from all four variables with equal weighting, the Physical Integrity Index is made up of a single score ranging from 0 to 8 for every country and year for which data is available. The dataset is available for years 1981 to 2011, with a total of 4,518 country-by-year data points.

The PTS is another dataset that attempts to capture physical integrity rights by taking into account all forms of violent state behaviour including: torture and cruel and unusual treatment and punishment, beatings, brutality, rape and sexual violence, extrajudicial executions, political assassination, kidnappings, forced disappearances, and arbitrary arrest and detention.<sup>38</sup> The total score ranges from 1 to 5, with 1 representing no evidence of physical integrity rights violations, and 5 representing the most extreme level of physical integrity rights violations. The PTS dataset is available for the years 1976 to 2016, with 8,160 country-by-year data points.

Both the CIRI Physical Integrity Index and the PTS are derived by coding the same two annual reports: the U.S. State Department's Country Reports on Human Rights Practices and Amnesty International's The State of the World's Human Rights Annual Reports. The PTS additionally relies on Human Rights Watch's World Reports. These reports represent the best available global information on human rights practices. To derive scores for each country and year for both the CIRI and PTS indices, professional coders (those who give scores for each country) must read these reports which are made up of detailed quantitative and qualitative information on human rights practices for each country. Based on standardizes coding instructions, the coders then decide what score to assign to each country (0-8 for CIRI Physical Integrity Index and 1-5 for the PTS). The scores are therefore subjective judgment calls by the coders. A major issue with these coding practices is that if the State Department,

<sup>&</sup>lt;sup>37</sup> David L Cingranelli et al, The CIRI Human Rights Dataset (2014): <u>http://www.humanrightsdata.com</u>.

<sup>&</sup>lt;sup>38</sup> Mark Gibney et al, The Political Terror Scale 1976-2015. (2016): <u>ht-</u> <u>tp://www.politicalterrorscale.org.</u>

Amnesty International, and Human Rights Watch reports change in the quality of information available from year to year, or if the coders themselves adopt different standards for what constitutes "serious" human rights violations from year to year, there will be substantial inadvertent bias introduced into the datasets.

## Changing Standard of Accountability

This potential problem has been termed the "information paradox" which is the idea that increases in awareness of human rights abuses and better access to information over time creates the illusion that human rights conditions are worsening.<sup>39</sup> In line with this notion, both the State Department and Amnesty International reports discuss a wider range of human rights violations over time, and the reports themselves get longer and more detailed over time.<sup>40</sup> This increased quantity and quality of information available in the reports is thought to in turn create a "ceiling effect" in the CIRI and PTS datasets whereby coders are more likely to give the most severe scores (0 for CIRI and 1 for PTS) over time. The ceiling effect may also be caused by virtue of the fact that over time, the coders themselves (coming from newer generations) expect a higher standard of human rights accountability, thus unconsciously scoring violations more harshly than in the past. The idea is that as human rights issues are increasingly brought into the forefront, more accurate information is gathered, and higher human rights standards are expected with changes to the status quo.

A study by Fariss (2014) provides evidence that the standard of accountability is indeed changing and thereby introducing bias into the CIRI and PTS datasets.<sup>41</sup> Fariss used a modelling approach to estimate two statistical models: one where the standard of accountability is assumed to stay constant across the CIRI and PTS datasets, the standard model, and a second

 <sup>&</sup>lt;sup>39</sup> See Ann M Clark & Kathryn Sikkink, "Information Effects and Human Rights Data: Is the Good News about Increased Human Rights Information Bad News for Human Rights Measures?" (2013) 35:3 Human Rights Quarterly 539.
 <sup>40</sup> See Christopher J Fariss, "Are Things Really Getting Better? How to Validate Latent Variable Models of Human Rights" (2017) British Journal of Political Science 1.

<sup>&</sup>lt;sup>41</sup> See Christopher J Fariss, "Respect for Human Rights Has Improved Over Time: Modeling the Changing Standard of Accountability" (2014) 108:2 American Political Science Review 297 [Fariss].

model where the standard of accountability is assumed to vary over time, the dynamic model. The results show that the latter model, the dynamic model, was a better fit of the actual CIRI and PTS datasets, suggesting that over the years the coders that create these datasets are using higher standards for each score, causing a ceiling effect. Over time, the probability of classifying torture on the low end of the scale goes down, while the probability of classifying torture on the maximum end of the scale goes up. As the author puts it: "Over time [...] these monitors [i.e., coders] look harder for abuse, look in more places for abuse, and classify more acts as abuse."<sup>42</sup>

This changing standard of accountability makes it difficult to draw conclusions from the dataset across time. For example, Fariss showed that when plotting the CIRI and PTS datasets across time, human rights violations seem to be on the rise globally. On the other hand, when accounting for the changing standard of accountability by using the dynamic standard model, human rights practices globally actually show improvement over time. These revelations about the two most commonly used datasets in the quantitative human rights literature have serious implications for the interpretation of the existing literature. It is likely that the nature of mixed results that are obtained across quantitative human rights studies are due to the inherent bias that exists within the datasets.

However, it should be noted that the changing standard of accountability introduces bias such that it becomes more difficult to find improvements in human rights outcomes over time. Therefore, the fact that most of the HRO naming and shaming literature reviewed above found positive effects on human rights outcomes using the CIRI and PTS datasets implies that if adjusted for bias, the positive effects would have been even stronger. Therefore, while the bias created by the changing standard of accountability is a serious issue for drawing accurate conclusions, it likely does not render invalid the general conclusion that naming and shaming is an effective strategy.

<sup>&</sup>lt;sup>42</sup> Fariss, supra note at 299.

#### Missing Data

Another issue with all quantitative human rights datasets is the problem of missing data. Both the CIRI Physical Integrity Index and the PTS have missing data across various years and countries. The general rule is that statistical models are guite robust to problems of missing data when the missing data is caused by random factors, without any systematic pattern. However, it is unlikely that missing data is random in the case of human rights violations. When annual human rights reports have missing or insufficient information on a given country, it is because of the difficulty associated with gathering information on the conditions within that country - pointing to potentially high levels of human rights abuse. On the other hand, countries with less abuse may have more data available on abuse because of freer press within that country.<sup>43</sup> This introduces bias into the dataset by skewing the relative distribution of scores such that countries with the highest level of abuse have missing information, resulting in completely missing data or moderate human rights scores due to incomplete information, while countries with low or moderate levels of abuse are scored as serious violators given the breadth of available information. Like the changing standard of accountability, the problem of missing data also causes issues with drawing inferences from the datasets.

## Narrow Scope of Human Rights

A theoretical problem with the prominent use of the CIRI Physical Integrity Index and the PTS is that both datasets cover a very narrow scope of human rights: physical integrity rights abused by the state. A broader scope of human rights would include economic, social, and cultural rights. CIRI does produce a few other indices, in addition to the Physical Integrity Index, such as those that cover women's rights, rights of workers, and civil liberties (free speech, freedom of association, etc.), but these other indices have been largely ignored by the quantitative human rights literature that assesses the impact of HROs on human rights practices.

<sup>&</sup>lt;sup>43</sup> Emilie M Hafner-Burton & James Ron, "Seeing Double: Human Rights Impact Through Qualitative and Quantitative Eyes" (2009) 61:2 World Politics 360 at 383.

A related issue is the problem of trying to capture numerically the elusive concept of human rights. Human rights outcomes are by their very nature impossible to accurately measure with full breadth, and therefore, any existing data is a proxy for the true latent (underlying) variable of human rights. Given that human rights are theorized to be indivisible and interdependent, forming a holistic concept, the quantitative literature currently fails to capture this rich understanding of human rights protection.<sup>44</sup>

#### Mixed Findings in Human Rights Literature

All of the above-mentioned issues with the quantitative human rights datasets - the changing standard of accountability, missing data, and the narrow scope of rights covered - may explain some of the discrepancies that exist in the literature between qualitative and quantitative work. The first generation of quantitative human rights studies tended to demonstrate that human rights abuses were based on systematic and difficult to manipulate socio-political conditions such as the level of democracy, economic development and interdependence, population size, and so forth. The conclusions generally seemed to suggest that against these powerful background factors, HROs had either no impact, or even in some cases a negative impact, on human rights outcomes.<sup>45</sup> On the other hand, the simultaneously produced qualitative studies on the impact of HROs painted a much more optimistic picture, suggesting that HROs had a positive influence on human rights outcomes.<sup>46</sup> In any case, more recent quantitative work has produced more optimistic findings (see Table 1 and review of quantitative studies above). Further research will be required to understand whether the gap in results across the methodological divide can be understood in light of some of the biases that exist in the quantitative datasets.

Despite the troubling revelations about the available quantitative datasets that have surfaced, it is important to consider that understanding these limitations can help to overcome them. For example, the new dynamic model dataset developed by Fariss (discussed above) can be used to account for the changing

<sup>&</sup>lt;sup>44</sup> Donnelly, supra note 3 at 32-5.

<sup>&</sup>lt;sup>45</sup> Hafner-Burton, supra note 30 at 707.

<sup>&</sup>lt;sup>46</sup> Hafner-Burton & Ron, supra note 43.

standard of accountability in the CIRI and PTS data to allow for more accurate interpretations. Working with any dataset requires a deep understanding of how it was collected and its underlying assumptions. This type of critical engagement with the data can ensure that the data are used appropriately, and that the data prove helpful rather than harmful for deriving accurate conclusions. A continued focus on quantitative human rights research is warranted for understanding the true impact of HROs. As Shapiro stated: "If you don't care about how well you are doing something, or about what impact you are having, why bother to do it at all?"<sup>47</sup>

### Moving Beyond Traditional Datasets

#### Human rights impact assessments

Many of the issues with the existing quantitative human rights datasets can be mitigated through the collection of new types of data. There has been a recent global push, by the United Nations and by HROs themselves, for increased implementation of human rights impact assessments (HRIA).<sup>48</sup> HRIA has been defined as: "Measuring the impact of policies, programmes, projects and interventions on human rights".<sup>49</sup> First developed in the 1990s, HRIAs have become widely adopted tools over the last two decades by HROs, governments, and corporations.<sup>50</sup> HRIA vary widely in process, but the general idea is to empirically evaluate how specific actions, including HRO programmes, affect human rights outcomes in a context-specific fashion.

Oxfam International is attempting to build a market around community-based HRIA with the development of its "Getting it Right" HRIA tool.<sup>51</sup> Other organizations have similarly developed their own HRIA frameworks and put them into practice for measuring the impact of specific projects. For example,

<sup>47</sup> Janet Shapiro, "Monitoring and Evaluation Toolkit" (2004) CIVICUS. <u>http://www.civicus.org/view/media/Monitoring%20and%20Evaluation.pdf</u>

<sup>&</sup>lt;sup>48</sup> James Harrison, "Human Rights Measurement: Reflections on the Current Practice and Future Potential of Human Rights Impact Assessment" (2011) 3:2 Journal of Human Rights Practice 162 at 163.

<sup>&</sup>lt;sup>49</sup> <u>http://www.humanrightsimpact.org/hria-guide/overview</u>

<sup>&</sup>lt;sup>50</sup> Harrison, supra note 48 at 165.

<sup>&</sup>lt;sup>51</sup> Oxfam International, "Community-Based Human Rights Impact Assessment Initiative": <u>https://policy-practice.oxfamamerica.org/work/private-sector-engagement/community-based-human-rights-impact-assessment-initiative/</u>

UNICEF established a collaboration with other NGOs to measure the impact of price rises in electricity on the rights of children in Bosnia-Herzegovina.<sup>52</sup> This study allowed UNICEF to make very specific policy recommendations to the government of Bosnia-Herzegovina based on the empirical findings. Another example of the context-specific nature of HRIAs comes from Amnesty Ireland which aimed to measure the effectiveness of its campaign intending to increase awareness of racism in Ireland.<sup>53</sup> The HRIA involved measuring media coverage of racism before and after the launch of the Amnesty campaign as a proxy for measuring public awareness. These examples demonstrate that HRIAs open promising avenues by which HROs can collect new data on human rights outcomes in a context-specific manner that tries to directly link HRO activities to targeted human rights practices.

Harrison (2011) has proposed a unified framework that can be used to standardize HRIAs across organizations undertaking these assessments.<sup>54</sup> The framework includes several critical steps to be considered when designing a HRIA including screening which activities are suitable for a HRIA, scoping the information that will be required, evidence gathering in consultation with potentially affected communities, analysis of the data, formulation of policy-oriented conclusions, and finally, publication of the HRIA process and results to be made available publicly. The creation of a unified HRIA format and the publication of results along with datasets, can allow for further analysis and new conclusions to be drawn by the wider human rights research community.

There are several advantages afforded by the move towards HRIAs. Firstly, as discussed above, the currently used quantitative human rights datasets cover a narrow range of human rights and have certain embedded biases which call for the collection of new data – a solution that HRIA can provide. Secondly, HRIA focus on community-based data collection which can improve the quality and validity of the data given its contextspecific nature. Thirdly, unlike the CIRI and PTS, HRIAs have

<sup>&</sup>lt;sup>52</sup> UNICEF et al, "Child Rights Impact Assessment of Potential Electricity Rises in Bosnia and Herzegovina" (2006):

https://www.unicef.org/innovations/index\_48675.html.

<sup>&</sup>lt;sup>53</sup> O'Dwyer & Unerman, supra note 18 at 802.

<sup>&</sup>lt;sup>54</sup> Harrison, supra note 48 at 172-8.

begun to focus on human rights violators beyond the state – namely, multinational corporations who are increasingly adopting HRIA.<sup>55</sup> All of these aspects of HRIAs can enrich the menu of available datasets and provide new scholarly work on the impact of HROs on human rights outcomes. However, an important qualification to be made with respect to the benefits of HRIAs is the trade-off between the short-term, project- and region-specific nature of data collection embedded in the HRIA process versus the long-term and bigger-picture view of human rights outcomes that are captured by time series datasets such as the CIRI and PTS. Therefore, the new types of data that arise out of HRIA will be complementary to the classic datasets as well as to newer longterm datasets.

#### New Long-term Datasets

In addition to the new opportunities that will come with increased HRIA implementation, there are other human rights datasets already in existence that are underutilised by the quantitative human rights literature which cover wider aspects of human rights beyond physical integrity rights and are long-term in nature. Freedom House produces two seven-category scales for measures of political rights and civil liberties for every country. Apodaca introduced the Women's Economic and Social Human Rights Index (WESHR) which measures gender inequality with respect to the right to work, the right to an adequate standard of living, the right to health and well being, and the right to an education<sup>56</sup>.

A recently developed comprehensive dataset by the Varieties of Democracy Project (V-Dem) provides data for 177 countries from the year 1900 until 2017, including over 300 different indicators across a wide range of human rights measures including: women political empowerment index, a large variety of civil and political rights indices, as well as physical integrity rights.<sup>57</sup> There are some important advantages of the V-Dem over the standard CIRI and PTS datasets stemming from the way that

<sup>&</sup>lt;sup>55</sup> Harrison, supra note 48 at 169.

<sup>&</sup>lt;sup>56</sup> See Clair Apodaca, "Measuring Women's Economic and Social Rights Achievement" (1998) 20:1 Human Rights Quarterly 139.

<sup>&</sup>lt;sup>57</sup> Coppedge, Michael et al. Varieties of Democracy Project. V-Dem [Country-Year/Country-Date] Dataset v7.1 Varieties of Democracy (V-Dem) Project. (2017) <u>https://www.v-dem.net/en/</u>.

the data is generated. The V-Dem is produced by multiple coders and the scores give uncertainty estimates based on the level of disagreement between the coders. This affords a deeper understanding of the level of error that is associated with each indicator since different coders may give very different scores on a given indicator for a given country and year. Another major advantage is that since the V-Dem has been developed only recently, all of the data - from the year 1900 until the present day – has been scored by the coders within a relatively short span of time. This means that the problem of the changing standard of accountability discussed above in the context of the CIRI and PTS datasets, is unlikely to be an issue with the V-Dem.<sup>58</sup> Likewise, the V-Dem includes assessments of coder reliability over time which can be used to detect whether a changing standard of accountability occurs. The V-Dem is therefore a long-term and robust dataset that can be used in future quantitative human rights studies to assess the impact of HROs on a broad range of human rights outcomes over time.

## Limitations of Empirical Assessments of HRO Efficacy

Irrespective of some of the current issues with the existing human rights datasets, and the potential promising remedies to those issues, there are certain inevitable limitations associated with empirically measuring HRO impact on human rights. Firstly, there are political and strategic reasons against directly tracing an HRO's influence on the decision of a state official. For example, Amnesty International has expressed that as a matter of policy, it does not desire taking credit for certain successful political outcomes out of the concern that policymakers and highlevel state officials do not want the public to know that they reacted to pressure from an HRO.<sup>59</sup> If it were straightforward to link an HRO's impact on governmental decisions, states may avoid responding to HRO demands in the future, potentially worsening human rights outcomes. It is also possible that a given policymaker may be politically or even personally compromised if it was brought to light that their actions were swayed by HRO activities.<sup>60</sup>

<sup>&</sup>lt;sup>58</sup> Fariss, supra note 40 at 1-2.

<sup>&</sup>lt;sup>59</sup> O'Dwyer & Unerman, supra note 18 at 816.

<sup>&</sup>lt;sup>60</sup> Barber, supra note 19 at 417.

Secondly, relevant to the discussion of HRO accountability above, given that donors expect to see quantifiable and immediate results from HRO activities, this push towards quantification may result in a shift of focus of HRO activities in the direction of those activities which produce immediate measurable results. This changing focus will be mirrored by the move away from HRO activities that are believed to be effective over the longterm but much harder to measure, such as lobbying efforts.<sup>61</sup> It is a fallacy to believe that just because something cannot be directly measured, it affords no value. There is therefore the need to consistently balance HRO activities that are proven effective and those that are too complex to properly measure.

Thirdly, human rights advocacy work is by its very nature highly collaborative which adds difficulties in teasing apart the effects of specific HRO activities.<sup>62</sup> As addressed in earlier sections, HROs are most effective in numbers and across both domestic and international networks. This reality creates a very complex network of interactions, making it very difficult, if not impossible, to measure the impact of a single HRO on human rights practices within a given state. Related to this point, the long-term nature of effects and the context-specific (region/country) nature of HRO work and human rights violations make causal conclusions further elusive.<sup>63</sup>

Lastly, there is the problem of attributing negative change to HRO work. If improvement to human rights outcomes are not detected, is it because the given HRO activity was ineffective, or is it because without the implementation of the HRO activity conditions would have been even worse? It is challenging to say whether an HRO dampened the full extent of potential human rights abuse. All of the described problems with empirical assessments are inherent in trying to scientifically deduce causeeffect relationships in the context of the complex and high-level concept of human rights.

<sup>&</sup>lt;sup>61</sup> Brendan O'Dwyer & Jeffrey Unerman, "From Functional to Social accountability: Transforming the Accountability Relationship between Funders and Non-Governmental Development Organisations" (2007) 20:3 Accounting, Auditing & Accountability Journal 446 at 449.

 <sup>&</sup>lt;sup>62</sup> Fernande Raine, "The Measurement Challenge in Human Rights" (2006) 3:4
 Sur. Revista Internacional de Direitos Humanos 6 at 14.
 <sup>63</sup> Ibid at 15.

On the other hand, it would be problematic to give up all efforts of understanding causal influences on human rights outcomes. It should not be taken for granted that all HRO activities, while well-intentioned, have a positive impact on human rights. It is not inconceivable that certain HRO strategies may prove to be either ineffective, or more concerning, have a negative impact on human rights outcomes. It is therefore imperative to carefully assess impacts whenever feasible. In accordance with this line of thinking, attitudes of HROs towards quantitative assessments seem to be changing. Human Rights Watch intends to measure its outputs (the work they do) against their intended outcomes (impact of their work on human rights).<sup>64</sup> Likewise, Amnesty International has recently shown interest in trying to empirically measure the impact of its activities.<sup>65</sup>

## Summary

Since the Second World War, beginning with the signing of the Universal Declaration, "human rights" have entered the vocabulary of international conversations with force and cultivated the growth of professionalized Human Rights Organizations. At their heart, HROs are responsible for advocating for the protection of human rights. These efforts invoke a broad range of stakeholders to whom HROs are accountable including donors, the general public, and most importantly those individuals whose fundamental rights need protection. HROs attempt to accomplish their mission by performing a diversity of functions from plain communication of research to banging on the policymaker's door. While all HRO activities are seemingly valuable, there is a paucity of systematic, quantitative research that investigates the effect of specific HRO strategies on human rights outcomes for those who's rights are in question.

The existing quantitative literature, reviewed in this paper, has focused specifically on the naming and shaming strategy of HROs, resulting in some mixed findings. Some studies report no effect, moderate effect, or even a negative effect of naming and shaming on human rights outcomes. Other studies, however, paint a much more nuanced picture by demonstrating that naming and shaming is effective when in interaction with other factors. The

<sup>&</sup>lt;sup>64</sup> Gorvin, supra note 22 at 478.

<sup>&</sup>lt;sup>65</sup> Barber, supra note 19 at 411.

efficacy of naming and shaming is conditional on regime type, economic interdependence, and the gravity of abuse. Furthermore, naming and shaming appears effective when successfully mobilizing pressure on an abusive state from domestic and international arenas. At the individual level of the citizen, HRO campaign materials (a form of naming and shaming) are most effective at garnering support through petitions when employing a personal narrative.

The existing quantitative studies have mainly relied on two human rights outcome datasets - the CIRI Physical Integrity Index and the PTS - which carry some issues. The data have certain embedded biases due to the changing standard of human rights accountability, missing data, and the narrow scope of human rights covered by these data. Many of these issues can be mitigated by the increasing prominence of human rights impact assessments and the availability of new, robust long-term datasets. The general shift towards empirical-based HRO strategies opens the door to new quantitative research possibilities. Nevertheless, there are continuing concerns with empirical measurements of human rights outcomes in light of political implications of linking HRO activity to high-level policymaking, the hard-to-define nature of human rights, and the plethora of interacting variables making cause-effect conclusions elusive. Despite the barriers, working towards an empirical understanding of the impact of HRO activity on human rights is invaluable for informing HRO policy in a way that can lead to positive change for those suffering human rights violations.

## Policy Recommendations

Taking into consideration the current state of knowledge of the impact of HRO strategies on human rights outcomes, several policy recommendations are made here for HROs that intend to maximize their positive impact on human rights:

- Naming and shaming strategies should attempt to mobilize domestic groups on the ground as well as members of the international community to collectively target the specific state committing the violations.
- 2. When HRO resources are limited, naming and shaming can be prioritized towards autocratic states, states that are economically interdependent, and states with ongoing politicides and genocides.

- 3. Campaign ads that are aimed at the general public should integrate a personal narrative component to maximize direct action-taking behaviour by individuals.
- 4. When designing community-specific projects, human rights impact assessments should be undertaken whenever possible.
- 5. High-level activities for which no direct empirical evidence exists, such as lobbying efforts, should be continued and balanced with empirically-tested strategies.
- 6. Accountability frameworks should focus on holistic accountability that considers a diverse range of stakeholders (beyond mere donors), including those who's rights are at stake.

## Conclusion

Human Rights Organizations have become omnipresent and powerful players in the human rights cause with a wellpositioned seat at the international table. This limelight affords great opportunity to influence human rights practices on a global scale. For such a laudable goal to be realized, HROs need to understand how their activities affect human rights practices and constantly adapt their behaviour in line with the best available systematic knowledge on cause-effect relationships.

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