

2016

Respect for Human Rights: Law and History

Adam S. Chilton

Eric A. Posner

Follow this and additional works at: https://chicagounbound.uchicago.edu/law_and_economics



Part of the [Law Commons](#)

Recommended Citation

Adam S. Chilton & Eric Posner, "Respect for Human Rights: Law and History" (Coase-Sandor Working Paper Series in Law and Economics No. 770, 2016).

This Working Paper is brought to you for free and open access by the Coase-Sandor Institute for Law and Economics at Chicago Unbound. It has been accepted for inclusion in Coase-Sandor Working Paper Series in Law and Economics by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.

CHICAGO

COASE-SANDOR INSTITUTE FOR LAW AND ECONOMICS WORKING PAPER NO. 770



COASE-SANDOR INSTITUTE
FOR LAW AND ECONOMICS
THE UNIVERSITY OF CHICAGO LAW SCHOOL

RESPECT FOR HUMAN RIGHTS: LAW AND HISTORY

Adam S. Chilton & Eric A. Posner

THE LAW SCHOOL
THE UNIVERSITY OF CHICAGO

July 2016

Respect for Human Rights: Law and History

July 25, 2016

Adam S. Chilton
University of Chicago Law School
adamchilton@uchicago.edu

Eric A. Posner
University of Chicago Law School
eric_posner@law.uchicago.edu

Respect for Human Rights: Law and History

Abstract: Several recent studies have found a positive, statistically significant correlation between ratification of human rights treaties and respect for human rights. Some commentators have interpreted these results as evidence of the causal effect of international human rights law on human rights outcomes. We revisit this debate and present evidence that for two treaties—the Convention on Elimination of Discrimination Against Women and the Convention Against Torture—these results disappear once time trends are taken into account. Our evidence suggests that recent improvements in human rights are attributable to long running trends that pre-date the emergence of the relevant treaty regimes.

Key Words: Human Rights, International Law, Treaties, Women's Rights, Torture

Word Count: 4,219

INTRODUCTION

In the wake of World War II, countries entered into a new era of treaty-making that focused on human rights. Numerous human rights treaties would be negotiated over the next half-century, and most of them would be ratified by most countries. Today, about a dozen human rights treaties are in force. The International Covenant on Civil and Political Rights (ICCPR), for example, requires states to guarantee freedom of speech, freedom of religion, protections from arbitrary detention, and other rights familiar from the US Bill of Rights. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) protects rights to work, to pensions, to health care, to a fair wage, and related rights. Other treaties grant rights to children, forbid torture, and protect people from discrimination on the basis of race, sex, refugee status, and disability.

In the last 15 years, scholars have used statistical methods to test whether the treaties improved human rights outcomes. An initial wave of scholarship (see, e.g. Camp-Keith 1999; Hathaway 2002; Hafner-Burton & Tsutsui 2005; and Neumayer 2007) found that the treaties did not improve human rights in countries that ratified them, and may even have worsened human rights in some countries. However, starting with Simmons (2009) a more complex picture emerged. Simmons found that the ICCPR, the Convention Against Torture (CAT), the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC) improved *some* rights outcomes (for example, CEDAW was associated with improved education for girls) in *some* countries. Among other things, she found that treaties did not usually improve outcomes in autocracies or stable democracies, but did in transitional democracies. Hill (2010) and Cole (2013) found evidence that CEDAW improved women's political rights but not their economic and social rights. Lupu (2013a) found that CEDAW improved women's political, economic, and social rights. Lupu (2013a, 2015) found evidence that ratification of the ICCPR is associated with improved rights outcomes, and Fariss (2014) found that ratification of the CAT is associated with reductions in rates of repression. Moreover, using new human rights data, Fariss (2015) found that ratification of the six "major" human rights treaties are all associated with

improved human rights outcomes. That said, it has not all been good news: Hill (2010) and Lupu (2013b), for example, found that ratification of the ICCPR and the CAT are either associated with worse human rights outcomes or have no correlation with human rights outcomes.¹

A basic problem with this research arises from an old empirical problem: correlation or causation? As Fariss (2014) persuasively shows, human rights outcomes have steadily improved over the years and across countries (*see also* Fariss 2016, 2015; Chilton & Posner 2016). But it is possible that this improvement in human rights has coincided with the adoption of human rights treaties rather than been caused by it. An important piece of evidence consistent with this hypothesis has been largely overlooked by the literature: human rights outcomes began improving long before the treaty regimes were put into place.

To illustrate this point, Figure 1 shows ratifications for two treaties—CEDAW and CAT—and associated human rights outcomes. Panel A shows the CEDAW ratifications and the improvement of gender equality globally since 1950. The data on gender equality comes from an index created by Carmichael, Dilli, & Rijpma (2015) that scores countries on a scale from 0 (no equality) to 100 (perfect equality).² Panel B shows the CAT ratifications and a measure of state repression globally since 1950.³ The data on state repression is from an index created by Fariss (2014) that reports how many standard deviations above or below the global average level of repression a given country is in a given year. The index ranges from roughly -3 (worse because of more repression) to roughly 3 (better because of less repression).

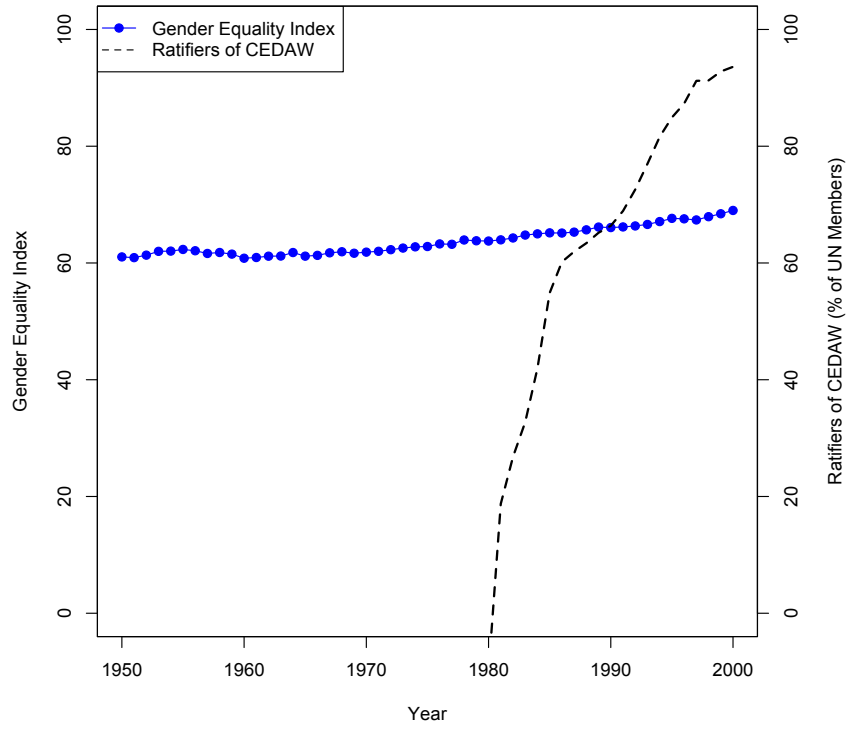
¹ For detailed summaries of recent scholarship on the effectiveness of human rights treaties, see Chilton & Posner (2016) and Fariss (2015).

² We explain the Gender Equality Index below when discussing the Human Rights Data.

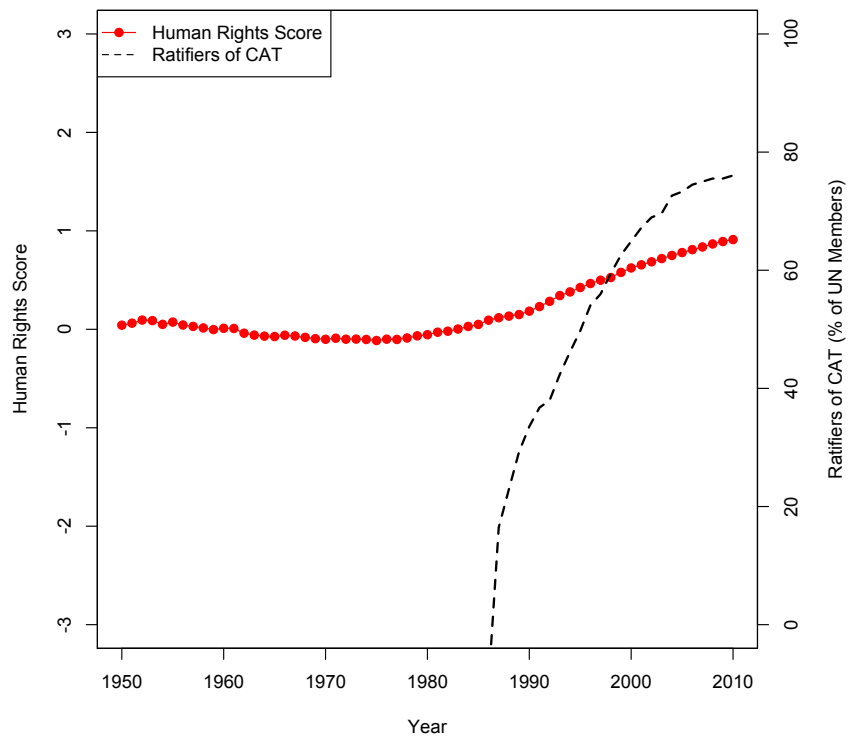
³ We explain the Human Rights Score below when discussing the Human Rights Data.

Figure 1: Global Improvement in Human Rights Since 1950

A. Women's Rights



B. Torture



Panel A suggests that CEDAW was a latecomer in the march toward gender equality. The trend to increased gender equality existed before CEDAW went into effect in 1981, and the near universal ratification of the agreement does not appear to have increased the rate of improvement. Similarly, Panel B suggests that the improvement in political rights, which seems to have started in the 1970s, predated ratification of the CAT in the 1980s, 1990s, and early 2000s. Although the results in Figure 1 are merely exploratory, they put in stark relief the question of whether treaty ratification causes improvements in outcomes, or whether the correlation between treaty ratification and improved human rights outcomes is due to their relationship with an omitted historical variable.

In this paper, we present evidence suggesting that the improvements in human rights are the product of trends that pre-date the emergence of major human rights treaties. Our initial motivation was the large development literature in economics, which in the last two decades has explored the relationship between modern economic growth and history economics (for a discussion, *see* Chilton & Posner 2016). Articles in this literature find again and again that disparities in the wealth of nations reflect historical events (like slavery), environmental conditions (like latitude), population movements, and other factors that long predate the modern era. Because of the strong correlation between economic growth and human rights, we believe that a similar story may also account for human rights outcomes. Our non-parametric analysis, panel regressions, and placebo tests all suggest that long running trends should be taken more seriously by researchers who study the effectiveness of international human rights law.

EMPIRICAL APPROACH

Treaty Selection

We empirically evaluate the effectiveness of two treaties: the CEDAW and the CAT. We selected these treaties because they are important and have been the subject of a great deal of empirical scholarship. Moreover, since both treaties went into effect fairly recently, we have access to high-quality data from before ratification, which allows us to take into account historical trends.

Human Rights Data

One difficulty in studying the effectiveness of human rights law generally, and the influence of history on human rights specifically, is finding an adequate dependent variable to measure human rights outcomes. This has proven difficult for two reasons.

First, any potential dependent variable must cover a large number of countries over a long time frame. The most frequently used dataset, the CIRI dataset, however, goes back only to 1981, decades after the drafting of the ICCPR and the same year that the CEDAW went into effect. Despite this limitation, the CIRI data is frequently used to study the effectiveness of these treaties (see, e.g., Hill 2010; Lupu 2013a, 2013b, 2015).

Second, the standards used to measure human rights outcomes have changed over time. Fariss (2014) and Schnakenberg & Fariss (2014) demonstrated that the reports that are commonly used to create human rights datasets used for social science have held countries to a higher standard over time. For example, if a country were to engage in the exact same level of repression in 1981 and 2010, the country would be graded more harshly in human rights reports in 2010 than it would have been in 1981. The result is that datasets that are based on these reports—like the previously mentioned CIRI dataset—present a biased picture of changes in human rights outcomes.

We are able to avoid these difficulties by relying on two recently developed measures of human rights outcomes. First, to measure the effectiveness of the CEDAW, we use the Gender Equality Index created by Carmichael, Dilli, & Rijpma (2015). The Gender Equality Index is a composite measure of the level of inequality between men and women in a given country on a scale from 0 (complete inequality between men and women) to 100 (either perfect equality between men and women or a better position for women). Each country's composite score is based on six ratios between men and women: (1) life expectancy ratios; (2) sex ratios in the population; (3) marriage age ratios; (4) parliamentary seat ratios; (5) average schooling age ratios; and (6) labor force participation ratios. The Gender Equality Index solves the first problem we identified—broad coverage—because it is available from 1950 to 2003 for roughly 130 countries. It solves the second problem—bias due to changing reporting standards—because it is based on objectively measured outcomes instead of subjective evaluations.

Second, we use the Human Rights Scores developed by Fariss (2014) to test the effectiveness of the CAT after accounting for historical trends. These Human Rights Scores are based on 13 different sources of human rights data. This includes both objective sources—like whether a country experienced a genocide in a given year—and subjective evaluations—like whether a country was classified as a “frequent” torturer in State Department reports. Fariss uses objective or events-based data to provide a baseline that helps model how evaluative measures have evolved over time due to changes in reporting standards. These sources are then used to create a single latent measure of repression for countries in a given year. The Human Rights Scores solve our first problem because they are available since 1949 and cover roughly 200 countries, and they solve the second problem because the measure was designed to account for the biases in other human rights data sets. Because of this dataset’s advantages, it has already been used to study repression in general (Hill & Jones 2014) and as a proxy for torture rates (Chilton & Versteeg 2015; Fariss 2014).

RESULTS

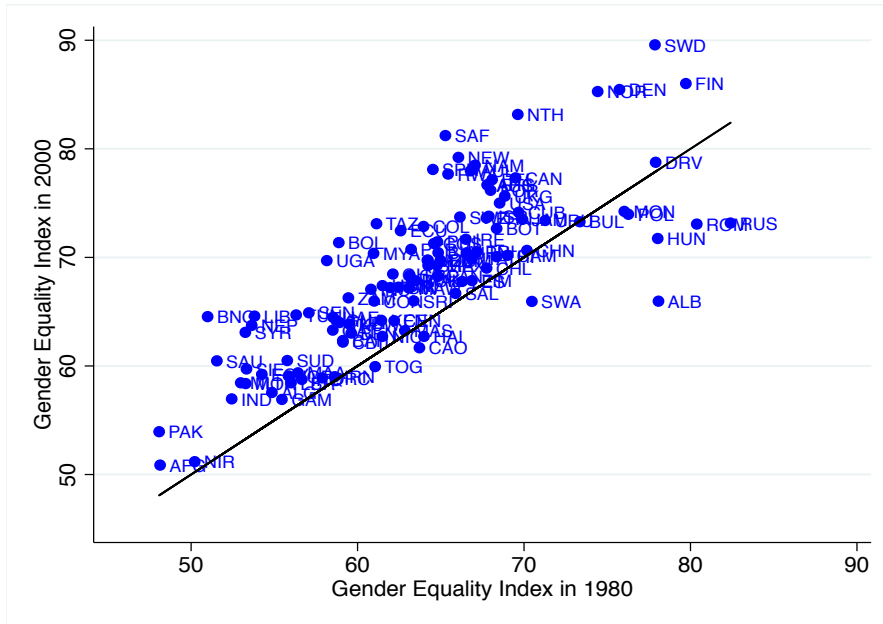
Non-Parametric Analysis

We begin by using non-parametric analysis to show the strong correlation between human rights outcomes before the emergence of human rights treaties, and human rights outcomes after the treaty regimes have been widely ratified. Figure 2 shows the relationship between the score that countries received for these measures of human rights in 1980—before the CEDAW and CAT went into effect—and that countries received for the same measures in 2000.⁴ Panel A reports these results for the Gender Equality Index and Panel B reports these results for Human Rights Scores. The line in both graphs is a 45% line. Countries below the line had worse human rights outcomes in 2000 than 1980 for the given measure, and countries above the line had better human rights for the measure in 2000 than in 1980.

⁴ We use 1980 and 2000 as the years for Figure 2 because 1980 is the year before the CEDAW went into effect and the Gender Equality Index is only available until 2003. The results are substantively the same when using other years for the x-axis and y-axis.

Figure 2: Human Rights in 1980 vs. Human Rights in 2000

A. Women's Rights



B. Torture



There is a strong, positive relationship between the measures of human rights in 1980 and 2000. For the Gender Equality Index, the relationship between the measure in 1980 and 2000 is highly statistically significant ($p < 0.001$) and the r-squared is 0.62. For

the Human Rights Scores, the relationship between the measure in 1980 and 2000 is also highly statistically significant ($p < 0.001$) and the r-squared is 0.56.

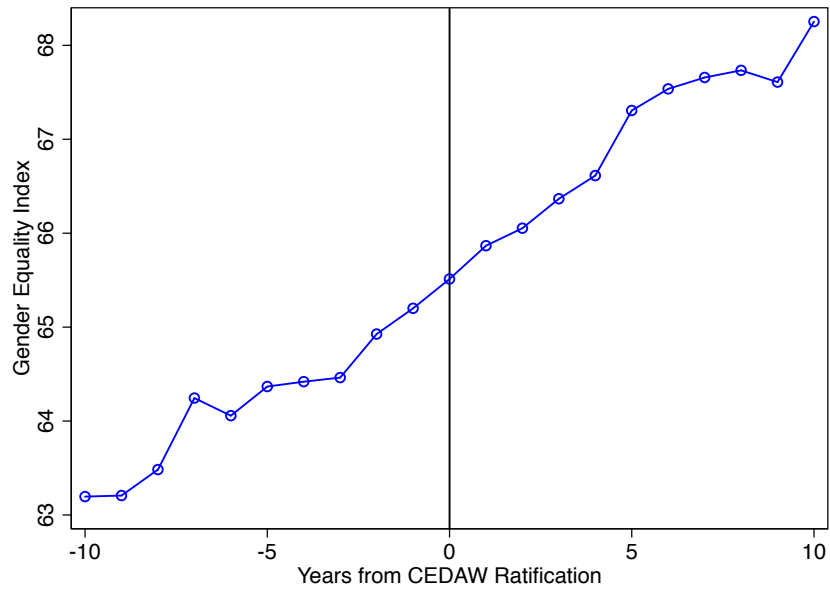
Although Figure 2 tells us that a country's human rights practices before the CEDAW and CAT went into effect are strongly correlated with their human rights practices after the emergence of these treaties and that there has been a slight increase in human rights measures over time, it does not tell us whether treaty ratification played any role in the increase. To more directly evaluate this question, Figure 3 displays an event study of the average scores for countries that ratified the CEDAW and CAT in each of the 10 years before and 10 years after ratification.⁵ Although this approach does not control for any other factors that may be associated with changes in human rights practices, it does provide an easy way to interpret the effectiveness of a change in policy—like treaty ratification—without any of the assumptions that are required by regression analysis.

Figure 3 suggests that countries that ratified the CEDAW and countries that ratified the CAT on average improved their human rights practices in the 10 years before and after ratification. The average Gender Equality Index for countries that ratified the CEDAW improved from 63.20 ten years before ratification to 68.25 ten years after ratification. The pace of this gain, however, was essentially the same before and after ratification: countries improved by 2.32 in the ten years before ratification and by 2.74 in the ten years after ratification. A similar trend characterizes the CAT. The average Human Rights Score for countries that ratified the CAT improved from -0.01 ten years before ratification to 0.57 ten years after ratification. Once again, this gain was almost the same before and after the CAT: countries improved by 0.28 in the ten years before ratification and by 0.30 in the ten years after ratification.

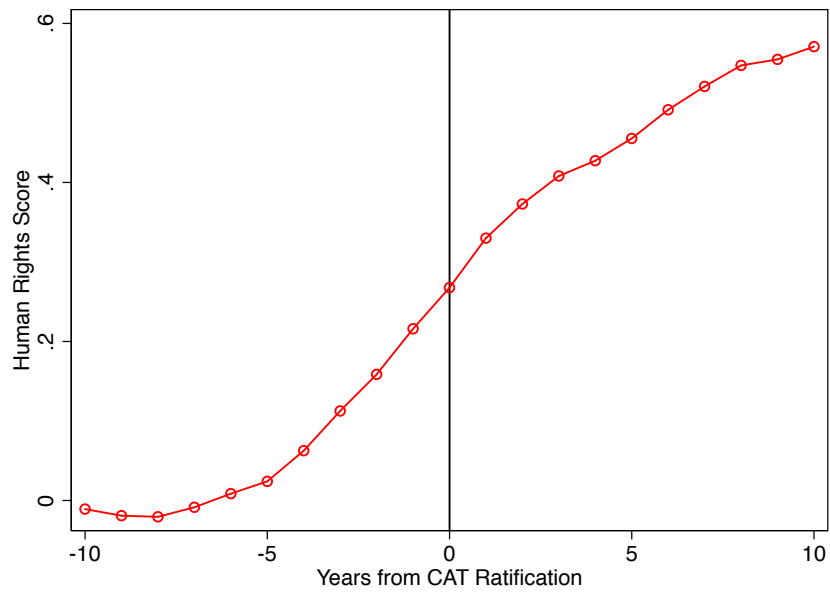
⁵ Following the convention with event studies, we use a balanced panel that only includes countries for which all observations are available. This produces a sample of 107 countries to evaluate the CEDAW and 109 countries to evaluate the CAT. Our results are substantively the same when using unbalanced panels.

Figure 3: Event Study of Human Rights Before and After Treaty Ratification

A. Women's Rights



B. Torture



The results in Figure 3 reveal that the trends towards higher human rights outcomes existed long before the ratification of the relevant treaties. The Figure further suggests that the treaties likely did not accelerate the improvement in human right

outcomes. Any analysis or regression that simply compares human rights scores before and after ratification of these treaties without accounting for the pre-existing trends would find a positive correlation between treaty ratification and human rights outcomes—even though that correlation may simply be due to the pre-existing trend. After all, the average human rights protections (as measured by both the Gender Equality Index and the Human Rights Scores) in the years after ratification are clearly higher than the average scores in the years prior to ratification.

Panel Regressions

The results presented in the last section do not prove that the ratification of human rights treaties have not improved human rights outcomes. Instead, the point is to motivate the intuition that trends that predate the human rights regimes explain a great deal of the improvements in human rights outcomes. In this section, we make this point more formally by using a series of panel regression to show that the positive correlations between treaty ratification and human rights improvements found using panel regressions no longer exist after controlling for country-specific time trends that model the trends we demonstrated in the previous section.

To do so, we follow Fariss (2015) and estimate a series of panel regression using time-series cross sectional data of countries from 1965.⁶ For our regressions testing the effectiveness of the CEDAW, all models use the same set of country-year observations from 129 countries from 1965 to 2003. For our regressions testing the effectiveness of the CAT, all models use the same set of country-year observations from 167 countries from 1965 to 2010. We also follow Fariss (2015) and use reduced form regressions that include three control variables: level of democratization as measured by the Polity Score (Marshall, Jaggers and Gurr 2013), the natural log of GDP per Capita (Gleditsch 2002), and the natural log of Population (Gleditsch 2002).

Tables 1 and 2 report the results of panel regressions that demonstrate the positive correlation between treaty ratification and human rights outcomes. Table 1 tests

⁶ Although we follow Fariss (2015) and use observations starting in 1965, our results are substantively the same when using observations dating back to 1950.

the effect of CEDAW ratification on the Gender Equality Index, and Table 2 tests the effect of CAT ratification on Human Rights Scores.

Table 1: Effect of CEDAW Ratification While Accounting For Time Trends

	(1)	(2)	(3)	(4)	(5)
CEDAW Ratification	5.691*** (0.532)	0.291*** (0.051)	3.083*** (1.020)	0.845*** (0.279)	0.443 (0.323)
Polity Score _{t-1}		0.020*** (0.004)	0.352*** (0.060)	-0.083** (0.039)	-0.061** (0.029)
GDP Per Capita _{t-1}		0.000 (0.000)	0.000 (0.000)	0.000 (0.000)	-0.000 (0.000)
Population _{t-1}		-0.000 (0.000)	-0.000 (0.000)	-0.000 (0.000)	0.000** (0.000)
Gender Equality _{t-1}		0.950*** (0.005)			
Year Fixed Effects	No	No	Yes	Yes	Yes
Country Fixed Effects	No	No	No	Yes	Yes
Country Time Trends	No	No	No	No	Yes
Observations	4,450	4,450	4,450	4,450	4,450
R-squared	0.918	0.290	0.882	0.924	0.918

Robust standard errors clustered on country in parentheses.
*** p<0.01, ** p<0.05, * p<0.1

In Tables 1 and 2, Model 1 simply includes a dummy variable for treaty ratification, and Model 2 follows Fariss (2015) directly by introducing the control variables and also including a lagged dependent variable. In both Tables, Models 1 and 2 recreate the finding that there is a positive correlation between ratification and human rights practices. As previously noted, however, these models do not directly incorporate the trends towards improved human rights that exists in countries prior to the emergence of the treaty regimes.

Table 2: Effect of CAT Ratification While Accounting For Time Trends

	(1)	(2)	(3)	(4)	(5)
CAT Ratification	0.584*** (0.104)	0.017*** (0.006)	-0.031 (0.138)	0.027 (0.092)	0.114 (0.078)
Polity Score _{t-1}		0.001*** (0.000)	0.075*** (0.009)	0.033*** (0.007)	0.029*** (0.007)
GDP Per Capita (ln) _{t-1}		0.000** (0.000)	0.000*** (0.000)	0.000* (0.000)	0.000*** (0.000)
Population (ln) _{t-1}		-0.000* (0.000)	-0.000*** (0.000)	0.000 (0.000)	0.000 (0.000)
Human Rights Score _{t-1}		0.992*** (0.002)			
Year Fixed Effects	No	No	Yes	Yes	Yes
Country Fixed Effects	No	No	No	Yes	Yes
Country Time Trends	No	No	No	No	Yes
Observations	6,670	6,670	6,670	6,670	6,670
R-squared	0.050	0.987	0.346	0.819	0.894

Robust standard errors clustered on country in parentheses.
*** p<0.01, ** p<0.05, * p<0.1

In Models 3, 4 and 5, we gradually introduce a series of fixed effects that account for the trends in human rights outcomes that pre-date ratification. Model 3 introduces year fixed-effects, Model 4 introduces country fixed-effects, and Model 5 introduces country-specific time trends. Once country-specific time trends are taken into account in Model 5, the effect of treaty ratification on human rights outcomes is no longer statistically significant for either CEDAW or CAT. Although the inclusion of country-specific time trends is a demanding specification, these results provide more evidence suggesting that human rights improvements are attributable to trends that predate the major human rights treaties.

Placebo Testing

If our argument is correct that improvements in human rights outcomes reflect long-running trends, and that the recent emergence of human rights regimes has done little to alter these patterns, it suggests that the year that a country actually ratified a given treaty has little to do with the positive correlation between ratification and outcomes. In other words, if a given country ratified the CEDAW in 1994, our claim suggests that a positive correlation would be found whether the country was coded as having ratified the CEDAW in 1984, 2004, or any other time.

To evaluate this possibility, Tables 3 and 4 report a series of placebo tests. In both tables, the top panel recreates the results from Tables 1 and 2 respectively. Each panel below uses the same regression specifications as Tables 1 and 2, but mechanically changes the date that countries ratified the CEDAW or the CAT by one year. For example, Albania ratified the CEDAW in 1994, but the regression in the second panel of Table 3 (“-1 CEDAW”) recodes Albania as having ratified CEDAW in 1993, the third panel records Albania as having ratified CEDAW in 1992, etc. In each subsequent panel, the year of ratification for each country is mechanically increased by one.

The results in both Table 3 and Table 4 reveal that for every placebo test the estimates for Model 1 and 2 consistently produce statistically significant positive correlations between treaty ratifications and human rights outcomes. In other words, even when a country is assumed to have ratified a treaty ten years earlier than it actually did, regressions that do not account for time trends will still find that there is a positive effect on human rights outcomes. After the regressions begin to include country fixed effects and country-specific time trends, however, the results of the placebo tests are no longer statistically significant.

Table 3: Placebo Testing – Years Before CEDAW Ratification

	(1)	(2)	(3)	(4)	(5)
CEDAW Ratification	5.691*** (0.532)	0.291*** (0.051)	3.083*** (1.020)	0.845*** (0.279)	0.443 (0.323)
-1 CEDAW Ratification	5.651*** (0.532)	0.292*** (0.052)	3.082*** (1.043)	0.739** (0.290)	0.359 (0.336)
-2 CEDAW Ratification	5.596*** (0.531)	0.322*** (0.050)	3.079*** (1.047)	0.583* (0.296)	0.243 (0.336)
-3 CEDAW Ratification	5.513*** (0.534)	0.285*** (0.048)	2.985*** (1.048)	0.319 (0.302)	0.003 (0.333)
-4 CEDAW Ratification	5.455*** (0.538)	0.264*** (0.050)	2.963*** (1.049)	0.186 (0.302)	-0.075 (0.316)
-5 CEDAW Ratification	5.436*** (0.541)	0.275*** (0.049)	3.003*** (1.043)	0.142 (0.296)	-0.077 (0.290)
-6 CEDAW Ratification	5.399*** (0.547)	0.232*** (0.048)	2.976*** (1.039)	0.012 (0.293)	-0.152 (0.271)
-7 CEDAW Ratification	5.403*** (0.554)	0.305*** (0.050)	3.030*** (1.033)	0.031 (0.292)	-0.053 (0.250)
-8 CEDAW Ratification	5.352*** (0.565)	0.310*** (0.047)	2.976*** (1.031)	-0.173 (0.304)	-0.205 (0.242)
-9 CEDAW Ratification	5.303*** (0.580)	0.301*** (0.048)	2.894*** (1.032)	-0.362 (0.316)	-0.339 (0.233)
-10 CEDAW Ratification	5.276*** (0.598)	0.272*** (0.044)	2.860*** (1.031)	-0.487 (0.328)	-0.394* (0.227)
Control Variables	No	Yes	Yes	Yes	Yes
Lagged DV	No	Yes	No	No	No
Year Fixed Effects	No	No	Yes	Yes	Yes
Country Fixed Effects	No	No	No	Yes	Yes
Country Time Trends	No	No	No	No	Yes

Robust standard errors clustered on country in parentheses.
*** p<0.01, ** p<0.05, * p<0.1

Table 4: Placebo Testing – Years Before CAT Ratification

	(1)	(2)	(3)	(4)	(5)
CAT Ratification	0.584*** (0.104)	0.017*** (0.006)	-0.031 (0.138)	0.027 (0.092)	0.114 (0.078)
-1 CAT Ratification	0.575*** (0.104)	0.021*** (0.006)	-0.029 (0.138)	0.026 (0.091)	0.115 (0.078)
-2 CAT Ratification	0.564*** (0.104)	0.023*** (0.006)	-0.031 (0.139)	0.015 (0.090)	0.102 (0.077)
-3 CAT Ratification	0.551*** (0.104)	0.025*** (0.007)	-0.035 (0.139)	-0.002 (0.088)	0.083 (0.075)
-4 CAT Ratification	0.539*** (0.105)	0.026*** (0.007)	-0.036 (0.140)	-0.021 (0.086)	0.059 (0.073)
-5 CAT Ratification	0.528*** (0.105)	0.025*** (0.007)	-0.033 (0.140)	-0.031 (0.085)	0.045 (0.072)
-6 CAT Ratification	0.519*** (0.106)	0.026*** (0.007)	-0.028 (0.140)	-0.041 (0.084)	0.034 (0.071)
-7 CAT Ratification	0.507*** (0.107)	0.026*** (0.007)	-0.024 (0.140)	-0.054 (0.083)	0.021 (0.073)
-8 CAT Ratification	0.492*** (0.108)	0.025*** (0.007)	-0.026 (0.140)	-0.073 (0.083)	-0.001 (0.075)
-9 CAT Ratification	0.476*** (0.110)	0.025*** (0.006)	-0.026 (0.140)	-0.090 (0.083)	-0.020 (0.077)
-10 CAT Ratification	0.462*** (0.111)	0.023*** (0.006)	-0.026 (0.140)	-0.106 (0.083)	-0.038 (0.080)
Control Variables	No	Yes	Yes	Yes	Yes
Lagged DV	No	Yes	No	No	No
Year Fixed Effects	No	No	Yes	Yes	Yes
Country Fixed Effects	No	No	No	Yes	Yes
Country Time Trends	No	No	No	No	Yes

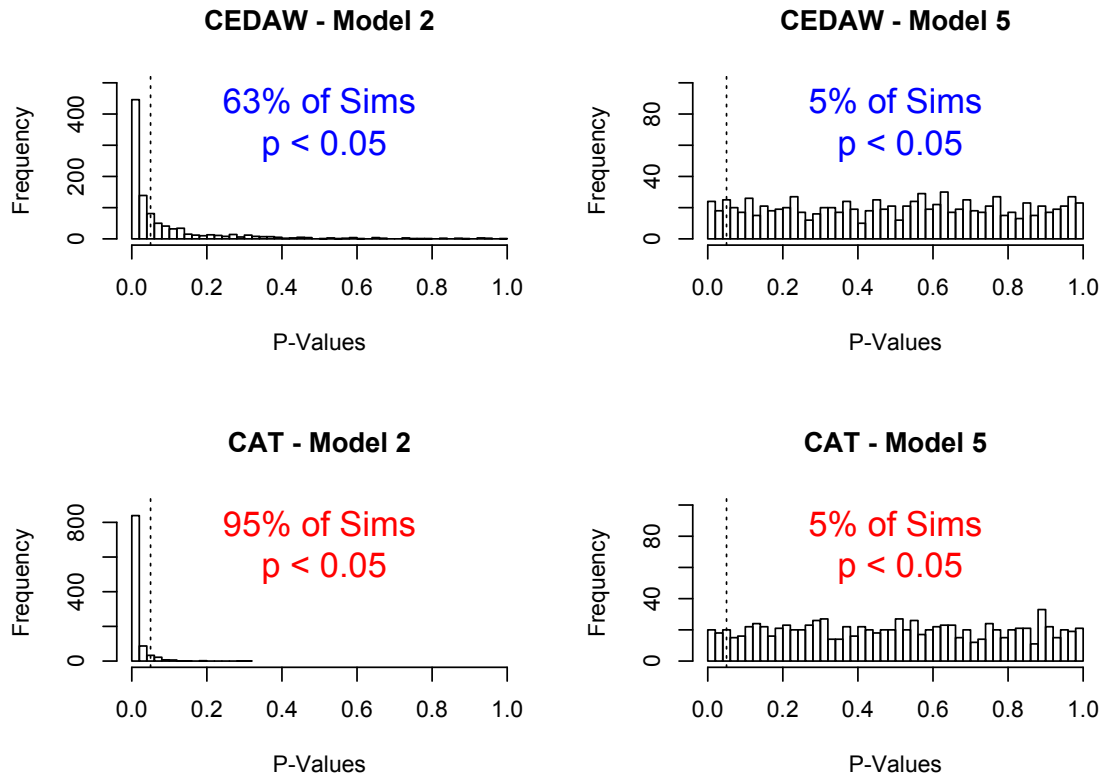
Robust standard errors clustered on country in parentheses.
*** p<0.01, ** p<0.05, * p<0.1

Taking the placebo tests a step further, our argument would also suggest that a positive correlation would be found between treaty ratification and human rights outcomes even if the ratification years were randomly generated. To test this, we randomly assign countries with a CEDAW ratification year between 1980 and 2010, and a CAT ratification year between 1985 and 2010. For example, although Albania ratified the CEDAW in 1994 and Armenia ratified the CEDAW in 1993, the first simulation may randomly assign Albania as having ratified the treaty in 2000 and Armenia as having ratified the treaty in 1987. We generate a “Random Ratification Dummy” that codes the country as 0 in all years before the randomly generated year, and 1 in that year and all years after. We then estimated the regressions from Tables 1 and 2 and saved the results for the Random Ratification Dummy variable. We then repeated this process 1,000 times.

Figure 4 reports the percentage of p-values for that were 0.05 or lower for the Random Ratification Dummy for the 1,000 simulations for Models 2 and 5 from Tables 1 and 2. We chose these specifications because Model 2 has been a preferred specification from prior research (see Fariss 2015) and Model 5 is our preferred model specification. For CEDAW, the results are statistically significant at the 0.05 level for 63% of the specifications for Model 2.⁷ When including country-specific time trends in Model 5, however, only 5% of simulations produced a statistically significant result—exactly what would be expected by random chance. The results for the CAT simulations were similarly likely to find statistically significant results. The results were statistically significant at the 0.05 level for 95% of the specifications for Model 2 and for 5% of simulations for Model 5.

⁷ We actually believe that only finding that 63% of the specifications for Model 2 produced a statistically significant result is a conservative estimate. Although the Gender Equality Index we use as a dependent variable is only available until 2003 and 175 countries had actually ratified the CEDAW by 2003, we randomly assigned countries having ratified the CEDAW between 1980 and 2010. If we use alternative specifications that assign more countries to have ratified the CEDAW earlier, this estimate is dramatically higher.

Figure 4: Distribution of P-Values for Generate Ratification Year Variable



The results in Figure 4 demonstrate that, when using standard control variables and estimation strategy, a majority of the simulations still produced evidence of a statistically significant relationship despite the ratification years being randomly generated. In other words, this evidence suggests that research finding a correlation between treaty ratifications and human rights outcomes using standard control variables that do not explicitly model trends in human rights outcomes may not be evidence of a causal relationship.

CONCLUSION

We have argued that failure to account for historical trends in human rights scholarship has produced overly optimistic estimates of the effect of treaty ratification on human rights outcomes. It is important to note that, based on these results, we cannot rule out the hypothesis that human rights treaties have improved rights outcomes. It may

be the case that there is an effect that is conditional on certain environments (like the type of government or the presence of legislative veto players), or that there is an effect for other treaties. What our results do suggest, however, is that further research should account for the fact that long-running trends have an impact on current human rights conditions around the world. As Chilton & Posner (2016) point out, human rights outcomes are highly correlated to per capital GDP, which itself is highly correlated to historical events and conditions. The literature on human rights treaties needs to come to terms with history.

REFERENCES

- Carmichael, Sarah, Selin Dilli & Auke Rijpma. 2015. *Women in Global Economic History. A History of the Global Economy: From 1500 to the Present*. Cambridge: Cambridge University Press.
- Chilton, Adam, and Eric A. Posner. 2016. "The Influence of History on States' Compliance with Human Rights Obligations." *Virginia Journal of International Law* (forthcoming).
- Adam Chilton and Mila Versteeg. 2015. "The Failure of Constitutional Torture Prohibitions." *Journal of Legal Studies* 44(2): 417.
- Cole, Wade M. 2013. "Government Respect for Gendered Rights: The Effect of the Convention on the Elimination of Discrimination Against Women on Women's Rights Outcomes, 1981-2004." *International Studies Quarterly* 57: 233-249.
- Fariss, Christopher J. 2016. "Are Things Really Getting Better?: How to Validate Latent Variable Models of Human Rights." *British Journal of Political Science* (forthcoming).
- Fariss, Christopher J. 2015. "The Changing Standard of Accountability and the Positive Relationship between Human Rights Treaty Ratification and Compliance." *British Journal of Political Science* (forthcoming).
- Fariss, Christopher J. 2014. "Respect for Human Rights has Improved Over Time: Modeling the Changing Standard of Accountability." *American Political Science Review* 108(2): 297-318.
- Gleditsch, Kristian Skrede. 2002. "Expanded trade and GDP data." *Journal of Conflict Resolution* 46(5):712-724.
- Hafner-Burton, Emilie M. and Kiyoteru Tsutsui. 2005. "Human Rights in a Globalizing World: The Paradox of Empty promises." *American Journal of Sociology* 110(5): 1373-1411.
- Hathaway, Oona. 2002. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111: 1935-2042.
- Hill, Daniel W. 2010. "Estimating the Effects of Human Rights Treaties on State Behavior." *Journal of Politics* 72(4): 1161-1174.
- Hill, Daniel W. and Zachary M. Jones. 2014. "An Empirical Evaluation of Explanations for State Repression." *American Political Science Review* 108(3): 661-687.

- Keith, Linda Camp. 1999. "The United Nations International Covenant on Civil and Political Rights: Does It Make A Difference in Human Rights Behavior?" *Journal of Peace Research* 36(1): 95-118.
- Landman, Todd. 2005. *Protecting Human Rights: A Comparative Study*. Washington, DC: Georgetown University Press.
- Lupu, Yonatan. 2013a. "Best Evidence: The Role of Information in Domestic Judicial Enforcement of International Human Rights Agreements." *International Organization* 67(3): 469-503.
- Lupu, Yonatan. 2013b. "The Informative Power of Treaty Commitment: Using the Spatial Model to Address Selection Effects." *American Journal of Political Science* 57(4): 912-925.
- Lupu, Yonatan. 2015. "Legislative Veto Players and the Effects of International Human Rights Agreements." *American Journal of Political Science* 59(3): 578-594.
- Marshall, Monty, Keith Jagers and Ted R. Gurr. 2013. "Polity IV Project: Political Regime Characteristics and Transitions 1800-2010 Dataset Users' Manual." URL: www.systemicpeace.org/polity/polity4.htm
- Neumayer, Eric. 2005. "Do International Human Rights Treaties Improve Respect for Human Rights?" *Journal of Conflict Resolution* 49(6): 925-953.
- Posner, Eric. 2014. *The Twilight of International Human Rights Law*. New York, NY: Oxford University Press.
- Schnakenberg, Keith E. and Christopher J. Fariss. 2014. "Dynamic Patterns of Human Rights Practices." *Political Science Research and Methods* 2(1): 1-31.
- Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. New York, NY: Cambridge University Press.