

Making Promises, Keeping Promises: Democracy, Ratification and Compliance in International Human Rights Law

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This article argues that in order to understand how international human rights agreements (HRAs) work, scholars need to turn their attention to rights that are not definitional to democracy. When rights practices diverge from treaty rules, but the domestic enforcement mechanisms that give such agreements their bite are robust, how do governments behave? The study explores this question by examining a core treaty that prohibits child labor. When domestic enforcement is likely, states where many children work are often deterred from ratifying. Nevertheless, those that do ratify experience significant child labor improvements. By contrast, in non-democracies, ratification is a promise that is easily made but seldom kept.

Human rights differ from other areas governed by international law in at least one critical respect: they concern the relationship between the state and the citizenry, a fundamentally internal matter.¹ Compliance with HRAs raises questions that traditional International Relations (IR) theories have had trouble answering. These agreements rarely have formal enforcement mechanisms of their own.² Reciprocity and reputation often push governments to abide by international obligations, but these have not proven particularly reliable in the human rights arena.³ Given the limited scope for enforcement through typical IR channels, why would *any* government keep these promises? If governments *do* comply, what does this tell us about the role of international human rights law in promoting respect for human rights?

Recently, many scholars have argued that the answers lie in domestic politics. The absence or entrenchment of democratic institutions⁴ has attracted the most attention. Democratic governments are among the strongest proponents of agreements like the International Covenant

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¹ Moravcsik 2000.

² Hafner-Burton and Tsutsui 2007; Hathaway 2002; Simmons 2009. There are exceptions, such as protocols allowing individual complaints (cf. Cole 2012; Hafner-Burton, Mansfield, and Pevehouse 2013; Smith-Cannoy 2012).

³ Simmons 2009.

⁴ Conrad 2014; Conrad and Ritter 2013; Hafner-Burton and Tsutsui 2007; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2007; Landman 2005; Lupu 2013; Neumayer 2005; Simmons 2009. Scholars emphasize various institutions that are often grouped under the rubric of 'democracy'. While they are distinct, for ease of expression, I use the general term 'democracy' when discussing them together. See below for further theoretical discussion, and the results section for further empirical discussion.

on Civil and Political Rights (ICCPR).⁵ They are also among the most likely to respect the rights enshrined in that agreement.⁶ Yet findings about the ICCPR's *causal* impact have been very mixed, with virtually no agreement about when and where ratification improves trials, civil liberties, etc.⁷

This article argues that a key to solving the puzzle of HRA ratification and compliance lies in understanding that scholars and practitioners have two conceptually distinct concepts of democracy in this setting. On the one hand, for many, democracy is a particular set of values and practices that are enshrined in several HRAs.⁸ On the other hand, the literature also understands democracy as a mechanism for holding leaders to account, which provides the chief means of enforcing these agreements.⁹ Often, the two overlap closely. For example, compliance with the ICCPR requires due process in court, protection of civil society/free speech and democratic elections,¹⁰ which are thought to be precisely the mechanisms that help ensure the enforcement of HRAs. Gauging the impact of HRAs in this context is difficult, because the conditions necessary for compliance with (and enforcement of) legal obligations are largely the same.

We can better understand when and how HRAs work by examining cases in which the conditions for compliance and enforcement are distinguishable. We find such cases by looking at rights practices that are *not* definitional to democracy, an area not commonly covered in the IR literature. When human rights practices diverge sharply from what a treaty prescribes, but the domestic enforcement mechanisms that give HRAs their bite are robust, how do governments behave?

From one perspective, the fact that democratic institutions can provide enforcement turns out to be a problem: while HRAs have the greatest potential to 'matter' in democracies with poor rights situations, these countries are unlikely to participate because compliance would be difficult and enforcement likely. A more optimistic perspective emphasizes that governments face multiple incentives when considering ratification, and that conditions sometimes change. Consequently, countries sometimes find themselves parties to treaties even when compliance is hard and enforcement likely. Here, from the more optimistic point of view, there is real opportunity for HRAs to matter.

I explore these questions by examining ratification of (and compliance with) the Minimum Age Convention (MAC), a core international children's rights agreement. The quantitative analyses show that democracies with high child labor ratify the convention slowly, and sometimes not at all. This suggests that concerns about the ability to comply play a crucial role in these countries' ratification decisions. But this is not the whole story: even controlling for the endogeneity of ratification, I find that MAC parties with robust democratic institutions experience significantly lower child labor. The picture is quite different for non-democracies, among which ratification appears to be an empty promise, made with little intention of

⁵ Cole 2012; Hafner-Burton and Tsutsui 2007; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2003; Landman 2005; Lupu 2013; Neumayer 2005; Simmons 2009. It is not uncommon for autocrats to join this and other HRAs (Conrad and Ritter 2013; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2007; Hollyer and Rosendorff 2012; Simmons 2009; von Stein 2013; Vreeland 2008), but democracies are typically the more ardent supporters.

⁶ Cole 2012, forthcoming; Hafner-Burton and Tsutsui 2007; Hafner-Burton, Tsutsui and Meyer 2008; Hathaway 2002, 2003; Landman 2005; Lupu 2013; Neumayer 2005; Simmons 2009.

⁷ Cole 2012; Cole forthcoming; Hathaway 2002; Landman 2005; Lupu 2013; Neumayer 2005; Simmons 2009.

⁸ Landman 2005; Simmons 2009.

⁹ Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2007; Neumayer 2005; Powell and Staton 2009.

¹⁰ I use the term 'democratic elections' throughout to denote elections that are free and fair.

follow-through.¹¹ Absent transition to democracy, the domestic tools available to citizens in those countries are too sclerotic to have meaningful impacts on rights practices.

COMPLIANCE AND ENFORCEMENT IN INTERNATIONAL HUMAN RIGHTS LAW

Over the past decade, virtually every study of HRAs has focused on some aspect of how domestic politics drives commitment to and compliance with the agreements. The absence or entrenchment of democratic institutions has attracted the most attention.¹² The link between democracy and human rights, of course, is as old as the global human rights regime itself. ‘The values of freedom [and] respect for human rights’, the UN maintains, ‘[...] are essential elements of democracy. In turn, democracy provides the natural environment for the protection and effective realization of human rights’.¹³ Put simply, (certain) human rights are definitional to democracy, but democracy is also crucial to the enforcement of these obligations.

When scholars and practitioners talk about democracy in the context of HRAs, they are in fact emphasizing two distinct – though often related – mechanisms. The first is about how closely a country’s values and practices conform to a given HRA’s standards – or, to simplify, what IR scholars typically call ‘compliance’.¹⁴ The second is about the institutional environment that ensures commitments are respected – what IR scholars typically call ‘enforcement’.¹⁵ In this section, I discuss the two concepts and discuss the chief mechanisms that HRA scholars have emphasized.

On the one hand, democracy is a set of values or preferences over rights, which are enshrined in a number of HRAs.¹⁶ Consider the ICCPR, which many consider to be the quintessential example of an agreement covering Enlightenment rights¹⁷ that are ‘definitional’ to democracy. The agreement’s key provisions include the equality of individuals before the law, fair and public trial by an independent court established by law, freedom of expression and assembly, and democratic elections.¹⁸ It is no wonder that democracies typically ratify this agreement quickly and frequently. They are already respecting the rights in question, so compliance is easy. They value the treaty content and ratify it, in part, in hopes of exporting their norms.¹⁹

On the other hand, democracy is also understood as a means of holding leaders to account, which provides an important means of HRA enforcement.²⁰ Scholars have emphasized three mechanisms under the rubric of ‘democracy’, though seldom in the same study: an independent judiciary, civil society protections and democratic elections.

¹¹ This is consistent with much of the literature (c.f. Hafner-Burton and Tsutsui 2005; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2003, 2007).

¹² Cole 2012; Cole forthcoming; Conrad 2014; Conrad and Ritter 2013; Hafner-Burton and Tsutsui 2007; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2003, 2007; Landman 2005; Neumayer 2005; Powell and Staton 2009; Simmons 2009.

¹³ United Nations 2013.

¹⁴ This definition is no doubt a simplification. See von Stein (2012) for a discussion of definitional debates and alternative ways of thinking about compliance.

¹⁵ Throughout this article, ‘enforcement’ refers to the existence of some punishment or other cost for failing to abide by an obligation. It need not (necessarily) involve a court.

¹⁶ Landman 2005; Simmons 2009.

¹⁷ Ishay 2004.

¹⁸ ICCPR articles 14, 19, 21, 25 (<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>).

¹⁹ Cole 2012; Hafner-Burton and Tsutsui 2007; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2003; Landman 2005; Neumayer 2005, 2008; Lupu 2013; Simmons 2009.

²⁰ Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2002, 2003, 2007; Keck and Sikkink 1998; Neumayer 2005; Powell and Staton 2009; Simmons 2009.

Independent domestic judiciaries are often thought to play an important role in the enforcement of international law.²¹ They guarantee individual rights, enable citizens to challenge government (in)action legally and have the authority to review whether government (in)action is consistent with existing law.²² Independent courts issue rulings based on legal principles (rather than popularity, government preference, citizen wishes or indifference, etc.)²³ While judges rarely make decisions in a political vacuum, the point is that legal principles are important and can trump considerations that pull countries away from compliance. Negative rulings seldom lead to full compliance, but they do typically make it harder for governments to continue renegeing.²⁴

Civil society groups have also played an important enforcement role in international human rights law, in the form of ‘naming and shaming’ campaigns and by spearheading action in domestic courts and other venues.²⁵ How does an international agreement affect mobilization? While civil society groups do often make appeals to HRAs regardless of the country’s ratification status,²⁶ ratified treaties can carry more weight. They make it harder for governments to plausibly claim not to be committed to the principle(s) enshrined in the agreement.²⁷ Ratified agreements also expand the range of strategies that civil society can engage, for example by opening up previously unavailable litigation opportunities or creating new allies. Some groups care about compliance because respecting legal commitments is important to them. Others may see a political opportunity in exposing a government’s inability to keep its promises.²⁸

Political retribution is relatively costless in countries that hold democratic elections, so their leaders must be more responsive to citizen demands.²⁹ This link is well established in the IR literature generally. In the treaty compliance context, it means that democratic leaders have an interest in abiding by international law because citizens will punish them for breaking their promises. This mechanism is worth discussing in detail, because it is arguably the most tenuous of the three. Governments’ adherence to international legal obligations – in any issue area – very rarely figures centrally in electoral debates in the way that guns and butter do. No leader has ever lost an election based only on his or her failure to live up to an international human rights commitment.³⁰

These points are important, but it is worth acknowledging that citizen attitudes are multidimensional: citizens care about guns and butter, but they also care about ‘valence’ issues.³¹ The public’s mind often links parties/candidates differentially to these issues, and electoral success may depend on politicians’ ability to strengthen or weaken these linkages.³²

²¹ Hathaway 2007; Powell and Staton 2009; Lupu 2013; Simmons 2009; Slaughter 1995.

²² Slaughter 1995.

²³ Hathaway 2007. In the American context, see Gillman (1993), who argues that federal and state judges struck down a significant amount of popular post-Civil War social and economic legislation in order to enforce a well-established constitutional prohibition on ‘class legislation’.

²⁴ Simmons 2009.

²⁵ Keck and Sikkink 1998; Neumayer 2005; Risse, Ropp, and Sikkink 1999, 2013; Simmons 2009; Tsutsui, Whitlinger, and Lim 2012. These groups are also heavily involved in monitoring and reporting abuses, a separate function that is not the focus of this article.

²⁶ Lutz and Sikkink 2000; Tsutsui, Whitlinger, and Lim 2012.

²⁷ Neumayer 2005; Simmons 2009.

²⁸ Simmons 2009.

²⁹ Bueno de Mesquita and Siverson 1995.

³⁰ See Dai (2006) for some additional caveats.

³¹ Stokes 1963.

³² Stokes 1992, 144.

Here, HRA compliance is best understood as a valence issue, where failure to keep promises is a sign of incompetence and/or outright disrespect for the law. Establishing empirically that citizens care about compliance with international rules is difficult, but recent survey experiments suggest that they do. For example, a recent study reports that respondents are more likely to oppose the use of torture if it violates international law.³³ Showing that such considerations lead to electoral losses is even harder, but debates surrounding the US Guantánamo Bay detentions provide some evidence of a link.³⁴

GAUGING THE EFFECTS OF INTERNATIONAL HUMAN RIGHTS LAW

The previous section argued that the HRA literature has typically thought of democracy in two ways, without explicitly parsing them out. The first is about how closely practices at home align with those enshrined in the agreement; the second is about how obligations are enforced. Gauging the impact of HRAs covering rights that are definitional to democracy is difficult, because the conditions necessary for compliance and the enforcement of legal obligations are similar. This may help explain, in part, why findings about how democratic institutions and ICCPR participation together affect compliance have been so mixed. Some research finds that ratification improves civil liberties in countries with democratic institutions and strong civil society attributes, but other studies find no relationship.³⁵ Other work examines fair trials and uncovers no evidence that ratification improves practices among full/entrenched democracies. Instead, one scholar finds, it is only in transitional countries that ICCPR ratification makes trials more just.³⁶

Overall, it may not be particularly surprising that ICCPR ratification does not reliably improve rights practices in democracies: if the conditions necessary for enforcement are present, governments are very likely to be complying already. I argue that we can make headway in understanding when and how HRAs work by turning our attention to human rights practices that are *not* definitional to democracy. I have two motivations. First – and most importantly – exploring these types of agreements helps us to differentiate compliance from enforcement. When human rights practices diverge sharply from what a treaty prescribes, but the domestic mechanisms of enforcement that give HRAs bite are robust, how do governments behave?

A second motivation for looking at HRAs that are not definitional to democracy is that we know much less about these agreements.³⁷ While women's rights HRAs have gained more attention in recent years, agreements covering other rights and groups have, for the most part, been neglected.³⁸ We know little about whether these HRAs lead to human rights improvements, or how domestic institutions might condition these effects. This is surprising,

³³ Tomz 2008; Wallace 2013.

³⁴ Particularly in light of the *Hamdan v. Rumsfeld* ruling (548 US 557 (2006)), Democrats seized on the opportunity to argue that the case provided an example of the Bush administration's 'arrogance and incompetence' and lack of respect for the rule of law and judicial review (Leahy 2000a, 2000b). Although it is difficult to connect these definitively to President Bush's declining popularity or to Republican electoral losses, opinion polls and Democrats' behavior do provide some evidence of a link.

³⁵ Hathaway 2002, 2003, 2007; Neumayer 2005.

³⁶ Hathaway 2002, 2003, 2007; Simmons 2009, 184.

³⁷ Hafner-Burton and Ron 2009.

³⁸ Cf. Cole 2012; Hathaway 2002, 2003, 2007; Hill 2010; Simmons 2009; Wotipka and Ramirez 2008. These studies focus fairly heavily on rights that are intrinsic to democracy, such as suffrage and representation. It would be interesting to look more extensively at issues like women's wage equality, which are not definitional to democracy.

given these agreements' prevalence in the international human rights regime.³⁹ Children's rights are an important part of this regime – they make up seven of the UN's forty-six HRAs – but the treaty compliance literature seldom examines them. In the two studies that do look at children's rights, domestic politics falls out of the compliance and enforcement story entirely, even though it is a crucial determinant of which countries ratify.⁴⁰ Hence, an additional contribution of this research is that it moves us into an area that the HRA literature has not explored heavily, explicitly considering the role(s) of domestic politics.

How do democracies react to the presence of a related agreement when they struggle with children's rights abuses, when they fail to ensure opportunities for underprivileged groups, etc.? One response to this question emphasizes that the prospect of enforcement deters ratification by countries that anticipate difficulty in complying.⁴¹ While enforcement is most likely when citizens have access to the domestic tools that give HRAs teeth, leaders in these countries understand that making empty promises can be costly, and so will not ratify if conditions at home diverge substantially from what the agreement prescribes. Democracies with poor rights situations – the practices of which international law could meaningfully shape – may opt out of the agreement entirely because compliance would be hard and enforcement likely.

There is certainly evidence, from treaties covering rights that are not 'definitional' to democracy, that compliance difficulties deter countries from ratifying if the specter of domestic enforcement is present. For instance, countries with high Polity scores and/or independent judiciaries tend not to ratify the Convention Against Torture if they engage in torture or political terror.⁴² Countries with high Polity scores are also less likely to ratify the Convention on the Elimination of Discrimination Against Women if they have considerable gendered gaps in literacy rates.⁴³ And another study shows that as domestic constraints on executives increase, repressive governments opt out of many core UN HRAs.⁴⁴

The above paints a dismal portrait of HRAs' ability to promote meaningful human rights improvement in countries where international law is enforced domestically. A more optimistic take emphasizes two points. First, leaders must contend with various pressures when an agreement opens for ratification. Non-governmental organizations (NGOs) have ongoing ratification campaigns, and ramp up 'shaming' efforts as more parties join.⁴⁵ Governments may ratify because they see themselves as proponents of a particular cause and/or as supporters of a particular organization – this is known as embeddedness.⁴⁶ Finally, governments may also face 'peer' pressure to ratify, particularly regionally.⁴⁷ Whether normative, social or more instrumental concerns motivate states is the subject of considerable debate.⁴⁸ While it is beyond the scope of this article to parse out these mechanisms, the overall point is that ratification decisions are rarely one-dimensional.

³⁹ Only about one in four HRAs is interested chiefly in civil/political/physical integrity rights (von Stein 2013). See also Hafner-Burton and Ron 2009.

⁴⁰ Gauri 2011; Simmons 2009.

⁴¹ See Downs, Rocke, and Barsboom 1996; Hathaway 2007; Powell and Staton 2009.

⁴² See the conclusion for a brief discussion. Hathaway 2007; Powell and Staton 2009.

⁴³ Hathaway 2007.

⁴⁴ Hafner-Burton, Tsutsui, and Meyer 2008.

⁴⁵ In the realm of child labor, for instance, see Global March's 'Convention Campaign'. Cf. Global March 2013; Global March ND. More generally, see Cole (2012), Hafner-Burton and Tsutsui (2005), Hathaway (2007), Landman (2005), and Wotipka and Tsutsui (2008).

⁴⁶ Landman 2005; Wotipka and Ramirez 2008; Wotipka and Tsutsui 2008.

⁴⁷ Goodliffe and Hawkins 2006; Simmons 2009.

⁴⁸ Finnemore and Sikkink 1998; Goodman and Jinks 2004; Simmons 2009; Wotipka and Ramirez 2008.

A second reason why the ‘dismal’ portrait may not be entirely accurate is that circumstances, leaders and even domestic institutions change. Governments cannot always accurately predict how hard compliance, or how likely domestic enforcement, will be. For instance, some countries ratify as non-democracies but later transition. Once democratic institutions are in place, these governments will be confronted with new enforcement pressures that were not faced at the time of ratification.

Thus far, I have said little about countries without independent judiciaries, civil society protections and/or democratic elections. For ease of expression, I call them ‘non-democracies’, and describe the mechanisms below. Consistent with much of the literature, I view their ratification decision as an empty promise, made with little intention of following through. The empirical record has shown fairly consistently that among non-democracies, the less compliant are as likely (and in some cases even more likely) to ratify.⁴⁹ Also in line with the bulk of the literature, I do not expect ratification to have a meaningful impact in these countries. Their domestic enforcement mechanisms are typically too sclerotic to induce significant improvement. Virtually every quantitative study has found that HRAs have either no impact, or a negative effect, on the human rights practices of these countries.⁵⁰

This way of thinking about HRAs raises important questions. How do governments facing a reasonable prospect of domestic enforcement weigh these competing incentives? Do they always opt out of HRAs with which compliance would be hard? Among democracies, does ratification lead to meaningful improvements, or do these obligations only reflect underlying preferences over rights? And finally, is there any hope for non-democracies? The following sections explore these and related questions.

METHODOLOGICAL CONSIDERATIONS AND RELATIONSHIP TO EXISTING RESEARCH

The above observations have important implications for how we assess treaty effects. High compliance rates among democracies that have ratified may indicate that HRAs have real causal impacts. Alternatively, they may simply indicate that when enforcement is relatively likely, these countries tend only to ratify when they anticipate being able to keep their promises. This problem is now well understood in the treaty compliance literature.⁵¹ One of the key insights to emerge is that it rarely makes sense to consider ratification and compliance separately. To understand why countries join treaties, we must also appreciate the costs that such decisions might generate. Likewise, to know whether ratification has causal effects, we must also understand why countries become parties. Conceptually, scholars generally agree on these points.

Scholars using quantitative methods now agree that in these cases, standard regression techniques can yield biased and inconsistent estimates of the causal effect of the endogenous variable – ratification – on the outcome of interest.⁵² However, there is no agreement on the most appropriate statistical approach. Heckman models have been used frequently, but have

⁴⁹ Cf. Conrad 2014; Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2007; Vreeland 2008.

⁵⁰ Hafner-Burton and Tsutsui 2005, 2007; Hathaway 2007; Neumayer 2005; Powell and Staton 2009; Simmons 2009. A few studies do find sometimes find that ratification improves human rights (Cole 2012; Hill 2010; Lupu 2013). However, they do not look at different regime types separately, so it is unclear whether domestic institutions condition effects. Conrad and Ritter (2013) are an exception.

⁵¹ See Downs, Rocke, and Barsoom (1996) for the first substantive discussion in the context of treaty compliance.

⁵² Simmons and Hopkins 2005; von Stein 2005. More generally, see Bound, Jaeger, and Baker (1995). As explained later, I only expect this to be true of democracies.

been criticized for their distributional assumptions and sensitivity to model specification.⁵³ Some scholars have employed instrumental variables (IV) regression to gauge treaty effects in the presence of endogeneity.⁵⁴ The choice of instrument(s) is crucial to a well-specified IV model. Unfortunately, good instruments are not always easy to find, and treaty compliance studies using IV regression sometimes omit information on instrument performance. Propensity score matching offers another solution, but it assumes treatment to be as if randomly assigned once groups are matched on observable covariates.⁵⁵ This can be problematic if unobservables drive ratification, as results can be very sensitive to omitted variable bias.

While recognizing the continuing debate over method, I opt for IV regression, given the availability of good instruments. I improve on some previous studies that use IV regression by providing ample information on instrument performance.

The argument made in the previous sections is about *enforcement*: democratic governments are likely to face some cost(s) if they renege on their promises. This is distinct from an argument about *capacity*, which focuses on countries' underlying ability (bureaucratic, financial, etc.) to translate commitments into practice. Forthcoming research, for instance, shows that bureaucratically strong states are better able to abide by their ICCPR commitments.⁵⁶ Capacity is likely particularly important in areas such as child labor, in which governments are rarely directly responsible for abuses and must take steps to ensure that relevant actors follow rules.

Treaty compliance debates between the 'enforcement' and 'managerial' schools initially tended to view these as competing mechanisms.⁵⁷ I follow more recent scholarship, which emphasizes that both can affect compliance simultaneously.⁵⁸ For my purposes, the chief implication is that the analyses must also account for capacity, in order to avoid two dangers.⁵⁹ First, if democracies usually have higher bureaucratic capacity,⁶⁰ one might falsely attribute the effect of capacity to democracy. Secondly, even the most democratic country will have trouble meeting commitments if it lacks bureaucratic/financial ability. This may bias the impact of other variables, including ratification.⁶¹

It is also worth considering how my approach compares to that of Simmons, who finds that HRAs have their strongest effects in partial democracies and transitional regimes.⁶² In these countries, she argues, citizens have the motive (an imperfect rights situation) and the means (some domestic tools, even if imperfect) to press the government to improve rights. Simmons stipulates an important scope condition: it is most likely to apply to civil and political rights.⁶³ Given that I am interested in situations in which 'the motive' (child labor problems) and 'the means' (domestic institutions) do not necessarily coincide, there is not a strong reason to expect HRAs to matter most in partial democracies and transitional regimes.

⁵³ Conrad and Ritter 2013; Mitchell and Hensel 2007; von Stein 2005.

⁵⁴ Cole 2012; Cole forthcoming; Landman 2005; Simmons 2009.

⁵⁵ Hill 2010; Lupu 2013; Simmons and Hopkins 2005.

⁵⁶ Cole forthcoming.

⁵⁷ Chayes and Chayes 1993; Downs, Roche, and Barsoom 1996.

⁵⁸ Cole forthcoming; von Stein 2005. See also Simmons 2009, 328.

⁵⁹ In the child labor context, see Grugel and Peruzzotti (2012).

⁶⁰ Bäck and Hadenius 2008.

⁶¹ Although I am delinking enforcement and capacity conceptually here, in practice these are not always fully separable. This is probably truest when it comes to courts. For instance, although India's judiciary is independent, it is also notoriously inefficient. Future research would benefit from considering these interactions further.

⁶² Simmons 2009.

⁶³ Simmons 2009, 153.

TREATY OVERVIEW AND OPERATIONALIZATION OF CONCEPTS

I examine child labor because it is a human rights outcome that is not definitional to democracy. It is also a persistent problem of interest to policy makers.⁶⁴ Approximately 168 million (or 11 per cent of) children worldwide are engaged in child labor today.⁶⁵ The UN recognizes that children need special protections above those afforded under other existing law. Among these, I focus on the MAC, for several reasons. It is a core agreement in the international children's rights regime, and unlike some others, it is relatively precise about what constitutes 'compliance', does not allow reservations and covers outcomes for which data are available. This makes it somewhat more straightforward to track compliance.

The MAC was created and opened for ratification in 1973. Where previous international legal efforts focused on specific sectors and did not prohibit family work, this agreement represents a shift: it aims to 'ensure the effective abolition of child labor'.⁶⁶ It entered into force in 1976, one year after the requisite first two countries – Cuba and Libya – ratified. Finland and Romania soon followed. Today over 85 per cent of states are parties, although for many this took several years. The lack of participation by some populous countries in which child labor is prevalent (for example, India) has frustrated activists and the International Labor Organization.⁶⁷

While the ILO has agreed on a fairly clear definition of what constitutes child labor, measuring it is challenging. Data are only available cross-nationally for children aged ten to fourteen, so I rely on these.⁶⁸ The data indicate the percentage of children engaged in child labor; they cover several years and are available for virtually all UN members.⁶⁹ Wealthy Western countries and some Arab and former Soviet states report low/no child labor; on the opposite end of the spectrum lie many African and Asian states, with historical rates as high as 70 per cent. As with many measures of policy performance, data reliability is a concern. The Appendix describes robustness checks that attempt to account for these potential problems.

Ratification

Regarding ratification, I am chiefly interested in how democratic institutions and the ability to comply affect governments' decisions to participate in the MAC. Where other studies typically focus on one institution, I examine each component. This can provide useful insight into which mechanism(s) best explain(s) who ratifies and when. To gauge *Judicial Independence*, I use data from Linzer and Staton.⁷⁰ For the civil society component, I am interested in the existence of guarantees enabling civil society to operate freely. Ideally, we want to know whether people have a safe and vibrant social/political space in which to hold governments (and other agents) accountable. I use the Freedom House *Civil Liberties* variable.⁷¹ Finally, to gauge the electoral

⁶⁴ OHCHR 2010–2011; UNICEF 2012.

⁶⁵ IPEC 2013.

⁶⁶ MAC article 1; Smolin 2000. See <http://www-personal.umich.edu/~janavs/macratification.pdf> for a list of ratification dates and non-ratifiers.

⁶⁷ Smolin 2000.

⁶⁸ Unless otherwise noted, all data are from the World Bank Development Indicators. See Edmonds and Pavcnik (2005) for a discussion of the difficulties involved in estimating the number of children working (see also Basu 1999; Basu and Van 1998).

⁶⁹ The years covered range from 1970 to 2002, during which time many MAC ratifications took place. Some of the more recent figures cited here are from general ILO reports.

⁷⁰ Linzer and Staton 2012.

⁷¹ Freedom House 2012.

mechanism, I use the Cheibub, Gandhi and Vreeland *Democracy* variable, which I call *Democratic Elections* to avoid confusion.⁷²

One of my core expectations is that when considering ratification, democracies will be concerned about the difficulty of achieving compliance, whereas non-democracies will not. A common approach to gauging this idea considers how much a country's practice deviates from what the treaty prescribes.⁷³ I take this approach and use *Child Labor* as a predictor of ratification. This seems reasonable enough, but it is a simplification: even at equal child labor levels, changing existing practice would be harder in some countries than in others. For this reason, I include variables aimed at controlling for these differences. Because I expect the effects of *Child Labor* to depend on institutions, I interact it with *Judicial Independence*, *Civil Liberties* and *Democratic Elections* in their respective regressions.

As discussed earlier, governments do not consider ratification in isolation. Instead, they face pressures from various international actors. I operationalize ideas about embeddedness in international institutions in two ways. *Issue-Area Embeddedness* indicates how many other major children's rights conventions (Rights of the Child, Worst Forms of Child Labor) a country has ratified. *International Institutional Embeddedness* indicates the number of other core ILO treaties a country has ratified. To gauge 'peer' pressure, I use the variable *Regional Ratification*, which measures the percentage of other states in the region that has ratified the MAC.⁷⁴

I account for two additional domestic institutional factors that likely affect ratification. The first is *Common Law* legal heritage.⁷⁵ Common law countries have a greater incentive to be cautious about committing to HRAs, because legal commitments typically carry higher adjustment costs and governments usually have less control over treaty interpretation.⁷⁶ Secondly, I consider the impact of *Ratification Barriers* – the domestic institutional requirements for a treaty to be ratified.⁷⁷ These vary dramatically from country to country and can lengthen the amount of time it takes to forge a treaty commitment at home.

Compliance

As discussed earlier, I am chiefly interested in assessing how ratification affects compliance (with the MAC). Here, I provide a brief overview of the child labor literature, focusing specifically on its empirical findings.

At the most basic level, child labor is a symptom of poverty: children work because they need to help put food on the table.⁷⁸ Accordingly, all analyses include (logged) *GDP Per Capita*. I also include a measure of *State Capacity*, which I expect to be negatively related to child labor.⁷⁹

⁷² Cheibub, Gandhi, and Vreeland 2010. These three variables are highly correlated (ρ is between 0.75 and 0.852).

⁷³ Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2003, 2007; Powell and Staton 2009; von Stein 2005; Vreeland 2008.

⁷⁴ Simmons 2009. Gauging the impact of NGO pressure is more challenging – the number of these organizations in a country is a fairly blunt operationalization. Consequently, I do not include that variable in the reported analyses. See the Appendix for robustness checks.

⁷⁵ La Porta et al. 1999.

⁷⁶ Goodliffe and Hawkins 2006; Simmons 2009.

⁷⁷ Simmons 2009.

⁷⁸ Basu 1999; Edmonds 2008; Edmonds and Pavcnik 2005. The references given here provide a starting point for understanding the vast literature on child labor.

⁷⁹ Cole (forthcoming) uses the Political Risk Group's measures of state capacity, but these data are usually only available from 1982–2002. This would result in a significant loss of observations. Instead, I use Kugler and

While the term ‘child labor’ often conjures images of little hands in Nike factories, the majority of children working are in the fields, alongside their parents.⁸⁰ Hence, I also obtain data on *Agriculture as a Percentage of GDP*, which should be positively related to child labor. This variable is highly correlated with *GDP Per Capita*,⁸¹ so I only include it in robustness checks. Trade exposure has also received substantial attention, although economic theory makes ambiguous predictions about its impacts. On the one hand, if expanded trade makes families wealthier, children’s income may no longer be needed. On the other hand, trade might raise the demand for goods that children produce, thereby increasing child labor.⁸² I include *Trade as a Percentage of GDP* to gauge this effect.

Some studies have suggested that the economy’s demand for child labor depends on the military situation.⁸³ Combat takes breadwinning adults out of the workforce, so war might drive up child labor through a substitution effect. But wars often depress the economy (therefore reducing the available jobs), and children are sometimes recruited into armies. Both would reduce child labor. To test these divergent hypotheses, I include variables indicating whether the country is in the midst of an *Internal Conflict* or *Interstate Conflict*.⁸⁴ Finally, there is some evidence of a ‘secular trend’ of decreasing child labor over time.⁸⁵ The analyses therefore include the variable *Year*.

Child labor also depends on how parents, children and other members of society view child work and its alternatives. While these are hard to operationalize in a large-N, cross-national study, I nonetheless discuss them and propose operationalizations. To begin, families may have children work because other opportunities are unavailable or inferior: schools may be expensive, far away and/or open during limited hours.⁸⁶ Parents – and indeed children – sometimes prefer work because they perceive low returns on education.⁸⁷ Gauging the availability and perceived usefulness of schools is challenging, but *Primary School Enrollment* seems a reasonable approximation.⁸⁸

Family decision-making dynamics are also important, in ways that researchers are only beginning to understand well. Parents, extended family and children themselves are involved in the child work decision, and can have divergent preferences.⁸⁹ Child labor should also be placed within the social/cultural context. Historically in the West, and throughout much of the developing world today, work was/is seen as essential to cultivating a child’s moral character.⁹⁰ I attempt to gauge each idea by including the country’s *Birth Rate* (to capture family dynamics) and *Regional Child Labor* rate (to capture social/cultural dynamics).⁹¹

Tammen’s (2012) *Relative Political Extraction* variable, which provides a gauge of state capacity and is available for all years in my dataset.

⁸⁰ Basu and Van 1998; Edmonds 2008. Robustness checks also use *Manufacturing as a Percentage of GDP*.

⁸¹ $\rho = -0.820$.

⁸² Edmonds and Pavcnik 2005.

⁸³ Simmons 2009.

⁸⁴ Gleditsch et al. 2002.

⁸⁵ Basu and Van 1998.

⁸⁵ Basu and Van 1998.

⁸⁷ Edmonds 2008.

⁸⁸ This variable raises causality questions (e.g., are fewer children working because they are in school, or are more children in school because they are not working?) so I only include it in the robustness checks.

⁸⁹ Edmonds 2008.

⁹⁰ Basu and Van 1998; D’Avolio 2004.

⁹¹ Because these operationalizations are blunt, I only include them in the robustness checks. Other studies have used regional rights practices in this manner, but this variable requires caution because so many factors might also manifest themselves through it.

TABLE 1 *Ratification of the Minimum Age Convention*

	(1)	(2)	(3)
	Judicial Independence	Civil Liberties	Democratic Elections
Child Labor	-0.0484 (0.0693)	-0.1266* (0.0615)	-0.1081* (0.0470)
Democracy Measure	1.4396* (0.6596)	1.3027* (0.5915)	0.6491 (0.4061)
Child Labor × Democracy Measure	-0.0860 (0.1289)	-0.1965 [†] (0.1125)	-0.1132 [†] (0.0661)
Common Law	-0.5965* (0.2490)	-0.5719* (0.2529)	-0.5065* (0.2496)
Regional Ratification	-0.0175** (0.0065)	-0.0176** (0.0067)	-0.0172* (0.0068)
Issue-area Embeddedness	0.7495** (0.2814)	0.7839** (0.2769)	0.7397** (0.2795)
International Institutional Embeddedness	0.2555* (0.1020)	0.2577* (0.1027)	0.2846** (0.1055)
Ratification Barriers	0.1371 (0.1631)	0.1364 (0.1590)	0.1680 (0.1623)
Countries	139	139	139
Ratifications	88	88	88
Observations	707	707	707

Note: Results of Cox proportional hazards models with clustering on country. Robust standard errors in parentheses. ‘Democracy measure’ refers to judicial independence, civil liberties or democratic elections. **p < 0.01, *p < 0.05, [†]p < 0.1.

QUANTITATIVE ANALYSIS AND RESULTS

Ratification of the Minimum Age Convention

I first consider why states ratify. Following most of the literature, I examine the speed with which a state ratifies (if at all), using survival analysis. I use a Cox proportional hazards model.⁹² The Appendix describes transformations of variables to mitigate skewness, set intercepts at theoretically interesting values and make comparisons straightforward. None of these transformations affects the results – displayed in Table 1 – substantively.

For countries with robust civil liberties and/or democratic elections, increases in child labor significantly reduce MAC ratification. On average, every one-unit increase in child labor makes countries with the best civil liberties ratings 13 per cent less prone to ratify, and countries with democratic elections about 11 per cent less prone to ratify.⁹³ Table 1 also indicates that there is a significant, negative, interactive relationship between civil liberties/democratic elections and child labor. Both findings lend support to my argument that as the prospect of enforcement through these mechanisms becomes more real, governments considering ratification become more concerned about whether they can subsequently comply.

⁹² The unit of analysis is the country-year. Following standard practice, I lag the dependent variable by one year. For each model, I test the proportionality assumption using Schoenfeld residuals, which in all cases fail to reject the assumption at the 10 per cent level. This suggests that the Cox model yields valid results.

⁹³ As described in the Appendix, I have rescaled each democracy variable in Table 1 so that 0 is the highest (‘most democratic’) possible value and so that the coefficients are directly comparable across models.

Figure 1 makes the overall picture easier to interpret by graphing the effect of an increase in child labor as a function of *Judicial Independence*, *Civil Liberties* and *Democratic Elections*. This graph depicts an increase in the percentage of children in the labor force from 5 to 15 per cent. I chose these percentages based on real-world scenarios discussed in the literature. Figure 1 provides further evidence that as civil liberties increase and/or when democratic elections are present, the relationship between child labor and ratification becomes negative and systematic.

The findings for judicial independence are murkier. The Table 1 coefficients are in the expected directions, but their size and statistical significance do not lend support to the idea that the prospect of judicial enforcement reliably drives down the chances of ratification. Figure 1 shows that an increase in child labor reduces the chances of ratification as courts become more independent. But the relationship is not particularly large or statistically significant.

There are a few potential explanations for the null findings about judicial independence. One is that we have a data problem.⁹⁴ Perhaps the data do not gauge judicial independence well, or perhaps judicial independence should be thought of as categorical. Neither using alternative measures⁹⁵ nor creating categories from original data changes the findings substantially, although they do come close to statistical significance in the latter case. Alternatively, it could be that judicial independence is not a good operationalization of the concepts of interest here. After all, my argument is just as much about citizens' ability to lodge complaints against government as it is about courts' independence.⁹⁶ The problem is that good data on this concept do not exist.⁹⁷ A final explanation, of course, is that courts do not matter for HRA ratification. Only with better data can we say definitively which is the case.

Two additional findings not directly related to my argument deserve discussion. First, among countries with no child labor, democratic institutions significantly *increase* the chances of ratification.⁹⁸ There is probably a large element of norm exportation here: if citizens in countries where children rarely work want to export that value, and if democratic leaders are more responsive to citizen demands, then it is intuitive that democracies with no child labor are more supportive.⁹⁹ Precisely how this plays out has not been well established in the literature.¹⁰⁰ In any event, while norm exportation may be present, it does not tell the whole story. Concerns about enforcement counterbalance norm exportation relatively quickly as child labor increases. Secondly, as countries become more autocratic, increases in child labor tend to *boost* the chances of MAC participation. This is consistent with some findings in the literature for other agreements.¹⁰¹ However, we cannot make too much of this finding, given its lack of statistical significance.

⁹⁴ Hathaway (2007) and Powell and Staton (2009) also grappled with this problem, but data have since improved.

⁹⁵ Cingranelli and Richards 2011; Tate and Keith 2009.

⁹⁶ Countries like Brunei fare well in this measure, which raises some concerns.

⁹⁷ The World Bank's *Rule of Law* measure misses a critical element of empowering citizens vis-à-vis government (Kaufmann, Kray, and Mastruzzi 2009). Moreover, this and other Worldwide Governance Indicator variables are only available beginning in 1996, which would cause us to miss about half of the ratifications (see info.worldbank.org/governance/wgi/index.aspx#faq-2).

⁹⁸ For *Democratic Elections*, this finding is marginal at $p = 0.110$, but for *Judicial Independence* and *Civil Liberties*, it is highly significant.

⁹⁹ Finnemore and Sikkink 1998; Keck and Sikkink 1998.

¹⁰⁰ Hathaway's (2007) argument about 'collateral benefits' is similar in that it emphasizes normative appeal. However it also stresses how ratification benefits constrained executives.

¹⁰¹ Hafner-Burton, Tsutsui, and Meyer 2008; Hathaway 2007; Vreeland 2008.

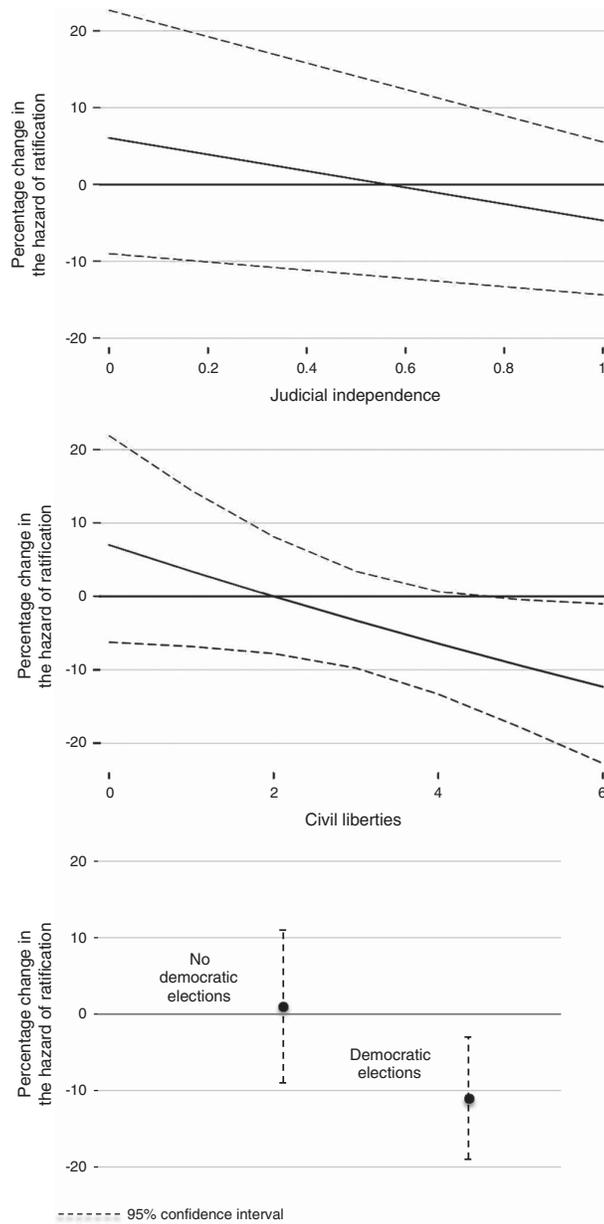


Fig. 1. The effect of an increase in child labor on the hazard of ratification as judicial independence, civil liberties and elections vary

The control variables generally perform as expected, with some exceptions. Common law countries take much longer to ratify. Governments embedded in the international children’s rights regime and/or the international ILO regime commit much more quickly. Surprisingly,

governments appear to be *less* prone to join when their regional peers are doing so. The reasons are not clear, but seem to be explained in part by the variable's correlation with the embeddedness variables. Finally, domestic ratification barriers do not notably affect ratification.

Child Labor

I now turn to the question of what drives child labor. I am particularly interested in gauging how MAC ratification affects child labor. As explained earlier, I use IV regression. This approach is fairly common, but it is important to get two things right when using it.

First, an instrument must be relevant – that is, correlated with the endogenous regressor. If the instrument does not predict ratification (or does so weakly), its inclusion can lead to large standard errors, inconsistent results and/or bias.¹⁰² Secondly, an instrument must be valid – that is, orthogonal to the errors. If an instrument itself is endogenous, then it is no better than the endogenous variable. Theory should determine instrument choice, in conjunction with statistical testing, as some instruments predict MAC ratification well but are unlikely to affect child labor solely through that mechanism. We have already identified candidate predictors (Table 1). The next step is to consider which instruments I can reliably use.

I begin by examining democracies and non-democracies (using the component variables discussed earlier) separately.¹⁰³ I do this for three reasons. First, we have theoretical reasons to expect that ratification affects the two groups differently. Secondly, we have reasons to anticipate that endogeneity poses a potential threat to the inferences we make about democracies.¹⁰⁴ For non-democracies, this does not seem to be a concern, although this is a hypothesis to be tested rather than simply assumed. Finally, as the Appendix shows, although there is some overlap, certain instruments turn out to be more appropriate for democracies vs. non-democracies, and vice versa. It is useful to understand these considerations before analyzing all countries in one system of equations.

The Appendix describes in detail the statistical tests used to evaluate each candidate instrument. Looking first at democracies, *Common Law Heritage* is typically the result of a process started centuries ago; while legal legacy is certainly not random, there is not a strong reason to believe that it should drive a country's use of child labor.¹⁰⁵ *International Institutional Embeddedness* is murkier. While countries join other core ILO treaties – on forced labor, union rights, etc. – for reasons that have nothing to do with children's rights, their goals may coincide with those of child labor treaties. Unions, for instance, have good self-interested reasons to oppose the practice. Every statistical test indicates that these are relevant and valid instruments, so I use them in the analyses. In addition to theory-based concerns, *Ratification Barriers*, *Regional Ratification* and *Issue-Area Embeddedness* also fail on statistical grounds.

Turning to non-democracies, *International Institutional Embeddedness* is a statistically relevant and valid instrument. *Regional Ratification* also passes the tests of relevance and validity, although in one specification the relevance might be considered borderline, so I pay particularly close attention to this variable's performance and confirm that its inclusion (exclusion) does not alter the findings notably.¹⁰⁶ All other candidate instruments are irrelevant and/or invalid.

¹⁰² Bound, Jaeger, and Baker 1995.

¹⁰³ This requires decisions about cutpoints (see the Appendix).

¹⁰⁴ Given the findings in Table 1, this may not be the case for *Judicial Independence*.

¹⁰⁵ See also Gauri 2011; Simmons 2009.

¹⁰⁶ See the Appendix.

Because the data are time-series-cross-sectional, we should worry about arbitrary heteroskedasticity and autocorrelation making estimates inefficient and standard errors incorrect. Accordingly, I use Newey-West robust standard errors.¹⁰⁷ The benefit of this approach is that estimates of the standard errors are consistent in the presence of unobserved heterogeneity. This comes at a cost: Newey-West estimates are inefficient. Another common approach involves the use of a lagged dependent variable,¹⁰⁸ but this can substantially bias substantive coefficients toward negligible values while artificially inflating the lagged dependent variable's effect.¹⁰⁹ All methods of dealing with temporal dependencies, in other words, present trade-offs. Newey-West standard errors provide a reasonable approach in this context.

In all analyses henceforth, I exclude any country that ratified when it had no child labor.¹¹⁰ In this dataset, no country's child labor has ever increased from one year to the next. This means that it is computationally impossible for ratification to change child labor in countries that ratify when they have no child labor – and theoretically unrealistic that ratification would affect child labor in these countries. One might see this as 'stacking the deck' in favor of a particular set of findings, but in fact – as we will see for the non-democracies – this is not what we are doing. Instead, the goal is to identify (based on theory and data structure) where we might expect to see treaty effects, and to examine whether we do indeed observe them.

Models 1, 3 and 5 in Table 2 present the results for countries with independent judiciaries, civil liberties protections and/or democratic elections. Each model easily passes the standard tests of instrument relevance and validity. For these countries, the results consistently support the idea that the relationship between child labor and ratification is (in part) endogenous.¹¹¹ Importantly, however, I also find evidence that ratification is more than just an expression of pre-existing preferences over rights: even when controlling for endogeneity, MAC parties have significantly better child labor practices. Substantively, ratification is associated with child labor levels that are between 1.3 per cent and 1.8 per cent lower, depending on model specification.

Is this a *large* impact? In countries with widespread child labor, this is a drop in the bucket. Yet it is important to put this in context: it takes a lot to change child labor even a little. For instance, for the average country, a 1.8 per cent decrease in child labor would (based on Model 1) require GDP per capita to grow from \$2,190 to \$6,990. Such an increase in wealth would typically take years to achieve. Ultimately, we should think of ratification as having a substantively meaningful, but not radical, impact in these countries.

I now turn to the non-democracies. The results displayed in Table 2, Models 2, 4 and 6 also pass the standard tests of instrument relevance and validity. However, the relationship between ratification and child labor looks quite different in at least two respects. First, as expected, the endogeneity problems we saw for countries with these institutions are not present here.¹¹² Secondly, ratification is not linked to better child labor practices in these countries. Indeed, MAC parties appear to have higher child labor, but there is a great deal of uncertainty about this relationship. What is clear is that MAC ratification does not improve the lot of working children in countries that lack the domestic institutions to give this treaty bite.

The analyses presented in the first four models of Table 2 are simplifications: countries are categorized as either having independent judiciaries or not, and as either protecting civil liberties or not. This is a useful starting point, but the next step involves looking at *Judicial*

¹⁰⁷ I use the formula in Newey and West (1994) to select the appropriate error lag (bandwidth).

¹⁰⁸ Beck and Katz 1996.

¹⁰⁹ Achen 2001, 4.

¹¹⁰ See the Appendix for further discussion.

¹¹¹ Endogeneity tests are significant at $p = 0.015, 0.020$ and 0.078 in Models 1, 3 and 5, respectively.

¹¹² Endogeneity tests never achieve statistical significance.

TABLE 2 The Determinants of Child Labor, Groups Analyzed Separately

	(1)	(2)	(3)	(4)	(5)	(6)
	Independent Judiciary	No/Limited Judicial Independence	Civil Liberties	No/Limited Civil Liberties	Democratic Elections	No Democratic Elections
Ratified MAC [§]	-1.329** (0.457)	0.380 (0.589)	-1.399** (0.421)	0.685 (0.607)	-1.084* (0.535)	0.694 (0.622)
GDP Per Capita	-1.380** (0.076)	-1.681** (0.099)	-1.444** (0.096)	-1.599** (0.090)	-1.452** (0.080)	-1.497** (0.112)
State Capacity	-0.670* (0.315)	-0.730** (0.219)	-0.664 [†] (0.356)	-0.828** (0.217)	-1.137** (0.351)	-0.642** (0.226)
Trade/GDP	-0.004 (0.003)	0.002 (0.002)	-0.002 (0.003)	0.002 (0.002)	-0.006* (0.003)	0.003 (0.002)
Year	0.024 (0.019)	-0.078** (0.017)	0.004 (0.016)	-0.081** (0.018)	0.008 (0.021)	-0.081** (0.018)
Internal Conflict	-0.322 (0.249)	0.157 (0.159)	-0.401** (0.158)	0.089 (0.153)	-0.293 (0.219)	0.224 (0.189)
Interstate Conflict	-0.554 (0.404)	0.193 (0.169)	-0.485 [†] (0.289)	0.213 (0.169)	-0.474 (0.374)	0.214 (0.187)
Constant	15.301** (0.866)	18.912** (0.806)	16.244 (0.994)	18.454** (0.749)	16.682** (0.794)	17.421** (0.893)
Observations	285	458	300	500	358	385
K-P rank LM statistic	20.040**	22.902**	20.841**	23.107**	16.579**	23.451**
Hansen's $J\chi^2$	1.994	0.623	2.317	0.611	0.189	0.159
Endogeneity test χ^2	6.145**	0.351	7.627**	1.292	3.274 [†]	1.293

Note: [§]Instrumented (see Appendix). Results of instrumental variables regressions with robust, heteroskedasticity and autocorrelation consistent standard errors in parentheses. K-P rank LM statistic denotes Kleibergen-Paap Lagrange Multiplier statistic. 'Democracy measure' refers to judicial independence, civil liberties or democratic elections. **p < 0.01, *p < 0.05, [†]p < 0.1.

Independence and *Civil Liberties* as continuous variables. This provides a richer understanding of how differences in domestic enforcement condition the impact of ratification on child labor. This approach requires us to pool all countries together into one system of equations. For the dichotomous *Democratic Elections* variable, the concern about simplification obviously does not hold. Nonetheless, pooling countries together is useful, allowing direct comparison of the two groups.

This approach requires two modifications from the split sample analyses. First, the same instruments must be used for all countries. The Appendix discusses this in greater detail. Secondly, each predictor (including each instrument) is interacted with the relevant democracy measure.¹¹³ Table 3 displays the results, which pass the standard tests of instrument relevance and validity.

Ratified MAC indicates that in countries that have no judicial independence, civil liberties and/or democratic elections, ratification is associated with worse child labor outcomes. This relationship is far from systematic in Models 1 and 2, but it is fairly statistically significant when

¹¹³ See Burnside and Dollar 2004.

TABLE 3 *The Determinants of Child Labor, All Countries*

	(1) Judicial Independence	(2) Civil Liberties	(3) Democratic Elections
Ratified MAC [§]	1.123 (0.973)	0.925 (1.048)	1.142 [†] (0.658)
Democracy Measure	-0.530 (2.043)	2.047 (1.718)	-0.738 (1.205)
Ratified MAC [§] × Democracy Measure	-2.463 [†] (1.357)	-2.394 (1.356) [†]	-2.162** (0.833)
GDP Per Capita	-1.584** (0.136)	-1.475 (0.111)**	-1.477** (0.116)
GDP Per Capita × Democracy Measure	-0.112 (0.220)	-0.222 (0.185)	0.025 (0.140)
State Capacity	-0.728* (0.347)	-0.368 (0.362)	-0.675** (0.231)
State Capacity × Democracy Measure	-0.330 (0.698)	-0.980 (0.719)	-0.458 (0.417)
Trade/GDP	0.002 (0.004)	0.004 (0.004)	0.003 (0.002)
Trade/GDP × Democracy Measure	-0.006 (0.008)	-0.009 (0.007)	-0.008* (0.004)
Year	-0.126** (0.026)	-0.111** (0.025)	-0.091** (0.019)
Year × Democracy Measure	0.175** (0.038)	0.133** (0.034)	0.097** (0.028)
Internal Conflict	0.592* (0.265)	0.761** (0.205)	0.238 (0.203)
Internal Conflict × Democracy Measure	-1.649* (0.745)	-2.019** (0.507)	-0.591* (0.282)
Interstate Conflict	0.339 (0.401)	0.365 (0.444)	0.061 (0.219)
Interstate Conflict × Democracy Measure	-0.596 (1.075)	-0.612 (1.064)	-
Constant	18.719** (1.053)	17.094** (0.946)	17.443** (0.920)
Observations	743	800	743
K-P rank LM statistic	19.811**	17.715**	21.469***
Hansen's $J \chi^2$	1.667	3.613	2.969

Note: [§]Instrumented (see Appendix). Results of instrumental variables regressions with robust, heteroskedasticity and autocorrelation consistent standard errors in parentheses. K-P rank LM statistic denotes Kleibergen-Paap Lagrange Multiplier statistic. 'Democracy measure' refers to judicial independence, civil liberties or democratic elections. **p < 0.01, *p < 0.05, [†]p < 0.1

we focus on countries without democratic elections.¹¹⁴ Understanding the interactive effects requires further tests. First, Figure 2 shows that when courts are sufficiently independent, civil liberties adequately protected and/or democratic elections held, MAC ratification is linked to significantly lower child labor.¹¹⁵ This is consistent with the findings in Table 2 (Models 1, 3 and 5).

Additional tests show that the impact of ratification intensifies as judiciaries become more independent and/or as civil liberties are better protected.¹¹⁶ For instance, moving from the lowest point at which *Civil Liberties* is linked to significant drops in child labor (four – for example, Brazil in 1990) to the highest value (six – for example, Costa Rica in 1990) doubles the impact of ratification. Each interaction term is significant at acceptable levels. This suggests

¹¹⁴ p < 0.10.

¹¹⁵ E.g., at p < 0.05. For *Judicial Independence*, this is at about 0.73 – e.g. Turkey in the early 1990s. For *Civil Liberties*, this is just above 4 – e.g., Senegal around 1990.

¹¹⁶ P-values on Wald tests of the joint significance of *Ratified MAC* and the relevant interaction term are 0.016 and 0.003, respectively. For the *Democratic Elections* variable, this Wald test tells us that among countries with democratic elections, MAC parties have significantly (p = 0.049) lower child labor.

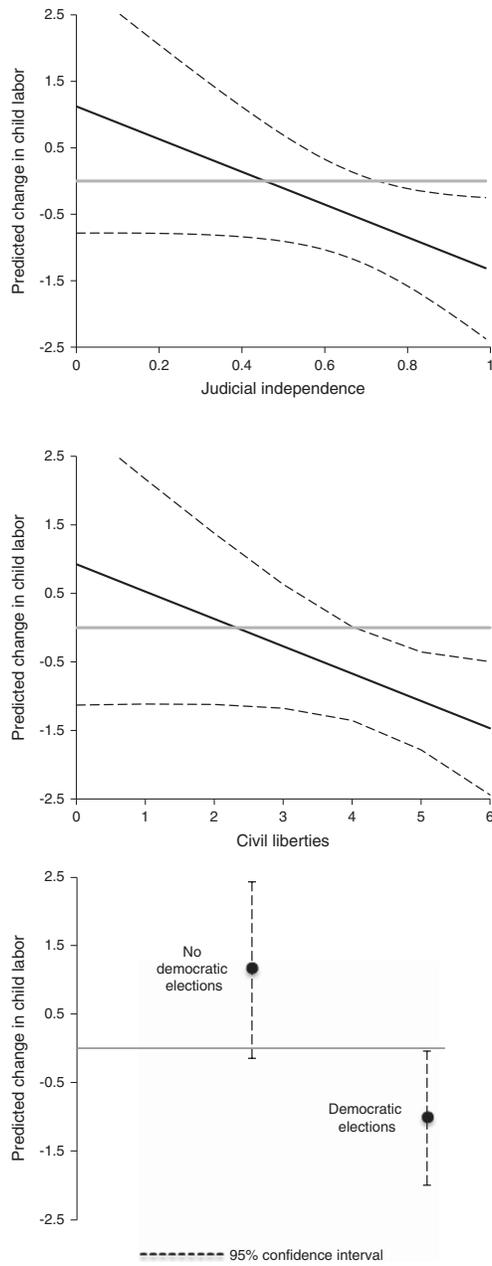


Fig. 2. The effect of minimum age convention ratification on child labor, as judicial independence, civil liberties and elections vary

that the impact of ratification depends in important ways on the level of judicial independence/civil liberties, and on the presence or absence of democratic elections.

Turning to the control variables, economic development and state capacity play crucial roles in the reduction of child labor.¹¹⁷ Trade dependence appears to have no impact. Also as expected, there appears to be a ‘secular trend’ toward lower child labor over time, but only for countries with relatively low judicial independence, few civil liberties and/or no democratic elections.¹¹⁸ Internal conflicts tend to drive up child labor for this latter group of countries (though not always significantly so). In contrast, internal conflicts decrease child labor when courts are sufficiently independent, when civil society protections are adequate and when democratic elections are held.¹¹⁹ The reasons for this are unclear, but may underscore the indeterminacy of economic theory on this point. This would be interesting to examine in future research. Finally, interstate conflicts do not appear to affect child labor systematically.¹²⁰

CONCLUSION

This article addresses a growing body of research that aims to identify the conditions under which HRAs affect human rights outcomes. I have argued that when rights practices do not conform to treaty rules but strong domestic accountability mechanisms exist, HRAs can have real bite. While the specter of domestic enforcement may deter ratification by countries that anticipate compliance difficulties, there are many reasons why such governments might nonetheless find themselves parties. In the MAC case, the evidence shows that ratification leads to significantly lower child labor among democracies. In a literature marked by fairly limited evidence that HRAs ‘matter’, this is important. The null results for non-democracies underscore that international law human rights law remains an empty promise in many parts of the world.

This article also addresses broader debates about the effects of institutions in IR.¹²¹ Does international law solely reflect underlying preferences, or can it also induce meaningful change? Whatever the issue area, answering these questions requires careful consideration of how legal obligations are enforced. Taking this approach, this study uncovers at least two troubling patterns. If enforcement is likely, governments often choose not to ratify if there is a substantial gap between practices at home and the principles enshrined in the agreement.¹²² And if enforcement is unlikely, governments feel no obligation to comply. Neither is ‘good news for cooperation’.¹²³ That said, we should not neglect the ‘good news’: ratification, on the whole, *does* lead to improvements among countries in which enforcement is likely.

My findings point to a number of areas for future research. First, a core premise of this article is that examining rights that are not definitional to democracy can help clarify institutional effects because it separates compliance from enforcement. I explore child labor, but this approach should prove fruitful in several areas covered by international human rights law:

¹¹⁷ Additional tests indicate that state capacity begins to reduce child labor significantly at around 1 (out of 6) on the *Civil Liberties* scale. The joint effect of *State Capacity* and *State Capacity* × *Civil Liberties* is also highly significant ($p = 0.002$).

¹¹⁸ Wald tests of the joint significance of *Year* and *Year* × the relevant democracy variable are never significant.

¹¹⁹ Wald tests of the joint significance of *Internal Conflict* and *Internal Conflict* × the relevant democracy variable are significant at between 0.0006 and 0.076, depending on model specification.

¹²⁰ Because *Democratic Elections* is dichotomous, the model cannot be reliably estimated if it includes an interaction of *Democratic Elections* and *Interstate Conflict*.

¹²¹ Downs, Rocke, and Barsoom 1996; Simmons and Hopkins 2005; von Stein 2005.

¹²² This is akin to what Downs, Rocke, and Barsoom (1996, 383) call a treaty’s ‘depth of cooperation’.

¹²³ Downs, Rocke, and Barsoom 1996.

women's rights, socio-economic and labor rights, and other children's rights.¹²⁴ Secondly, courts, civil society protections and democratic elections all seem to play a role in giving the MAC 'bite'.¹²⁵ Whether this is true in other issue areas is an open question that is worth exploring. One could also gain additional insight by honing in on countries with only one or two of the mechanisms explored here.¹²⁶ These observations are important to keep in mind as scholars try to better understand why HRAs are experienced so differently from country to country, and from treaty to treaty.¹²⁷

Finally, it would be useful to better understand how governments find themselves parties to treaties even when enforcement is likely and the gap between practice and treaty principles is large. In some cases, countries appear to succumb to ratification pressures from NGOs and other international actors, as discussed earlier. Leaders may also miscalculate sometimes, and underestimate the chances that ratification will unleash enforcement pressures.¹²⁸ Domestic political change – in leadership, partisanship or even regime type – offers another explanation. In the HRA context, this is potentially quite important: for countries that ratify as non-democracies, democratization has the potential to transform HRA pledges – even those not directly related to democracy – from empty promises into something more meaningful.

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¹²⁴ Some of the mechanisms emphasized here have been also explored in the context of physical integrity rights, particularly as they pertain to the CAT. The approach and findings of Hathaway (2007), Neumayer (2005), and Powell and Staton (2009) are consistent with mine, but each of these studies has methodological or data limitations. Unfortunately, there is still little agreement about the conditions under which CAT ratification improves respect for bodily integrity. In addition to the research already mentioned, see Conrad (2014), Conrad and Ritter (2013) and Simmons (2009).

¹²⁵ See the quantitative analysis section above for caveats about the effect of judicial independence on ratification.

¹²⁶ Cf. Conrad 2014; Conrad and Ritter 2013.

¹²⁷ Hafner-Burton 2012.

¹²⁸ Cf. Risse, Ropp, and Sikkink 1999.

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