

## **Research Sample**

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### **Abstract**

Before he was murdered by the citizens he claimed to serve, Muammar Ghaddafi committed his country to virtually every international human rights agreement (HRA) on offer. Concurrently, the ‘Brotherly Leader and Guide of the Revolution’ ensured that authorities impugned many of the very rights enshrined in those agreements: citizens who dared speak their minds were tortured, political prisoners languished or disappeared, and the coffers funded his extravagant lifestyle rather than feeding the masses. Ghaddafi, while extreme in his obsession with image, was not unique when it comes to treaty behavior. Entrenched democracies are often the strongest supporters of HRAs, but autocracies are more diverse and more puzzling. Some – like Ghaddafi’s Libya and Habyarimana’s Rwanda – are often among the first to ratify. Others – such as Myanmar and Oman – drag their heels or never join.

Why do some autocracies embrace HRAs whereas others do not, and what are the implications for how we think about international human rights law as a mechanism for improving how these governments treat their citizens? In this book, I argue that answering these questions requires us to look *inside* the autocratic state. The rhetorical utility of international human rights law makes it a valuable political tool for leaders. Put simply, some leaders *need* the good press that participating in these agreements generates, and some do not. Using a novel dataset of 40 HRAs, I show that governments that face threats to their domestic legitimacy and power, as well as those who are taking other relatively costless steps in the human rights space, are far more likely than are other autocracies to join. They also opt for high-profile HRAs, which is consistent with my argument that these countries use international human rights law for good press purposes.

I then delve into the microfoundations of my argument. Using quantitative text analysis, I show that rights-bearers have the opportunity to hear about their government’s participation in these agreements via the media. Further, I demonstrate that the tenor of media coverage of human rights issues is far more positive when treaties are invoked. Using survey experiments, I show that citizens who learn that their leader has made an international legal commitment to eliminate torture (Iran) or disappearances (Thailand) perceive their leader more positively, feel that rights practices are better, and believe their country to be well-respected by the international community. This part of the book is arguably the most novel portion, not only because it employs survey experiments, but also because it does so in countries where researchers have generally not asked these questions.

The final section grapples with a crucial question: is the above good, or bad, news for human rights? I argue that it depends on domestic institutions and international pressure. Institutional capacity-building can breathe life into previously empty treaty commitments. But without these efforts, HRAs remain largely empty promises. A direct policy implication is that efforts should focus more on domestic institutions than on creating new treaties.

*Chapter-by-Chapter Outline*

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<b>#</b>	<b>Title</b>	<b>Complete?</b>
1.	Introduction: Puzzles, Argument, and Overview	~75%
2.	Who Joins International HRAs and Why?	Yes
3.	Which Agreements do Autocracies Join – and Why?	~75%
4.	International HRAs and Public Discourse: Evidence from ‘Paradise’	Yes
5.	International HRAs and Perceptions 1: Iran	Yes
6.	International HRAs and Perceptions 2: Thailand	In the field
7.	What Effects? Exploring International HRAs’ Impacts in Autocracies	50%
8.	Conclusion	0%

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# Chapter 2: Who Joins International Human Rights Agreements – and Why?

## 1. Introduction

Within less than two years of seizing power in a 1973 coup d'état, the Habyarimana government of Rwanda ratified<sup>1</sup> five international human rights agreements (HRAs), pledging to prevent genocide, outlawing racial discrimination, and upholding various political, economic, and social rights. Later, it became clear that the government was unwilling/unable to keep many of those promises (Verwimp 2013). It is not difficult to find other examples of autocrats readily joining these agreements. Perhaps the most notorious is Gaddafi's Libya, which joined virtually every such agreement on offer – far more than had other nearby governments with equally long, if not longer, tenures.<sup>2</sup> While Gaddafi fashioned himself as 'Brotherly Leader and Guide of the Revolution' and champion of the Libyan people, in practice, his government impugned many of the rights enshrined in the agreements it ratified (Vandewalle 1998; 2006).

Well-entrenched democracies are often the strongest proponents of HRAs, particularly agreements that embrace the rights these countries value, such as freedom of speech and electoral competition (Landman 2005; Simmons 2009). Autocracies<sup>3</sup>, meanwhile, are more diverse and more puzzling. Some, as already noted, join readily (Hathaway 2002; Hong 2016). Others are far more reticent, delaying by decades or staying outside the regime altogether. Prior to their attempts at democratization, states such as Bhutan and Myanmar remained aloof toward all but a handful of these agreements. So, too, have entrenched autocracies such as Oman.

Why do some autocracies participate readily in the international human rights regime, whereas others drag their heels or opt out entirely? How, moreover, can we understand the timing of these decisions? A typical answer is that HRAs, and their ratification, are an expression of democratic values and preferences (Simmons 2009; Landman 2005). This gives us little purchase in understanding why autocracies join. It also leaves wide open the question of when and why these countries pledge internationally to uphold entitlements that are not definitional to democracy, such as access to education and healthcare, protection of refugees, and the preservation of cultural heritage.<sup>4</sup> These types of agreements form the lion's share of international human rights law (von Stein 2018).

Scholars have developed several alternate explanations for why autocracies ratify these agreements. Some focus on international factors: treaty participation brings international rewards, enables states to blend in, and/or satisfies leaders' need for identity-confirmation or social standing (c.f., Hathaway 2007; Simmons 2009; and Goodman and

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<sup>1</sup> I use the term ratification to denote all processes by which countries accept treaties as legally binding, including ratification, accession, etc., but not signature. See von Stein 2018.

<sup>2</sup> The Gaddafi regime ratified 24 HRAs during its tenure, out of a possible 30.

<sup>3</sup> As discussed in Chapter 1, I treat the term 'autocracy' as synonymous with 'non-democracy.'

<sup>4</sup> The same can be said of democracies, but in the interest of space, I set aside the question of why these countries do/do not participate in these types of HRAs.

Jinks 2004). Others emphasize domestic considerations, arguing that ratification helps quench internal opponents' thirst for reform; or that it enables the most abusive autocrats to signal to domestic audiences just how nasty they are (c.f., Conrad and Ritter 2016; Risse et al. 1999; Vreeland 2008; and Hollyer and Rosendorff 2011).

These explanations leave a large number of decisions to join a mystery. To fill that large gap, this chapter argues, we need to dig deeper inside and to unpack the autocratic state. More specifically, we need to understand the political incentives these leaders face at home. All autocrats face two fundamental problems (Wintrobe 2000). On the one hand, without free and fair elections,<sup>5</sup> they cannot obtain accurate information about their degree of domestic support. On the other hand, they also face a challenge of costly rule: they can buy support, and/or repress, but both consume resources and can be risky. Another option is to free up the political space, but this, too, can be risky. As others have argued, there are subtler and less risky strategies available to autocrats who want to convince citizens – and international audiences that may be watching – that they are competent and concerned for citizens' welfare (Guriev and Treisman 2016; Wintrobe 2000). Following this scholarship, I call these 'positive propaganda.'

In this chapter, I argue that for autocrats, participation in HRAs is a type of positive propaganda, aimed at making the claim "the leader/government is dedicated the rights and welfare of our people" more convincing. A less charged term would be 'rhetorical device,' but for clarity, I follow the broader literature, which calls these actions 'positive propaganda.' Although treaty drafters and rights activists did not *intend* these agreements to be used in this manner, it is unsurprising that leaders use the language of rights to their own political benefit. What is more puzzling is why it works: if observers know autocrats have incentives to portray themselves as more competent, dedicated to citizens' welfare, etc. than they truly are, why do the former ever listen or believe? This chapter explores the literature on this question, which forms the basis of some of the survey experiments presented in Chapters 5 and 6.

Further, I argue that some leaders *need* the good press that ratification can generate, whereas others do not. Empirically identifying need for good press is not easy, but I propose three metrics. Two focus on how the leader came to power: more specifically, I maintain that leaders who took office without the cover of elections, and/or through 'irregular' channels, are more likely to 'need' the rhetorical cover that joining international human rights efforts can provide. A second approach gauges whether countries are taking similar, relatively costless, steps in the human rights arena, such as establishing national human rights institutions (NHRIs) that have no real oversight or investigatory power. Using a new dataset of all UN human rights treaties created since 1945<sup>6</sup>, I find strong evidence to support my propositions. Leaders who did not take power through elections, and/or who ascended via 'irregular' channels, are substantially more likely to join HRAs. Additionally, countries that have established 'token' NHRIs ratify these agreements far more readily – not only as compared to countries with no such institutions, but also as compared to countries with independent NHRIs.

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<sup>5</sup> Henceforth referred to as democratic elections.

<sup>6</sup> [politicsir.cass.anu.edu.au/research/projects/human-rights/un-human-rights-agreements](http://politicsir.cass.anu.edu.au/research/projects/human-rights/un-human-rights-agreements)

## 2. An Enduring Puzzle

While there is still heated debate about the causes and effects of HRAs (Conrad and Ritter 2019; Hafner-Burton 2013; Simmons 2009), one of the more consistent findings to emerge from the literature is that entrenched democracies often ratify readily, particularly when the treaty enshrines principles these countries hold dear, such as protection of civil liberties (Cole 2005, 2009; Hafner-Burton et al. 2008; Landman 2005; Simmons 2009; von Stein 2016). The behavior of countries without a long history of democratic governance is more puzzling. Some have just transitioned to democracy or are in the midst of doing so. Other scholars have argued that under certain conditions, international HR law can enable these countries to bind future leaders and to credibly signal their intentions (Hafner-Burton et al. 2015; Moravcsik 2000). This book explores the large remaining group of countries that do (or did) not fit into either of these camps.

I am interested in when/why autocracies ratify HRAs that engage fairly low sovereignty costs. Each emphasis merits justification. I focus on ratification because it is one of the most important steps a government can take in international law. It is an “explicit, public, and lawlike promise by public authorities,” indicating acceptance of a legal obligation (Simmons 2009: 8; Vienna Convention on the Law of Treaties 1969.) It is also important because most treaties require ratification by a certain number of parties before entry into force. For instance, it took the International Covenant on Economic, Social, and Cultural Rights (ICESCR) over nine years to achieve the 35 ratifications required for entry into force. Of course, recognizing a treaty as legally binding does not necessarily equate with compliance. The question of whether treaties have causal impact remains contested, particularly in the HR arena. I set that question aside in this chapter, in order to sufficiently explore why governments become parties in the first place. Chapter 7 tackles the equally important question of treaty effects.

I focus on relatively ‘soft’ HRA commitments – those imposing relatively limited sovereignty costs on governments – for two main reasons. First, these are by far the most common in international HR law (von Stein 2018). While some HRAs create genuine sovereignty costs, enabling international actors significant involvement in monitoring and even enforcement (Hafner-Burton et al. 2015; Creamer and Simmons 2019), these are atypical. The far more prevalent HR treaty pledge involves negligible sovereignty costs such as an undertaking to periodically self-report, or no explicit mechanisms. Second, soft HRAs raise a puzzle that scholars have not solved: if a treaty obligation is relatively costless, why is there such variation in who ratifies (and when)? Why doesn’t everyone, or no one, join?

One answer is that the costs and benefits of treaty participation are not uniform across states. Rather, the domestic institutional environment matters crucially. Regarding benefits, scholars have noted that a number of HRAs (though certainly not all<sup>7</sup>) enshrine rights that are well-protected in democracies.<sup>8</sup> Compliance is relatively easy for these

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<sup>7</sup> See for example Cole 2012.

<sup>8</sup> There is considerable debate about what constitutes ‘democracy.’ As discussed in Chapter 1, I define ‘democracies’ as countries that hold free/fair elections, respect free speech and other civil liberties, and

countries, and leaders and/or citizens may also derive benefit from ‘exporting’ their norms (Finnemore and Sikkink 1998; Simmons 2009.) Concerning costs, research has demonstrated that these very domestic institutions often aid in the enforcement of HRAs (Conrad 2014; Conrad and Ritter 2016; Hathaway 2007; Lupu 2013, 2015; Powell and Staton 2009; Risse et al. 2013; Simmons 2009; von Stein 2016.) Hence, while countries with strong democratic institutions may often find HRA participation appealing, they also have to be careful: if compliance becomes difficult, those institutions can help give international human rights law ‘bite.’

This insight about democratic institutions sheds some light on the empirical puzzle of HRA ratification. For instance, it was no surprise when in 1971, Sweden became one of the first countries to ratify the International Covenant on Civil and Political Rights (ICCPR). The move was not particularly risky or costly domestically, as Swedes already enjoyed extensive civil/political rights protections; the international promotion of democratic values was also a key component of Swedish foreign policy (Goldmann et al. 1986). Yet, Sweden joined some curious bedfellows when it ratified, including Bulgaria and Iraq. These countries did not embrace the ICCPR’s entitlements in practice; nor did their domestic institutions provide reliable mechanisms for enforcing treaty obligations. Perhaps, one might argue, the Bulgarian and Iraqi ratifications were simply the flip side of the Sweden coin: low compliance, low chances of enforcement. While there is truth to that statement, the problem with that explanation is that it fails to shed light on the broader record of ICCPR participation: several other autocracies – some with protections superior to Bulgaria and Iraq’s and some with inferior protections – took decades to join or still have not done so.

In fact, the puzzle extends well beyond the ICCPR. Consider Figure 1, which examines ratification of all UN HRAs (discussed in great detail later). It displays incidence rate data, which indicate the probability that a country ratifies an HRA in a given year (given that it did not already do so), as a function of its Polity score (Marshall et al. 2010). Several observations are of note. First, on average, democracies ratify more readily than non-democracies.<sup>9</sup> Second, the more democratic a country, the more readily it ratifies, but only above a certain threshold (around 6 on the Polity scale, often understood as the point at which a country fulfills the minimum criteria to be considered a ‘democracy’). Among autocracies, in contrast, there is no relationship between how developed its democratic institutions are, and how readily it participates in the HRA regime.

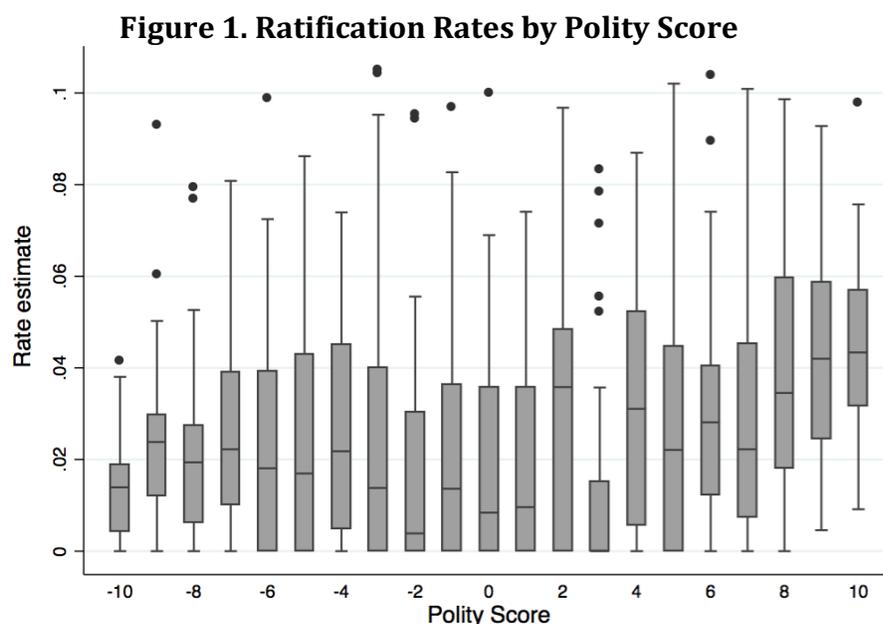
Hence, there is an empirical puzzle when it comes to autocrats’ participation in these agreements. But have we already solved it? We certainly do not lack alternative explanations for why autocracies ratify HRAs. The remainder of this section discusses these explanations and demonstrates that they are insufficient to explain the wide variation in HRA participation across the autocratic world.

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protect the rule of law. ‘Autocracies’ are countries in which one or more of these institutions are sclerotic or non-existent.

<sup>9</sup> E.g., Polity 2 score  $\geq 6$ . An incident rate comparison and a stratified log-rank test of the equality of the survivor functions are significant at  $p < .001$ . This result is significant at other Polity cutpoints (4, 5, 7) as well.

Some view HRA ratification as a way for governments to reap benefits (or avoid costs) from international actors. On the ‘benefits’ side, several have argued that governments join to gain aid, foreign investment, and/or support from or participation in international organizations (Hathaway 2002; 2007; Oberdörster 2008). Conceptually, some argue, it is difficult to understand why actors would directly reward such obviously disingenuous behavior (Simmons 2009). Furthermore, recent research finds little evidence that ratification leads to concrete material benefits of this sort (Nielsen and Simmons 2015).<sup>10</sup> Although frequently cited, the material incentives proposition seems problematic.



On the ‘costs’ side, Simmons (2009: 88-94) argues that ratification provides a sort of ‘social camouflage,’ enabling governments to avoid international criticism. Governments mimic neighbors’ policies to avoid looking like holdouts, and to evade NGO pressure campaigns. There is ample evidence that governments ratify HRAs more readily when their peers – particularly their neighbors – are also doing so (Goodliffe and Hawkins 2006; Greenhill and Strausz 2014; Simmons; 2009; Vreeland 2008; Wotipka and Tsutsui 2008). Still, this argument leaves many ratifications unexplained. It tells us nothing about regional early movers. Why, for instance, was Ethiopia first in the world to ratify the Genocide Convention, whereas most of its neighbors took decades or still are not parties? Nor does it tell us why some countries remain holdouts even as their peers succumb to pressures to blend in.

Others emphasize ratification’s non-material benefits. From this perspective, all leaders care about their social standing and identity on the international scene (Goodman and Jinks 2004; Risse et al. 1999; Wotipka and Tsutsui 2008). NGOs and international governmental organizations (IGOs) act as agents of socialization, pressuring leaders to ratify (Finnemore and Sikkink 1998.) Governments recognize the legitimacy gains that ratification produces (in the eyes of international actors) and join because NGOs, IGOs, and Western governments tell them it is what they “are supposed to do” (Wotipka and Tsutsui

<sup>10</sup> See also Wotipka and Tsutsui 2008, who find only mixed evidence that countries receiving more development aid ratify HRAs more readily.

2008: 736). Goodman and Jinks (2004) emphasize that it need not be the case that the ratifying government view the treaty content as valid; rather, it has only to understand that the reference group values it.

These ideas garner mixed empirical support. That countries ratify HRAs more readily when their neighbors are doing so can be taken as evidence of social or identity pressures.<sup>11</sup> In line with the idea that HR conferences revitalize HR activists and serve as focal points for standards-articulation, ratification rates increase following these events, although not always consistently (Cole 2005; Wotipka and Tsutsui 2008). Others are skeptical that ratification alone carries non-material benefits. If the legal status makes it harder for governments to get away with abuses, why would the intangible benefits of joining be worth that cost? If, in contrast, ratification creates no costs down the road, why would international actors that care praise such cheap talk? Nielsen and Simmons (2015) find no evidence that HRA parties attract differential praise or criticism.

Others shift our attention to the *domestic* purpose(s) that HRA ratification can serve. Risse et al (1999) were perhaps the first to note that governments often commit to these agreements when making other minor moves to ‘open up’ the political space at home. Seen from this angle, ratification is part of a constellation of ‘cosmetic changes’ that governments take when trying to stave off pressure for further reform. Similarly, Vreeland (2008) sees ratification as a minor but nonetheless meaningful way for leaders, increasingly under the gun, to quench opponents’ thirst for change. His finding that autocracies that allow multiple parties ratify the Convention Against Torture (CAT) more readily supports that argument.

However, this perspective has three limitations when it comes to understanding HRA ratification. First, it does not account for why many countries ratify even in the absence of a viable domestic opposition. Cameroon, to take an example among many, was one of the first countries to join the CAT, while a strict opposition party ban was in place. Second – conversely – it does not tell us why several countries where opposition parties are legal and active refrain from participating. Consider Malaysia prior to its 2018 election, where parties were legal for decades and the opposition was relatively vociferous. It ratified only a quarter of all UN HRAs, and was not a party to the CAT, the ICCPR, or the ICESCR. Third, many of the HRAs that governments join are unrelated, or at best marginally related, to the issues that matter most to opposition groups. The latter likely have direct interest in the entitlements covered by the CAT and the ICCPR. In contrast, it is hard to believe that ratification of treaties protecting persons with disabilities, women, and/or migrant workers is a tactical concession to domestic critics.

Hollyer and Rosendorff (2011) have a different take on how domestic politics drives HRA behavior, arguing that participation is a useful tool for the *most* abusive autocrats, who aim to signal to domestic audiences their staunch willingness to repress. Ratification, the logic goes, increases the chances that leaders who repress and later lose office will be prosecuted. Only authorities who greatly value their hold on power and are willing to repress if necessary will make such legal commitments. Consistent with this argument, they

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<sup>11</sup> As stated earlier, this could also be taken as supporting evidence for the materialist logic. Both theories make the same prediction (Goodliffe and Hawkins 2006).

find, among autocracies, that eventual CAT participants torture more and survive longer in office.

At the heart of the above argument is the idea that ratification makes abuses costlier to leaders if they lose office. This is plausible (though still debatable) for the CAT, whose universal jurisdiction provision allows perpetrators to be arrested and prosecuted in any member-state. However, universal jurisdiction is extraordinarily rare. Very few HRAs include such provisions in the first place – and those that include these clauses rarely see them activated (Randall 1988). Consequently, Hollyer and Rosendorff's (2011) approach is unlikely to give us much leverage in understanding HRA ratification more broadly. Most of these agreements simply do not generate significant international punishment.

### **3. Delving Deeper into the Domestic Politics of Autocracies**

In the previous section, I argued that existing accounts are of limited use or only get us partway toward explaining autocrats' ratification of most UN HRAs. To fill that large gap, this section argues, we need to dig deeper inside and to unpack the autocratic state. It is well-established in the literature that autocrats face a serious informational problem: without the mechanism of democratic elections, they do not know the true distribution of domestic support (Wintrobe 2000). Autocrats also face a challenge of costly rule: they can buy support, and/or repress, but both consume resources and can be risky. They can attempt to mitigate these problems by taking steps to liberate the political space, such as allowing free(er) debate or setting a few political prisoners free. But these actions are risky: the autocrat may not like what he/she learns about his/her true level of support, and he/she may find it hard to control further liberalization (Risse et al. 1999).

There are subtler and less risky strategies available to autocrats who want to their citizens' trust. One is to provide public goods, but because this consumes resources, autocrats only have an incentive to do so under limited conditions (Olson 1993). Rhetoric or actions aimed at convincing observers that leaders are competent, concerned for citizens' welfare, etc., are often more successful, and less costly. Following others, I refer to these as 'positive propaganda' (Guriev and Treisman 2016; Wintrobe 2000).<sup>12</sup> These tactics have been in autocrats' arsenal for centuries, but research suggests they have become more prevalent recently (Frantz and Morgenbesser 2017; Guriev and Treisman 2016).

Consider a few machinations of the Gaddafi regime. From the very beginning, the self-proclaimed 'Brotherly Leader and Guide of the Revolution' relied on rhetoric and positive propaganda. He regularly proclaimed his solidarity with, and love for, the Libyan people, sometimes in criticism of government practices (Vandewalle 2006). "The true revolutionary does not practice repression," he stated in a public address, "On the contrary, I want to prove that the committees are lovers of the masses" (Vandewalle 1998: 147). These efforts also consumed government time and money. In 1988, the government released its *Great Green Charter on Human Rights*. In practice, it gave Libyans neither the

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<sup>12</sup> Negative propaganda, or that aimed at inculcating ideology, brainwashing, signaling state strength, or inducing citizen compliance, is not the focus here, because it is unlikely that HRA participation accomplishes those objectives in most cases. C.f., Huang 2015; Wedeen 1999.

political nor the civil rights traditionally assumed under international law (Vandewalle 1998: 149), and its legal relationship to ratified HRAs was unclear (UN Human Rights Committee 1998). Libya created and dedicated an initial \$10 million to the Al-Gaddafi International Prize for Human Rights, which made yearly awards until 2010. To help ensure citizens' awareness, a 1994 postage stamp series commemorated the Prize.<sup>13</sup> Other efforts included UN human rights initiatives that won Libya praise from other autocracies, and the creation of an Al-Gaddafi Institute for Human Rights in Tripoli.

Gaddafi, of course, was eccentric and known to be obsessed with his own image. Yet, the embrace of positive propaganda is not unique to his regime. Creating national human rights institutions that fundamentally lack autonomy from government<sup>14</sup>; paying 'trolls' to provide positive Facebook and Twitter commentary about leaders and government (Benedictus 2016; Guriev and Treisman 2016); establishing anti-corruption units that are at best nominally independent (Frantz and Morgenbesser 2017; Morgenbesser 2018) – these are all tactics that autocrats use. Though distinct in their details, these activities have the same overarching goal: to make observers believe that the statement “the leader is concerned for citizens' welfare, combatting corruption, competent” etc. is true(er) (Frantz and Morgenbesser 2017; Guriev and Treisman 2016; Morgenbesser 2018).

I argue that for autocrats, participation in soft HRAs is a type of positive propaganda, aimed at making the claim “the leader/government is dedicated the rights and welfare of our people” more convincing. I do not claim that HRAs were *intended* or *designed* as propaganda tools. On the contrary, these agreements typically arose through the efforts of dedicated individuals and governments who wished to see rights enshrined and embraced around the world (Finnemore and Sikkink 1998). These efforts have been successful, but only under certain, arguably limited, conditions, which I explore in Chapter 7 (Conrad and Ritter 2019; Risse et al. 1999, 2013; Simmons 2009).

In fact, the notion that participation in these treaties encompasses something akin to a 'public relations' benefit (Hafner-Burton 2013), particularly when monitoring/enforcement are unlikely – is prevalent. Hathaway (2002) contends that ratification brings rewards for positions rather than effects. Similarly, Hafner-Burton and Ron (2007)<sup>15</sup> argue that human rights rhetoric has radically transformed how we talk about politics and justice – even while evidence of implementation is hard to uncover. Along the same lines, Risse and Sikkink (1999: 27-28) point out that leaders commonly use the normatively-charged language of human rights “for purely instrumental reasons, with arguments being used merely rhetorically.”

This book understands HRAs as rhetorical tools as well, but differs from the above literature in three important ways. First, it delves into the microfoundations of the idea, laying out when and why citizens believe (or act as if they believe) this information, and how leaders benefit from it. Second, I look to the domestic population, in addition to international actors, as the target. Third, I show how these insights can help us to better

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<sup>13</sup> <http://www.gaddafiprize.org/WhoEn.htm>.

<sup>14</sup> <https://nhri.ohchr.org>; <http://www.ihrc.ir>.

<sup>15</sup> See also Hafner-Burton and Tsutsui 2005.

understand the empirical record of ratification. I turn to these tasks in the following sections.

#### **4. International Human Rights Law and the Microfoundations of Positive Propaganda**

On the face of it, positive propaganda is puzzling: if observers know autocrats have incentives to portray themselves as more competent, dedicated to citizens' welfare, etc. than they truly are, (why) do the former ever listen? The answer depends on one's underlying understanding of how people process information. For simplicity, I place them in two broad categories.

The first group focuses on the strategic environment. Guriev and Treisman (2016) present a formal model in which competent autocrats always say they are competent (because they are), and all who make no such claim are indeed incompetent. Incompetent autocrats therefore have incentives to 'fake' competence through positive propaganda. But if there is some cost to sending the message, hearing an autocrat claim to be competent increases the chances that he/she actually is, because an incompetent autocrat would likely instead shift resources (including political capital) to activities that are known to curry favor and are directly observable, like consumption and public goods.

Another reason why positive propaganda works is that it is sometimes 'noisy,' containing some information that paints leaders in a positive light, and some that corroborates their incompetence, corruption, etc. Russia's *RT* is a prime example: while it contains a great deal of pro-government/pro-Putin content, it also has critical/negative information. Many consumers understand they are encountering some positive propaganda and some fact, but they rarely bother obtaining more consistently accurate information (Enikolopov et al. 2011; Erlanger 2017). This mixing of propaganda and truth enables leaders to mislead the public: unable to tell which is which, people might simply assume information to be positive propaganda with some probability and truth with some probability (Guriev and Treisman 2016).

Recent research outlines how propaganda can affect mass *behavior* without necessarily influencing mass *beliefs* (Little 2017). If citizens are sufficiently concerned about appearing to support the government when others are doing so, even incredulous targets will behave *as if* they believe the message. Even if only a small number of citizens believes, all will behave *as if* propaganda is truth if they are sufficiently worried about sticking out (Poort 2011).

The second group of scholars emphasizes how cognitive processes and knowledge affect susceptibility to misinformation.<sup>16</sup> The overarching point is that propaganda works because peoples' cognitive abilities and biases lead them to process information in ways that are not strictly (societally) utility-maximizing. Language inflation and deception can arise if receivers do not fully grasp how their inference processes affect leaders' incentives (Kartik et al. 2007). Rather than understanding leaders' incentives to misrepresent, therefore rejecting propaganda – individuals tend to rely on heuristics to make sense of

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<sup>16</sup> See Laswell 1927 for an early application.

messages. Depending on the heuristic they embrace<sup>17</sup>, this can lead people to naïvely accept propaganda as truth. As long as the sender is interested in the receivers' average response, propaganda will flow even when some are sophisticated and do not believe it (Kartik et al. 2007: 103).

Others focus on political awareness and knowledge, arguing that pro-government messages garner support among citizens who pay enough attention to politics that they receive the communication, but who are not sophisticated enough to scrutinize it (Geddes and Zaller 1989; Zaller 1992). These messages have no impact on the uninformed (who give politics so little consideration that they escape its influence) or the highly informed (who receive the information but are not easily swayed). From a rare opinion poll of Brazil under authoritarian control, Geddes and Zaller infer that to pro-government messages' main impact is to coax politically apathetic individuals to become at least passively supportive (1989: 327).

Finally, others emphasize 'motivated reasoning': directional goals influence the cognitive processes and inferential strategies people invoke (Kunda 1990). While individuals may build rational justifications for their choices, in reality their memory searches are biased and typically support their desired conclusion. The idea of ideologically-motivated reasoning builds on this. People – including the highly knowledgeable – tend to accept misinformation that affirms their identity. Positive propaganda is most likely to 'work' on citizens who are predisposed to believe (and/or who think their affinity group believes) the government is concerned for citizens' welfare, combatting corruption, etc. Such information is unlikely to successfully convince regime opponents (or those who do not identify with its ideology) (Kahan 2017a, 2017b).

I do not take a stance on which of the above approaches to understanding propaganda applies in the HRA case. The underlying process may well vary from person to person. The point here is that there are a number of reasons why propaganda can 'work.' One need not make heroic assumptions about human nature in order for propaganda to be a viable policy tool for some leaders.

## **5. Linking Microfoundations to Macro-Outcomes**

To map the above ideas about positive propaganda onto participation in international human rights law, a crucial first question is: who are the targets? In theory, there are potentially many. While I do not reject the possibility of international targets, the empirical evidence of international 'rewards for ratification' is relatively mixed. Instead, I focus on domestic targets, following the intuition that understanding HRAs requires us to peer into the world of the rights-bearers themselves (Nielsen and Simmons 2015; Simmons 2009).<sup>18</sup>

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<sup>17</sup> Many heuristics (including negative ones) are available, of course. See Kartik et al. 2007: 95 for further discussion.

<sup>18</sup> The fact that HRAs empower citizens is precisely what makes them effective when domestic institutions are sufficiently strong. As we will see in Chapter 7, non-democracies generally do not have sufficiently robust domestic institutions to enforce these commitments. See also Conrad and Ritter 2014; Hathaway 2002; Hafner-Burton and Tsutsui 2005; and Simmons 2009. Conrad and Ritter 2019 offer a different perspective.

The fact that these agreements seek to empower and often carry normative significance to *citizens* makes them a powerful rhetorical tool for leaders at home.<sup>19</sup>

If ratification is indeed politically useful as a means of positive propaganda, two things have to be true. First, the targets must receive the signal. That is, (some portion of) citizens must be exposed to information about human rights and government participation in relevant treaties. Recent public opinion research indicates that a majority of people frequently hears about human rights, particularly through domestic media (Ron et al. 2017). Establishing that people receive information specifically about human rights *law* is more challenging: while several studies gauge how individuals respond when *told* about international legal commitments<sup>20</sup>, we know virtually nothing (systematic) about whether individuals receive information about the existing body of law and/or their country's participation in it.<sup>21</sup> In chapter 4, I probe this question via content analysis of domestic media coverage of a recent CAT ratification.

Second, targets must respond positively to ratification. That is, the latter should make citizens more prone to believe their leaders are dedicated to their citizens' welfare (which, following Guriev and Treisman (2016), should positively affect perceptions of the leader/government more generally). While it would be wrong to assume that all citizens are sympathetic to all human rights language all the time<sup>22</sup>, there is strong evidence across many countries that people generally have positive associations with the term, support human rights principles, and believe governments should actively support these entitlements (Ron et al. 2017). But do citizens think more favorably of leaders when the latter make appeals to *HRAs* in particular? Evidence on this question is limited, as research has focused on how invoking international law influences support for abuses. In chapters 4, 5, and 6, I present tests that probe how appeals to international human rights law affect how leaders are depicted and perceived.

How does understanding autocrats' HRA participation as positive propaganda help us to make sense of the empirical record of ratification? To answer that question, we must move from microfoundations – ideas about how individuals receive and process information, which in turn incentivizes leaders in particular ways – to the macro-outcome of ratification. This is no doubt a challenging task (Hafner-Burton et al. 2017; Van Aken 2014).<sup>23</sup> To accomplish it, we need to think about which governments *need* positive propaganda. I argue that we need to understand the political incentives that autocratic leaders face at home.

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<sup>19</sup> Pro-regime elites and opposition groups are also potential targets. Some of the cognitive theories would not view the latter as plausible (see also the discussion of Fijian opposition group reaction later in the article, which corroborates this skepticism).

<sup>20</sup> See Chilton 2017 for a good overview.

<sup>21</sup> To my knowledge, no systematic studies of citizens' HRA knowledge exist. Clearly, this question merits further cross-national analysis. Given space constraints, I set this aside for future research.

<sup>22</sup> See for example the interesting debate on Americans' perceptions of torture. C.f., Conrad et al. 2017; Lupu and Wallace 2017; and Wallace 2013.

<sup>23</sup> This is particularly true because the outcome is not simply an accumulation of individual decisions like those discussed in Schelling 1978, but rather a government decision in itself.

Which autocrats *need* good press? I gauge this empirically in three ways. First, I consider whether a government gained office via elections. While (by definition) no autocracy holds elections that are genuinely free and fair, there is wide variety in the autocratic world in (1) whether elections took/take place, and (2) the degree to which those elections are free/fair (Hyde and Marinov 2012). ‘Pure’ electoral authoritarianism, where elections do not exist or involve no serious contestation, lies on one side of the spectrum; North Korea is an extreme example. On the opposite side lie ‘competitive’ electoral authoritarians such as Malaysia (prior to 2018), which hold elections that are regular, involve opposition candidates, and are usually devoid of massive fraud (Levitsky and Way 2002). In between, there is huge diversity. What distinguishes them all from electoral democracies is that in the former, elections are not genuinely open, free, and fair. Even in competitive authoritarian systems, incumbents take actions often enough, and severely enough, that the playing field is not even (Levitsky and Way 2002).

Second, I take account of how the leader/government came to power. As Goemans et al. (2009: 272) note, leaders can enter office through regular channels (in accordance with prevailing rules, conventions, provisions, and norms), or in an irregular fashion (through a coup, a revolt, or any other series of events that does not align with standard practice). Importantly, ‘regular’ does not necessarily mean fair, just, representative, or competitive. Saudi Arabia’s succession processes, for example, are none of those – but they are highly ‘regular’ in that the House of Saud determines them, and that leadership has – with small exceptions – passed to Abdul Azis’s sons in order of seniority (Kéchichian 2001). In the autocratic world, it is not uncommon for leaders to take office through irregular means – this happens over one-third of the time (Goemans et al. 2016). Gaddafi and his revolutionary group, for instance, deposed King Idris in a 1969 coup that resulted in the latter’s exile.

I expect the demand for positive propaganda to be higher for governments that did not take office through elections or via regular processes. Leaders who gained power through elections can point to the latter as a basis of their legitimacy. In truly democratic regimes, of course, this claim carries heavier weight (Anderson et al. 2005), but even in autocratic regimes, scholars have argued that elections serve as tools for legitimating existing leadership (Levitsky and Way 2002). Furthermore, Little (2016) argues that even non-competitive elections do sometimes improve citizens’ welfare (as compared to no elections at all).<sup>24</sup> Similarly, leaders who assumed office through ‘regular’ means can point to their respect for the habits, traditions, norms, and/or rules that underpin their society as a source of legitimacy. In contrast, leaders who assumed office through irregular channels are more susceptible to problems, including challenges from competitors, and civil war (Gleditsch and Ruggeri 2010). In both cases, my point is that leaders who cannot point to elections or the ‘rules of the succession game’ have to look elsewhere to justify their rule. While participating in international agreements is by no means the only way to do this, it is an important one.

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<sup>24</sup> See Little 2016 for an insightful discussion of why, beyond international pressure (Hyde 2011), leaders decide to hold elections.

My third and final approach to gauging the need for positive propaganda involves looking to other similar<sup>25</sup> steps countries are taking in the human rights arena. This is essentially a proxy approach: directly observing the need for propaganda is hard, but one can tap into it by looking at similar moves governments are taking in related areas. NHRIs are not all created equal. Some NHRIs delegate significant authority to independent officials, who exercise genuine constraints on government. My focus in this chapter is on NHRIs that are relatively costless. More specifically, there is widespread agreement that NHRIs that fail to pass even the basic test of independence are impotent. Tellingly, international human rights groups have labeled countries that form non-independent NHRIs as “pretenders” that are establishing these institutions merely “to be seen to be doing something to address the [human rights] problem” (Human Rights Watch 2001; ICHRP 2004: 59). Following the logic of positive propaganda, countries that have established non-independent (also known as ‘token’) NHRIs should be particularly prone to ratify soft HRAs. Indeed, I argue, creating a token NHRI and ratifying a soft HRA are similar actions driven by the same overarching goal: to create the perception of being dedicated to human rights without having to take the necessary steps to implement change.

## 6. Who Ratifies HRAs?

To put the ideas about who joins soft HRAs the test, I draw from a dataset of all ratifiable UN HRAs created since 1945.<sup>26</sup> While von Stein (2018) provides a more thorough discussion, it is important here to briefly address two questions. First, why look at all HRAs together, rather than exploring them individually or in small numbers, as has typically been the case? While there is no doubt that each agreement has its own story and dynamic<sup>27</sup> and is worth exploring in its own right, the HRAs explored here are similar enough that it is sensible to explore them together. Where most research focuses on a handful of prominent agreements, my approach enables us to move beyond the idiosyncrasies of individual accords. This chapter joins many others in viewing aggregation an important way of gaining a complete and generalizable view of how international law works (Leinawaever 2012; Lupu 2015; Milewicz and Elsig 2014).

Second, how do we ensure that the analysis focuses on HRA commitments with low sovereignty costs, as discussed earlier in this chapter? I do this in two ways. First, I include all HRAs that have no provisions allowing citizens to file complaints with the UN. 32 of the 40 agreements fit this description. Second, with the eight agreements that do have these mechanisms, I take a nuanced approach. I include the ratification if it did not concurrently (or within the same year) involve acceptance of an individual complaint provision. For instance, Libya ratified the ICCPR in 1970 but did not accept the individual complaint option at the time. I include the 1970 ratification. This approach acknowledges that there is important information to gain from states’ decisions to accept low-sovereignty-cost options even when higher-sovereignty costs are, or later become, available.

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<sup>25</sup> By this, I mean marginally costly, low probability of rights-enforcement, and aimed at least in part at convincing people that the government is concerned for citizens’ welfare.

<sup>26</sup> The data are available at [politicsir.cass.anu.edu.au/research/projects/human-rights/un-human-rights-agreements](http://politicsir.cass.anu.edu.au/research/projects/human-rights/un-human-rights-agreements)

<sup>27</sup> Large-N approaches cannot capture these in any depth, but they can explicitly model them.

Following most of the literature on treaty commitment, I use event history analysis. Consistent with others, I start counting in the year the agreement opened for ratification (or independence, if later). Because we are interested in countries' ratification(s) of multiple agreements over time, the unit of analysis is the state-agreement-year. Figure 2 shows the Kaplan-Meier survival function for all agreements pooled together, as a function of the number of years since the agreement's creation (or independence – whichever came later). These curves are common in epidemiology, and simply gauge the probability that a unit (person, animal, etc.) will 'survive' in year  $t$ , given that it was 'alive' in year  $t-1$ . Although 'de-ratification' does sometimes occur (Helfer 2005), it is extremely rare. Therefore, it is common and acceptable to model joining international agreements in the same manner as epidemiologists who model death (Simmons 2000).

Figure 2 shows some interesting general patterns. Overall, the early years of a treaty attract the speediest participation, with an average of about 40% of countries ratifying in the first 10 years or so – still quite a long time, as compared to agreements in other issue-areas. Once an agreement has existed for about 20 years, new adherents become fairly rare, although ratifications do continue at a slow pace even after decades. Additionally, it is clear from Figure 2 that this body of law is not, as a whole, characterized by 'norm cascades' (Finnemore and Sikkink 1998). Instead, it is far more common for large numbers of countries to remain outside the regime. This does not imply that norm cascades never happen in the international human rights regime (a question I explore in Chapter 3). However, it does mean that the average outcome in this body of law is more of a gradual petering out than a cascade.

**Figure 2. Kaplan-Meier Survival Curve, All Agreements**

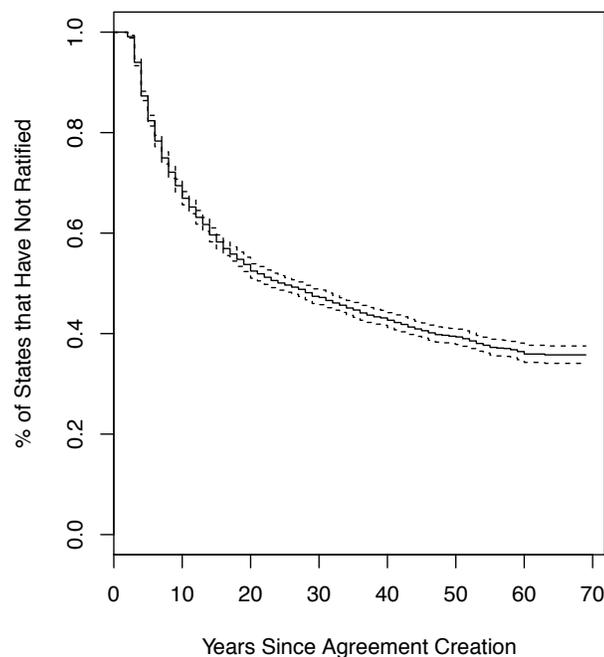
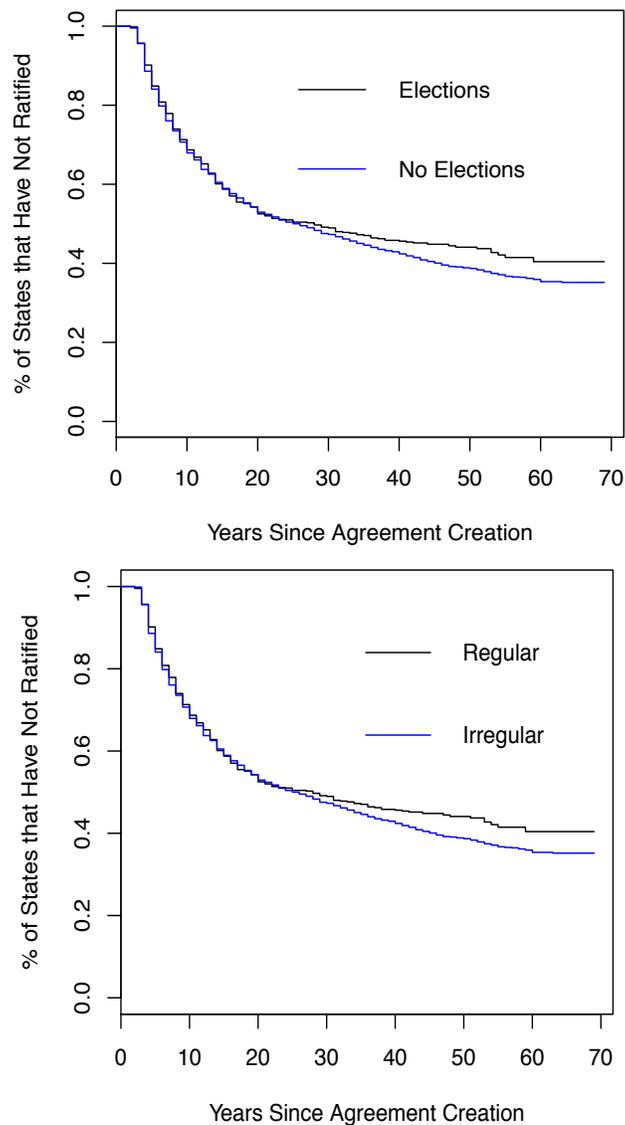


Figure 2, while interesting, tells us nothing about whether the data support my expectations about who ratifies more readily. Accordingly, I now plot Kaplan-Meier Survival curves as a function of whether the government took office via elections, whether

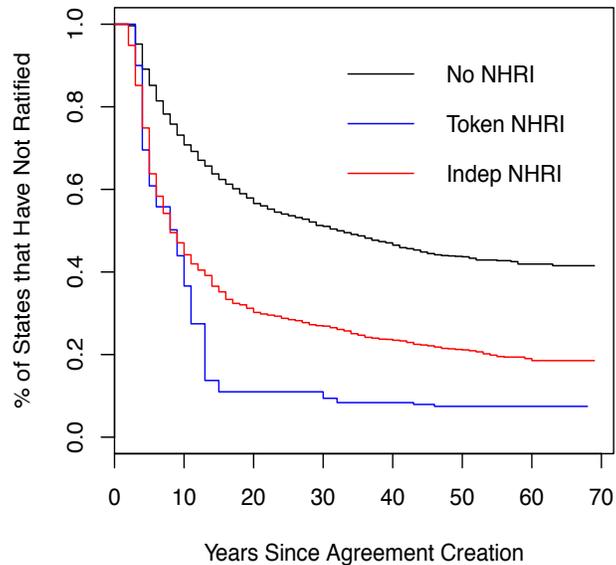
the government took office by irregular means, and whether the country has established a 'token' NHRI. Figure 3 displays the results.

Figure 3 provides preliminary evidence in support of my hypotheses. Governments/ leaders that took office without elections, or through irregular means, ratify HRAs more quickly – but this impact only plays out once agreements have been in existence for 15-20 years. Even more striking is the empirical record on NHRIs. Countries that are concurrently creating so-called 'token' NHRIs join HRAs far more readily than do countries that are taking no such moves, which is not particularly surprising. Even more interestingly, the former also join these agreements more willingly as compared to countries that have established independent (or 'non-token') NHRIs.

**Figure 3. Kaplan-Meier Survival Curves, All Agreements**



**Figure 3 (Continued). Kaplan-Meier Survival Curves, All Agreements**



I now turn to more sophisticated analysis of the data, in which there are two main layers of potential interdependence. First, states are heterogeneous: their institutions adopt distinct rules; their cultures differ; their underlying commitment to human rights principles varies; and so on. There are many explanations for these differences, and we can measure some with covariates. Others are harder to operationalize but nonetheless potentially influential.

A second source of potential interdependence in the data is that prior events affect subsequent events. When a new HRA opens for ratification, it is rarely a ‘clean slate.’ Rather, experiences with prior treaties affect perceptions of new treaties in ways that are sometimes hard to capture with covariates. Nor are agreements static over time. For instance, the introduction of a new HRA into the system might invigorate an existing agreement – or, perhaps, render it passé. Although there is no legal requirement that a country ratifying one agreement join others, they are often linked in NGO ‘ratification campaigns’ and by international organizations. Hence, ratifications are likely linked across agreements over time – and measured covariates do not always capture these dependencies.

The first problem is one of heterogeneity “due to unknown, unmeasured, or unmeasurable effects” (Box-Steffensmeier and De Boef 2006: 3518). The second is one of event dependence, i.e., the timing of events is correlated within subject. Given the complexity of treaty ratification decisions, it is highly plausible that both are present in my dataset. Consequently, standard parametric and semi-parametric models will provide an incomplete and biased assessment of the dynamics (Box-Steffensmeier and De Boef 2006; Box-Steffensmeier et al. 2007).

Box Steffensmeier and colleagues’ approach to this double-threat is twofold. First, the conditional frailty model includes a random effect (a frailty) per unit observed (here, countries) that allows the underlying propensities to vary. Put simply, the frailty allows countries to be different for idiosyncratic reasons. Second, the conditional frailty approach

models dependence across events: each agreement is allowed its own baseline hazard, via stratification on agreement. This model is well-suited to my data because it recognizes the underlying variability in states' propensity to ratify while also taking account of the (likely) interconnectedness of ratifications over time.

There are many candidate independent variables. I focus on those that appear the most consistently in the literature and/or are important controls in relation to the main theory-testing variables discussed earlier. Table 1 (Appendix) shows the full results, and Figure 3 below displays coefficient plots from the analyses. Autocratic governments that did not assume through power via elections are almost 23% more likely to ratify HRAs. Autocratic governments that took office through irregular means are more about 15% more prone to ratify as compared to governments that came to power through constitutional or other regular means. Governments that have created non-independent NHRIs also have a higher ratification hazard: interestingly, these countries join more readily not only as compared to countries with no NHRI (70% more likely/quickly), but also as compared to countries with independent NRHIs (over 86% more likely/quickly). These results are all statistically significant at  $p < .05$ , and provide strong support for the idea that governments ratify HRAs when their domestic political need for positive propaganda is high.

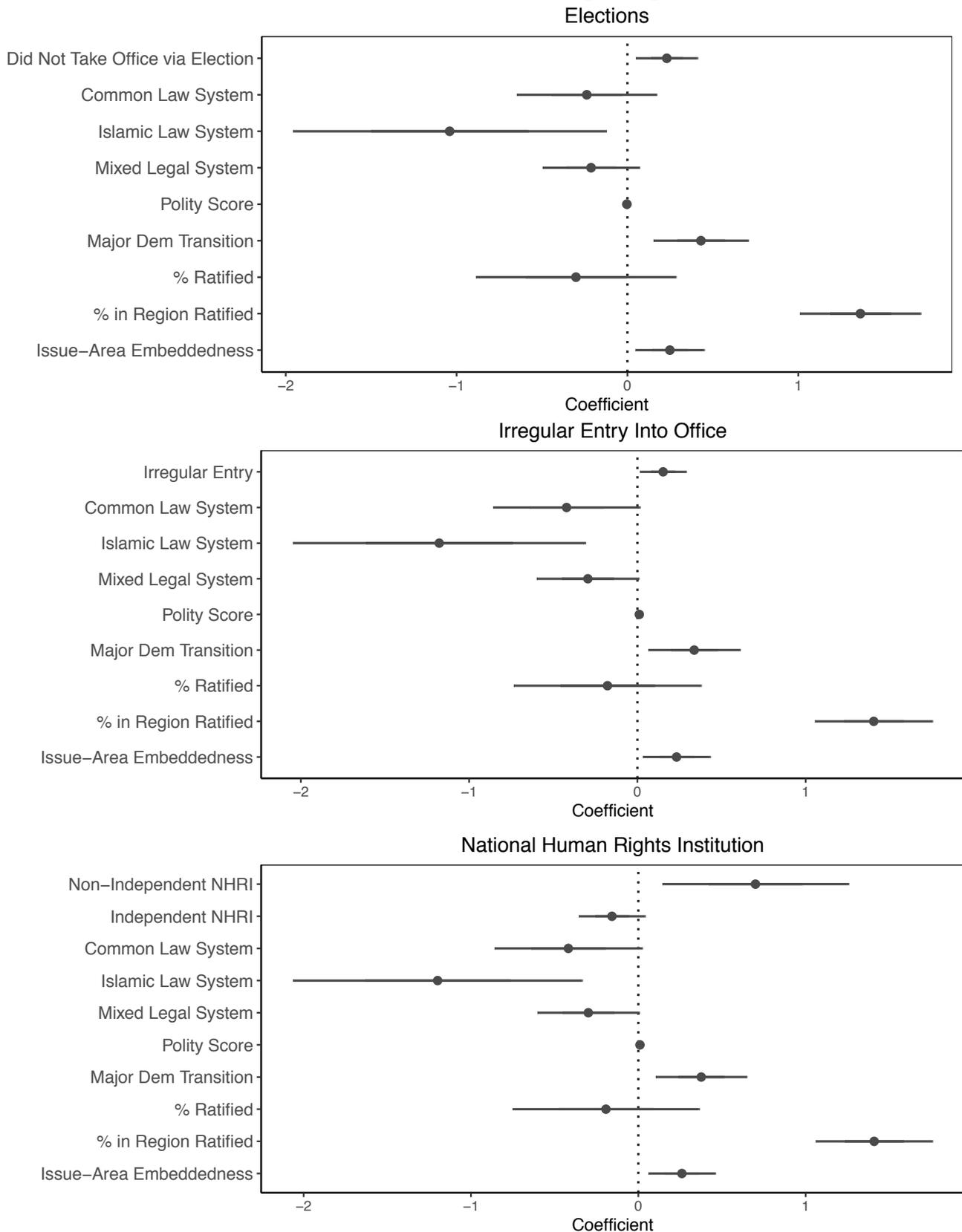
Most of the other variables perform as expected. First, the evidence is fairly strong that domestic legal systems matter, consistent with some other findings in the literature (Simmons 2009; von Stein 2016). Common law systems and particularly Islamic law systems are slow to ratify; mixed legal systems are typically slow as well, though with some variability. Second – also consistent with existing studies – countries are much more prone to join an agreement when others in their region are doing so (Simmons 2009), but the same does not play out at a global level. Regime embeddedness also matters: countries are more prone to join when they have also ratified other HRAs in a given issue-area. This suggests that within an issue-area, these accords are complements rather than substitutes. Finally, although countries that have recently experienced some democratization<sup>28</sup> are more prone to ratify, their *level* of democracy has no bearing on its chances of ratification.

The results also confirm that the conditional frailty model is better suited to the data than are other approaches such as stratification or the inclusion of a country random effect. This is evidenced by the estimated variance of the frailty,  $\theta$ , which is always large and highly statistically significant. This strongly suggests that countries' participation in HRAs differs for idiosyncratic reasons that standard predictors do not capture. The conditional frailty model's stratification also significantly improves model fit, which confirms that treaties attract adherent at differing paces, in ways that standard predictors do not adequately account for. Overall, these results provide strong support for the idea that the conditional frailty model provides the most efficient and unbiased estimates of what drives these countries to join HRAs.

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<sup>28</sup> Without reaching the point of becoming 'democratic,' at which point they would exit the dataset.

**Figure 3. Coefficient Plots from Conditional Frailty Analysis of Ratification of all UN Human Rights Agreements**



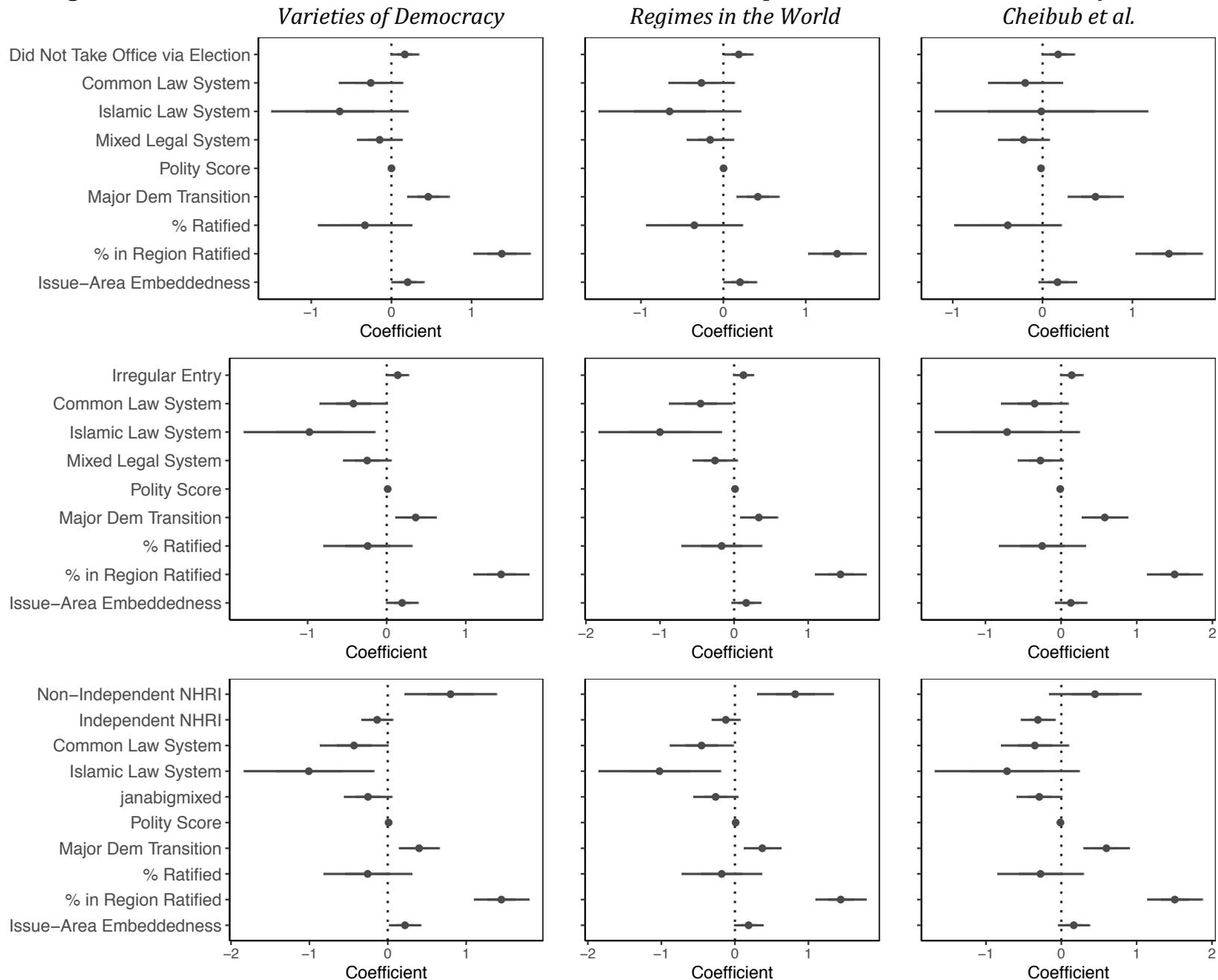
Because there is not necessarily agreement on how best to measure ‘democracy,’ I consider three alternate operationalizations, discussed in greater detail in the Appendix. Coefficient plots based on these alternates appear in Figure 4, with the full regression results displayed in Table 2 of the Appendix. Using the Varieties of Democracy and Regimes in the World conceptualizations, the results are virtually identical to those in Table 2, significant at  $p < .05$  in all but one model (which falls just short of standard cutoffs, at just about  $p = .064$ ). The results are slightly less compelling using Cheibub et al.’s (2010) data, although still in the range of  $.057 \leq p \leq .143$ . There are two likely explanations for this. First, these data stop in 2008, whereas the other sources continue for almost a decade afterward. Second, Cheibub et al.’s definition of democracy is arguably too narrow for my purposes. See the Appendix for further discussion.

I also consider some additional independent variables that appear in the literature: whether political parties are allowed, as Vreeland (2008) argues; countries’ overall human rights practices (Schakenberg and Fariss 2014); and domestic ratification hurdles (Simmons 2009). Figure 5 displays coefficient plots, and Table 3 (Appendix) provides the full conditional frailty model results.<sup>29</sup> My findings are robust to the inclusion of these alternate independent variables.

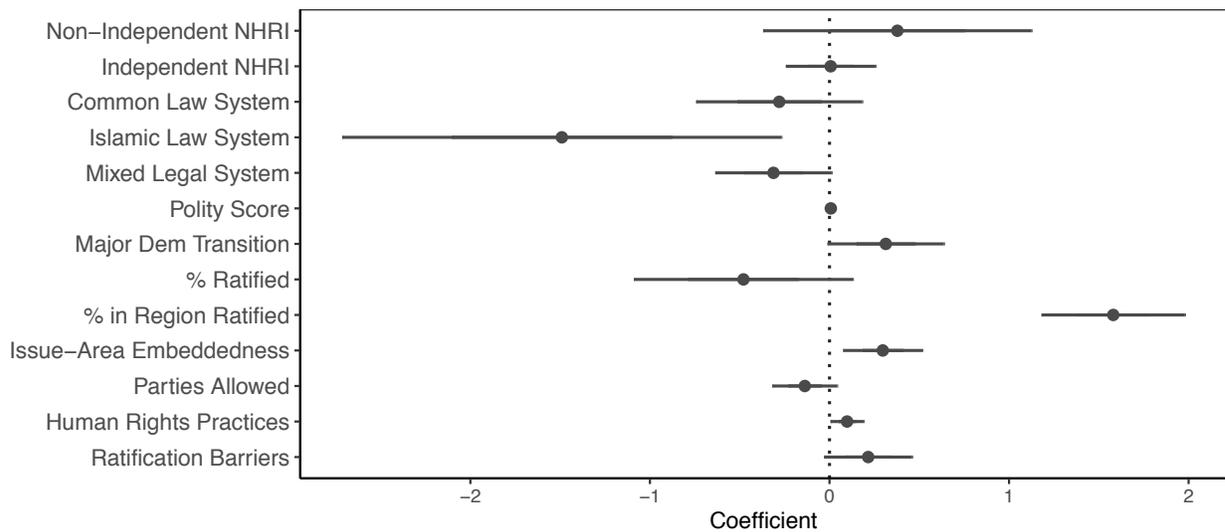
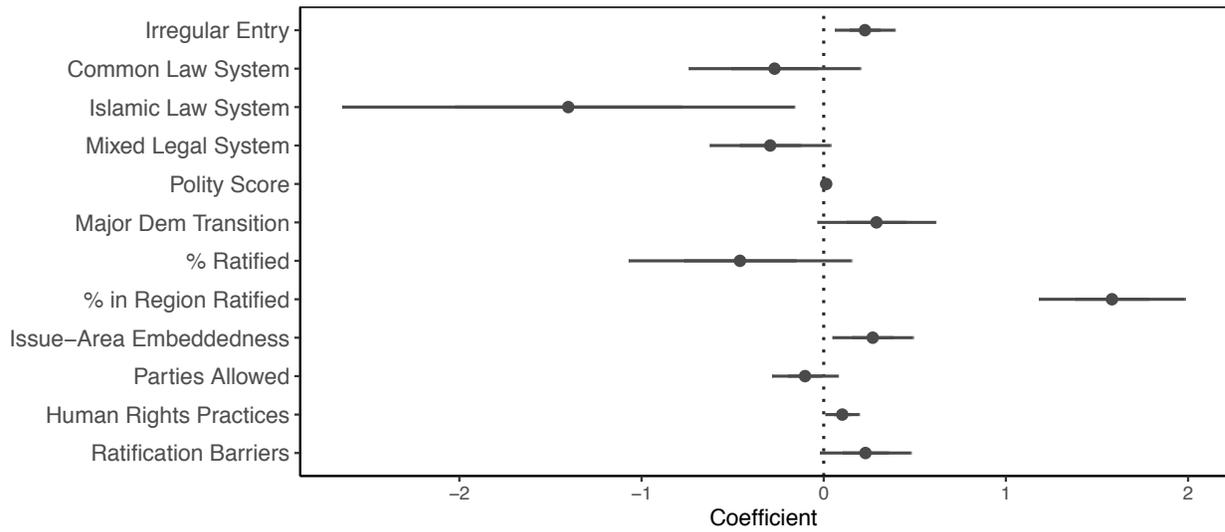
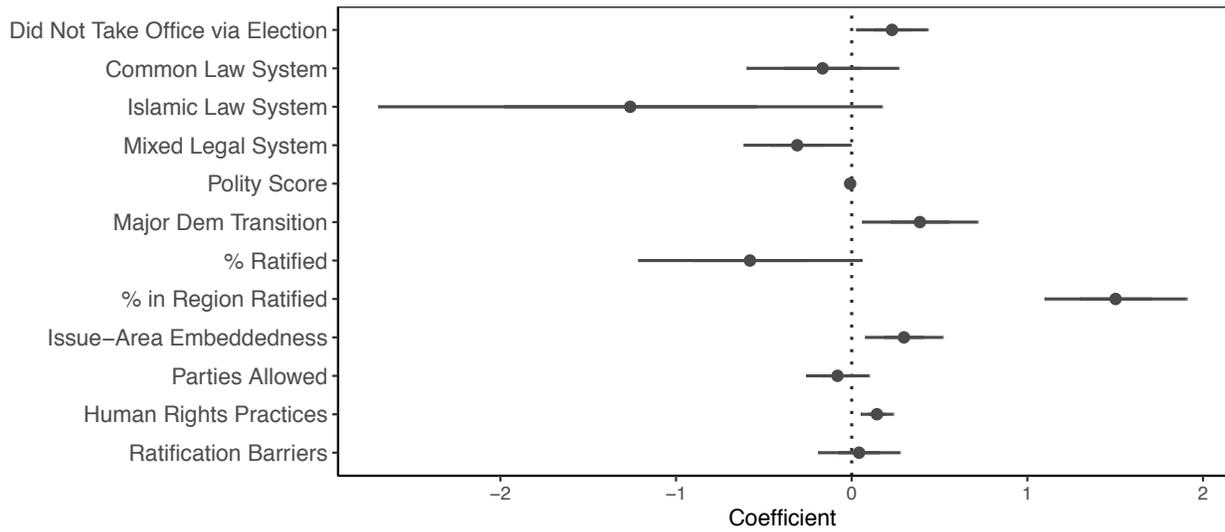
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<sup>29</sup> I also ran each model including each variable one at a time. The results are virtually identical to those displayed in Figure 3 and Table 3. In order to save space, I do not include them here, but they are available upon request.

**Figure 4. Autocratic Ratification Robustness Checks: Alternative Operationalizations of ‘Autocracy’**



**Figure 5. Autocratic Ratification Robustness Checks:  
Additional Independent Variables**



## 7. Conclusion

This chapter has argued that an important key to understanding when and why autocrats ratify HRAs lies inside the autocratic state. Leaders who cannot point to elections as the source of their legitimacy, who entered office through irregular means, and/or who are taking other relatively costless steps in the human rights space are particularly prone to ratify. I argue that this can be attributed to these leaders' need for the good press that participating in international human rights law generates. Leaders, or governments, that do not fit into any of these categories do not need this acclaim, and so (all else equal) remain outside the international human rights regime.

The analyses also provide strong evidence that legal heritage matters and can put the brakes on treaty ratification in important ways. The finding that common law countries are typically slow to join is consistent with previous work that focuses on one or a few HRAs (Simmons 2009; von Stein 2016). Particularly novel is the finding that Islamic law principles put a palpable damper on the drive to accept HRAs as legally binding. This finding also has an important – and to my knowledge, untested – implication for compliance. The sanctity of *pacta sunt servanda* ('treaties are to be obeyed') and the limited scope for *clausula rebus sic stantibus* (the legal principle whereby a fundamental change of circumstances renders a treaty inapplicable) to offer an escape from obligations in Sharia law should, in theory, mean that Islamic law states are very good at keeping the international human rights promises they make (accounting, of course, for any reservations they might lodge). These considerations will become particularly important in chapter 7, when I consider compliance.

This chapter has explored all HRAs together. This is an important step in understanding the puzzles identified in chapter 1, but equally interesting is the question of *which* agreements countries join. As I have argued elsewhere (von Stein 2018) the international human rights regime is vast and diverse, covering an array of entitlements including but not limited to equal pay for equal work, the right not to be tortured, equal treatment before the law, and guaranteed education. In chapter 3, we unpack this regime, examining which countries join which agreements, and why.

## APPENDIX TO CHAPTER 2

**Table 1. Autocratic Ratification of UN Human Rights Agreements**

	Model 1	Model 2	Model 3
Did Not Take Office Via Elections	<b>.230</b> <b> [.012]</b>	-----	-----
Irregular Entry into Office	-----	<b>.153</b> <b> [.026]</b>	-----
Non-Independent National Human Rights Institution	-----	-----	<b>.700</b> <b> [.009]</b>
Independent National Human Rights Institution			-.157 [.111]
Common Law System	-.238 [.235]	-.421 [.054]	-.418 [.059]
Islamic Law System	<b>-1.141</b> <b> [.023]</b>	<b>-1.177</b> <b> [.006]</b>	<b>-1.200</b> <b> [.006]</b>
Mixed Legal System	-.213 [.133]	-.294 [.052]	-.293 [.058]
Polity2 Score	.003 [.740]	.011 [.219]	.010 [.290]
Major Democratic Transition	<b>.430</b> <b> [.002]</b>	<b>.338</b> <b> [.013]</b>	<b>.376</b> <b> [.006]</b>
% Having Ratified Agreement	-.301 [.303]	-.176 [.522]	-.193 [.490]
% in Region Having Ratified Agreement	<b>1.364</b> <b> [&lt;.001]</b>	<b>1.405</b> <b> [&lt;.001]</b>	<b>1.410</b> <b> [&lt;.001]</b>
Issue-Area Embeddedness	<b>.248</b> <b> [.013]</b>	<b>.233</b> <b> [.020]</b>	<b>.260</b> <b> [.009]</b>
Number of Observations	82099	82917	83442
Number of Ratifications	1789	1846	1846
I-likelihood	-6761.8	-6988.1	-6993.3
$\theta$	.393	.463	.476
Likelihood ratio $\chi^2$ test for $\theta$	<b>311.41</b> <b> [&lt;.001]</b>	<b>356.90</b> <b> [&lt;.001]</b>	<b>360.13</b> <b> [&lt;.001]</b>

Results of conditional frailty models. **P-values** appear in brackets; results significant at  $p < .05$  are boldfaced. 'Autocracies' are countries with Polity 2 scores  $< 6$ .

## Identifying 'Autocracies'

There is significant debate on how best to gauge 'democracy' and 'autocracy.' The results presented in this chapter define autocracies as countries with Polity 2 scores smaller than six. This is a common approach, but it is by no means the only one on offer (Cheibub et al. 2010). One can justifiably question whether it is the right way to operationalize the concept I outlined in this chapter.<sup>30</sup> To explore whether the findings depend on the particular measure used to identify autocracies, I re-ran each model in Table 4 using the following alternate operationalizations:

- V-Dem's *Liberal Democracy Index*, which arguably comes closest to the conceptualization of democracy/autocracy I have in mind here. This measure emphasizes "the importance of protecting individual and minority rights against the tyranny of the state and the tyranny of the majority" (Coppedge et al. 2016: 51). It gauges the extent to which civil liberties, rule of law, and limits on executive power are protected, as well as the presence of an independent judiciary and respect for electoral democracy. I code as 'autocracies' all countries below the median *Liberal Democracy Index* value in the V-Dem data.
- Lührmann et al.'s (2017) *Regimes in the World* measure, which is based on V-Dem and classifies countries into four categories: (1) closed autocracy (no de facto multiparty elections for chief executive); (2) electoral autocracy (multiparty elections; failure to pass the standard of electoral democracy); (3) electoral democracy (free and fair multiparty elections and respect for electoral democracy, but failure to sufficiently embrace liberal principles such as rule of law, respect for personal liberties, and judicial/legislative constraints on the executive; and (4) liberal democracy: the country embraces the principles of electoral and liberal democracy. The benefits of this measure are twofold: it is conceptually 'clean,' and researchers using the data do not have to make judgment calls of their own about cutpoints. The most obvious drawback is that it is unclear whether the third group – electoral democracies – should be included. Theory, of course, should guide our choices. Based on that premise, I include group (3) in the analyses. The findings do not change notably if this group is excluded. Lührmann et al.'s non-liberal democracies are similar to the V-Dem countries identified above, but the Lührmann group is somewhat larger in size.
- Cheibub et al.'s (2010: 70) democracy/dictatorship variable. This is a minimalist measure of democracy: democracies are "regimes in which governmental offices are filled as a consequence of contested elections." Hence, autocracies are countries that do not fit that description. Conceptually, this overlaps fairly well with Lührmann et al.'s closed and electoral autocracies, but the sources do not always agree about what constitutes a contested election. Arguably, Cheibub et al.'s operationalization is too minimalist for my purposes (categorizing as democracies some countries whose 'liberal' institutions are too sclerotic), but given this variable's prevalence in the literature, I nonetheless use it.

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<sup>30</sup> I.e., countries in which one or more of the following institutions are sclerotic or non-existent: free/fair elections, respect for free speech and other civil liberties, and protection of the rule of law.

There are two main upshots from these analyses: (1) Support for the main findings regarding *Did Not Take Office via Election*, *Irregular Entry into Office*, and *Non-Independent NHRI* remains strong. In 6 out of 9 models, the impact of these variables continues to be significant at  $p < .05$ , and in the other three models, the findings fall just short of that threshold (all are significant at  $p < .10$ ). (2) Most of the other findings remain unchanged, but *Common Law System* and *Islamic Law System*, previously below or just short of standard thresholds of statistical significance, become more marginal. This appears to be due chiefly to missing data.

**Table 2. Autocratic Ratification of UN Human Rights Agreements: Alternative Operationalizations of 'Democracy'**

	Model 4	Model 5	Model 6	Model 7	Model 8	Model 9	Model 10	Model 11	Model 12
	<i>Varieties of Democracy</i>			<i>Regimes in the World</i>			<i>Cheibub et al.</i>		
Did Not Take Office Via Elections	<b>.167</b> [.055]	-----	-----	<b>.187</b> [.030]	-----	-----	.174 [.057]	-----	-----
Irregular Entry into Office	-----	<b>.139</b> [.042]	-----	-----	.126 [.064]	-----	-----	.140 [.059]	-----
Non-Independent Nat'l Human Rights Institution	-----	-----	<b>.801</b> [.006]	-----	-----	<b>.820</b> [.002]	-----	-----	.447 [.143]
Independent National Human Rights Institution	-----	-----	-.136 [.170]	-----	-----	-.123 [.199]	-----	-----	<b>-.312</b> [.006]
Common Law System	-.258 [.190]	<b>-.421</b> [.049]	<b>-.431</b> [.047]	-.266 [.181]	<b>-.452</b> [.033]	<b>-.453</b> [.035]	-.193 [.351]	-.350 [.114]	-.351 [.117]
Islamic Law System	-.646 [.130]	<b>-.978</b> [.018]	<b>-1.007</b> [.015]	-.653 [.130]	<b>-1.001</b> [.016]	<b>-1.025</b> [.014]	-.014 [.981]	-.714 [.135]	-.721 [.133]
Mixed Legal System	-.147 [.300]	-.247 [.100]	-.253 [.098]	-.160 [.259]	-.258 [.086]	-.264 [.083]	-.210 [.142]	-.273 [.068]	-.293 [.051]
Polity2 Score	.000 [.980]	.013 [.140]	.011 [.210]	.002 [.822]	.013 [.111]	.010 [.200]	-.017 [.074]	-.011 [.217]	-.012 [.212]
Major Democratic Transition	<b>.459</b> [<.001]	<b>.367</b> [.005]	<b>.400</b> [.002]	<b>.418</b> [.001]	<b>.334</b> [.008]	<b>.372</b> [.003]	.589 [<.001]	<b>.577</b> [<.001]	<b>.599</b> [<.001]
% Having Ratified Agreement	-.331 [.260]	-.240 [.390]	-.257 [.360]	-.352 [.228]	-.168 [.530]	-.180 [.507]	-.388 [.194]	-.250 [.381]	-.276 [.332]

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% in Region Having Ratified Agreement	<b>1.378</b> [<.001]	<b>1.447</b> [<.001]	<b>1.449</b> [<.001]	<b>1.380</b> [<.001]	<b>1.437</b> [<.001]	<b>1.439</b> [<.001]	<b>1.407</b> [<.001]	<b>1.500</b> [<.001]	<b>1.507</b> [<.001]
Issue-Area Embeddedness	<b>.203</b> [.046]	.195 [.053]	<b>.220</b> [.030]	<b>.202</b> [.045]	.163 [.099]	.186 [.060]	.167 [.114]	.129 [.220]	.166 [.114]
Number of Observations	78982	79497	80022	80617	81748	82273	71210	72665	73124
Number of Ratifications	1671	1816	1816	1798	1883	1816	1619	1681	1681
I-likelihood	-6634.3	-6841.3	-6845.7	-6790.7	-7132.6	-7135.5	-6208.5	-6459.1	-6464.2
$\theta$	<b>.362</b>	<b>.436</b>	<b>.450</b>	<b>.372</b>	<b>.437</b>	<b>.451</b>	<b>.394</b>	<b>.465</b>	<b>.480</b>
Likelihood ratio	<b>281.51</b>	<b>322.48</b>	<b>333.13</b>	<b>297.36</b>	<b>340.90</b>	<b>347.20</b>	<b>276.95</b>	<b>330.94</b>	<b>342.48</b>
$\chi^2$ test for $\theta$	[<.001]	[<.001]	[<.001]	[<.001]	[<.001]	[<.001]	[<.001]	[<.001]	[<.001]

Results of conditional frailty models. **P-values** appear in brackets; results significant at  $p < .05$  are boldfaced.

**Table 3. Autocratic Ratification of UN Human Rights Agreements: Additional Covariates**

	Model 13	Model 14	Model 15
Did Not Take Office Via Elections	<b>.229</b> <b>[.024]</b>	-----	-----
Irregular Entry into Office	-----	<b>.226</b> <b>[.006]</b>	-----
Non-Independent National Human Rights Institution	-----	-----	<b>.378</b> <b>[.031]</b>
Independent National Human Rights Institution	-----	-----	.007 [.958]
Common Law System	-1.66 [.442]	-.270 [.251]	-.280 [.226]
Islamic Law System	-1.26 [.079]	<b>-1.402</b> <b>[.024]</b>	<b>-1.49</b> <b>[.015]</b>
Mixed Legal System	<b>-.310</b> <b>[.042]</b>	-.294 [.076]	-.312 [.054]
Polity2 Score	-.009 [.454]	.013 [.253]	.007 [.530]
Major Democratic Transition	<b>.389</b> <b>[.018]</b>	.289 [.074]	.313 [.053]
% Having Ratified Agreement	-.579 [.068]	-.460 [.132]	-.479 [.116]
% in Region Having Ratified Agreement	<b>1.502</b> <b>[&lt;.001]</b>	<b>1.582</b> <b>[&lt;.001]</b>	<b>1.580</b> <b>[&lt;.001]</b>
Issue-Area Embeddedness	<b>.297</b> <b>[.007]</b>	<b>.269</b> <b>[.015]</b>	<b>0.297</b> <b>[.007]</b>
Political Parties Allowed	-.081 [.367]	-.103 [.257]	-.137 [.127]
Human Rights Practices	<b>.144</b> <b>[.002]</b>	<b>.103</b> <b>[.027]</b>	<b>.010</b> <b>[.033]</b>
Ratification Barriers	.042 [.718]	.229 [.066]	.215 [.078]
Number of Observations	47432	47753	48091
Number of Ratifications	1352	1393	1393
I-likelihood	-5047.81	-5200.8	-5212.6
$\theta$	<b>.372</b>	<b>.464</b>	<b>.450</b>
Likelihood ratio $\chi^2$ test for $\theta$	<b>212.45</b> <b>[&lt;.001]</b>	<b>259.45</b> <b>[&lt;.001]</b>	<b>250.99</b> <b>[&lt;.001]</b>

Results of conditional frailty models. **P-values** appear in brackets; results significant at  $p < .05$  are boldfaced. 'Autocracies' are countries with Polity 2 scores  $< 6$ .

# Chapter 4. International Human Rights Agreements and Public Discourse in Non-Democracies: Evidence from ‘Paradise’

## 1. Introduction

In May 2018, Qatar joined two of the UN human rights regime’s most fundamental agreements: The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The Covenants enshrine a wide range of entitlements, including the right to an adequate standard of living, freedom of expression and religion, equality before the law, and non-discrimination. On the face of it, this move might appear to herald a radical transformation in Qatar – a country known for muzzling public dissent, discriminating against women in law and in practice, and providing limited protections to its massive population of foreign workers (Amnesty International 2018a; Human Rights Watch 2018a).

The legal reality is far from that. In joining the covenants, Qatar carved out far-reaching exclusions to its promises. Indeed, the government does not consider itself bound by the principle that men and women have equal rights (ICCPR art. 3, ICESCR art. 3) or equal rights and responsibilities in marriage (ICCPR art. 24). It allows Sharia law to dominate treaty law when it comes to child marriage and the definition of ‘cruel, inhuman or degrading’ punishment, and allows only Qatari nationals to form unions (Human Rights Watch 2018b). Noting these extensive reservations, Human Rights Watch (2018b) described Qatar’s actions as “an important public commitment to uphold the rights of everyone,” but also argued, “the government undercuts its own actions by falling back on tired and outdated carve-outs to reject equal rights for women and migrant workers.” Similarly, Amnesty International (2018b) described the move as “positive,” but the reservations as “damaging.”

This is hardly the resounding public approval one might expect to see if Qatar’s chief motivation in joining the Covenants was to gain strong international praise from international human rights organizations and NGOs. And indeed, a recent cross-national study confirms that the Qatari experience is not unique: ratification of human rights agreements does not appear to generate more positive press from the European Union, US State Department, or Amnesty International, as compared to countries that have not recently joined (Nielsen and Simmons 2015).

Earlier, I argued that unpacking the puzzle of non-democracies’ participation in HRAs requires us to look *inside* these countries, identifying which governments need the good press that ratification can generate and which do not. More specifically, I contended, looking at how these governments came to power provides insight into their political *need* for good press and legitimacy. I found that governments that assumed power through irregular means and/or without the legitimizing ‘shield’ of elections, as well as those taking other costless steps such as creating NHRIs, are particularly avid HRA joiners. In contrast, countries like Saudi Arabia and Malaysia (before its 2018 democratic election) have other

options. Where the former can appeal to tradition and God (enshrined in the monarchy), the latter could point to the regular, ordered, way in which government came to power (even if not truly democratic). In neither case do/did leaders *need* ratification.

Two fundamental questions emerge from Chapter 2. First, where (if anywhere) is the evidence that ratification generates good press? Second, if countries ratify these agreements but often water down their obligations – arguably to the point of making them promises to do little or even nothing<sup>1</sup> – why does anyone believe them? This chapter explores the first of these questions, while also laying some of the theoretical brickwork for answering the second, which I explore in chapters 5 (survey experiment in Iran) and 6 (survey experiment in Thailand).

## **2. Good Press? Look *Inside* the Autocratic State**

Crucial to my argument is the assumption that such good press actually exists, and reaches its targets. Yet the existing evidence of international ‘rewards for ratification’ is relatively inconclusive (Nielsen and Simmons 2015). Consistent with the book’s argument that domestic politics is an important part of the puzzle, this chapter looks *inside* the state, too. It explores in detail a recent ratification of the Convention Against Torture (CAT). Using quantitative text analysis of domestic media coverage of torture in Fiji, I make several key findings. First, domestic coverage of ratification was extensive. Second, the *sentiment* of media coverage was significantly more positive when it involved the CAT. Together, these findings suggest not only that citizens had ample opportunities to hear about their government’s decision to join, but also that the treaty’s entry into the public debate led to more favorable news coverage. Put more simply, rights-bearers themselves hear about ratification, and they hear good things about it.

I also consider news coverage of this ratification by the two countries that are its most likely international ‘targets’: Australia and New Zealand, which collectively provide Fiji with the lion’s share of its foreign aid, tourism, and overseas development assistance (Government of Australia 2018; Government of New Zealand 2018). Here, the record is fairly underwhelming. While the topic of torture in Fiji gained attention in both countries’ media, coverage of the CAT was lackluster. In Australia, not a single news outlet discussed Fiji’s ratification. In New Zealand, the coverage and tenor of ratification were largely consistent with what transpired in the Fijian press, but far less extensive than in Fiji itself.

These findings are consistent with Nielsen and Simmons’s (2015) supposition that explanations for ratification lie largely within the state. International ‘good press,’ while not entirely lacking, does not appear to provide an overwhelming explanation for what motivates these countries. Overall, the results presented here suggest that the domestic part of the international story is crucial – and, arguably, provides a more compelling account of where the ‘good press’ lies. This provides yet another piece of evidence consistent with the story told in chapters 2 and 3. In chapters 5 and 6, we will explore how such information affects rights-bearers’ perceptions – of leaders, of rights abuses, and of

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<sup>1</sup> See for example various countries’ objections to Qatar’s ICCPR reservations based on Sharia law, which parties criticize as raising serious doubts “about the country’s commitment to the treaty’s object and purpose.” See McKibbens and Western 2018 for a good overview of reservations to HRAs.

their country's international standing. Then, we will turn to the question of *impact*, examining whether these seemingly vacuous commitments that autocratic governments make can be harnessed in ways that improve rights practices.

### 3. Why Fiji?

I focus on Fiji for three main reasons. First, the island-nation was not democratic during the time-period under consideration. Its November 2006 coup d'état – the fourth in less than 20 years – put the head of the military, Frank Bainimarama, in the role of Prime Minister, a position he holds to this day. Despite promises to the contrary, elections were stalled for years. On other dimensions, too, Fiji plunged (back) into non-democracy after the coup.<sup>2</sup> The government ordered all domestic media not to print material that would incite hatred or violence – a ban it later extended to all material critical of the government. Those mandates, combined with Fijian soldiers' newsroom occupations (and pre-publication censorship), and an extensive 2010 media decree, led many journalists to self-censor, and some to flee (Reporters without Borders various years). The judiciary has attempted to stand its ground, but it, too, has suffered: government attacks on the legal profession are not uncommon, and government agents sometimes simply ignore rulings. Only civil society has remained relatively unscathed since 2006.<sup>3</sup>

A caveat is worth addressing here. Fiji held elections in 2014 after several years of delays, and by most accounts they were “free and fair enough” (Lowy Institute 2014). Using a minimalist definition of ‘democracy,’ one might argue that Fiji should not be characterized as a non-democracy starting in 2015. I disagree. First, metrics of electoral integrity place 2014/15 Fiji (and beyond) alongside countries such as Iraq and Ukraine around the same time-period – and far behind countries we generally think of as electoral democracies (Coppedge et al. 2016.) Second, as argued in chapter 1 – and as many Americans are being reminded post-November 2016 – democratic governance is about more than elections. It also requires freedom of expression/association, and courts that are sufficiently independent of government to uphold the law. I argue that Fiji's continued restrictions on media freedom and the Executive's willingness to simply ignore court rulings place it firmly in the non-democratic camp.

A second reason for focusing on Fiji is that the country has a recent history of (alleged) torture, and ratified the CAT recently (2016). This makes tracing of media coverage relatively straightforward. Within weeks of the 2006 coup, reports of beatings, rape, and other prisoner/detainee abuse (some resulting in death) at the hands of the military and other state security personnel surfaced.<sup>4</sup> However, it was not until 2013, when an

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<sup>2</sup> Even before the most recent putsch, it is questionable whether Fiji was truly democratic. See Ghai and Cottrell 2007, as well as Fraenkel and Firth 2007.

<sup>3</sup> For greater detail on all points discussed here, see Fraenkel et al. 2009, particularly chapters 4 and 13-17. These general observations are borne out by quantitative data. With the exception of civil society participation, all other components faltered under Mr. Bainimarama, particularly early-on. From 2007 to the most recent date available, Fiji's average *Electoral Democracy Index* score was .207; its *Government Censorship of Media* score was 1.22 (*Media Self-Censorship*, similarly, was 1.684); *Compliance with the Judiciary* was -.702; and *Civil Society Participation* was 2.170 (Coppedge et al. 2016). With the exception of the latter, these fall short of thresholds typically used to identify ‘democracies.’

<sup>4</sup> [www.youtube.com/watch?v=ShTPICVkf5Q](http://www.youtube.com/watch?v=ShTPICVkf5Q). Amnesty states unequivocally that these constitute torture (Amnesty International 2018a).

anonymous Youtube video showing Fijian security forces beating two men and harassing them with a dog went viral, that torture became a subject of notable national debate.<sup>5</sup> Additional allegations surfaced, with Amnesty International later arguing that the government had failed to criminalize torture, and the Prime Minister retorting that Fijians had some of the strongest constitutional anti-torture protections in the world. Parliament held hearings on CAT ratification in 2015, and formal ratification ensued in March 2016.<sup>6</sup>

Third, the vast majority of the Fijian domestic press is in English, as is the press of potential international targets where we are most likely to see international ‘praise for ratification.’ This makes quantitative text analysis straightforward and comparable across the sources. Finally, Fiji is a country for which one would, *a priori*, expect ratification to be driven by international pressures. In some sense, Fiji is the perfect ‘easy test’ of the international rewards-for-ratification hypothesis: few countries are as dependent on international aid, trade, and tourism (particularly from nearby Australia and New Zealand), and as alone in their region in not having ratified. Yet, without discounting the role of international praise, the evidence that domestic acclaim was doing most of the legwork in this case is far more powerful.

The reasons for choosing Fiji, and the benefits of exploring its (and its chief donors’) media coverage of the CAT in detail, are hopefully reasonably clear by now. I also want to be transparent about the drawbacks. First, of course, Fiji is but one country and the CAT is but one HRA. The island-nation is smaller and more dependent on international aid and reputation than most; it faces more complex ethnic challenges than many countries do; and it has some experience (albeit tumultuous) with democratic governance. The CAT receives a great deal of fanfare alongside other ‘core’ UN Conventions such as the ICCPR, and its universal jurisdiction provision is rare in international human rights law (von Stein 2018). In other words, it is unclear whether this case is fully generalizable. Whether the media perform in the same manner in other countries and/or for other agreements is an open question – and one that future research should embrace.

That having been said, Fiji is in many ways a ‘hard test’ for the idea that domestic politics matters more than do international motivators. Given Fiji’s heavy dependence on international actors, one might have expected a strong international reaction. Yet as we will see in the pages that follow, domestic reactions were far more compelling.

#### 4. Data Overview

This section provides a basic overview of the documents used in this chapter. My analysis of the Fijian media focuses on English-language sources for two reasons: (1) these dominate the media market, with Hindi-language sources (Sartaj, Shanti Dut) attracting only a relatively small readership; and (2) whether indigenous (‘iTaukei’) or Indo-Fijian, virtually all Fijians speak and read English as their mother tongue or first learned language. After selecting the main media outlets<sup>7</sup>, I searched each news source’s website for articles

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<sup>5</sup> Amnesty International 2013.

<sup>6</sup> Swami 2016a, 2016b.

<sup>7</sup> Candidate sources can be found at [www.bbc.com/news/world-asia-pacific-14919686](http://www.bbc.com/news/world-asia-pacific-14919686). I excluded a few potential sources. Fiji Focus is simply a government-run newsletter; although no doubt appealing from a positive propaganda viewpoint, it is unlikely to attract a wide readership. Intelligentsiya is a blog with

containing the word 'torture.' Identification of Australian and New Zealand media outlets was straightforward due to author familiarity with the two countries.<sup>8</sup> For these countries, I identified articles in the same manner as for the Fijian pieces. A Factiva search for additional Fijian, Australian, and New Zealand coverage unearthed no additional pieces, which provides strong confidence that I have identified the entire relevant corpus.

Limiting the search in this manner, rather than 'scraping' worldwide news sources or using some more universal retrieval method, may raise concerns about retrieval bias (He and Rothschild N.d.). The concern here is that the articles we encounter by focusing the search on torture and limiting it to Fijian, Australian, and New Zealand news sources are unlikely to be representative of the broader corpus of information available online. This, in turn, can lead to biased inferences about the 'true corpus' that citizens can access. These concerns are not relevant in this case. From the standpoint of testing the idea that ratification generates good press, we are not interested in locating *all* possible articles (or other web coverage) that exist on torture/treaty ratification/etc. Rather, with the Fijian media, my goal is to identify and analyze the full body of domestic media coverage of the topic that domestic 'targets' could plausibly have encountered.<sup>9</sup> Similarly, with the Australian and New Zealand media, the objective is to identify and analyze the full body of media coverage of the topic that international 'targets' could plausibly have encountered. My approach achieves those goals.

I did not specify date parameters, but the earliest to appear in the Fijian press was from 2008. This is not for lack of allegations and documented torture cases before that date.<sup>10</sup> Either these cases did not make it to the Fijian media before 2008, or the search engines do not identify material before that date. For Fiji, the search identified 296 articles, 56 of which I dropped because they covered torture in other countries or animal cruelty. This leaves a total of 240 articles in the Fijian media about torture. Figure 1 shows the relative prevalence of the main terms in the articles.

It is evident from Figure 1 that discussion of human rights, the CAT, and ratification were prevalent in the media, alongside reference to public figures (Prime Minister Bainimarama, Police Commissioner Qiliho, and Attorney-General Sayed). This provides preliminary evidence that treaty participation is well-covered in the domestic Fijian media. Figure 2 provides the same information on prevalence of terms in the Australian and New Zealand media, which consist of 40 articles and 219 articles, respectively. Many of the same

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uncertain authorship. Finally, Fijileaks is a blog and a Facebook group, rather than a bona fide media outlet. After this culling, the outlets included Fiji Jet, Fiji Broadcasting Corporation, Fiji Live, Fiji One, Fiji Sun, Fiji Times, and Fiji Village.

<sup>8</sup> In Australia, these are The Advertiser, Age, Australian, Courier, Canberra Times, Herald Sun, Sydney Morning Herald, and Telegraph. In New Zealand, these are The Dominion Post, Herald, Otago Daily Times, Press, Radio New Zealand (which maintains a large suite of print versions of its coverage, in writing), and Stuff. The Dominion Post and The Press had no articles on torture in Fiji, so these two sources are not included in any analyses.

<sup>9</sup> Data on media saturation in Fiji are hard to obtain. A discussion with an expert on the country and former Professor at the University of the South Pacific, suggested that it is fairly high across the two main ethnic groups, particularly because cell phone ownership is relatively widespread. The main gaps area likely outside the main islands Viti Levu and Vanua Levu, mostly occupied by iTaukei Fijians.

<sup>10</sup> Indeed, the *buturaki*, or beating, is arguably an ingrained part of Fijian culture (Amnesty International 2013; 2016).



here is that the agreement features regularly, in a large number of articles (about 60%) over a sustained period. Media coverage was particularly intense in early 2015, when a call for parliamentary submissions on potential ratification led to a large number of articles. It was also notable in early 2016, when Fiji ratified the agreement, and – nine months later – when Amnesty International released a report detailing several alleged instances of torture at the hands of Fijian security forces (Amnesty International 2016a). Overall, the Fijian media evidence strongly supports the idea that Fijian citizens have ample opportunities to hear about participation in this agreement.

**Figure 3. Fijian Media Coverage of Torture in Fiji**

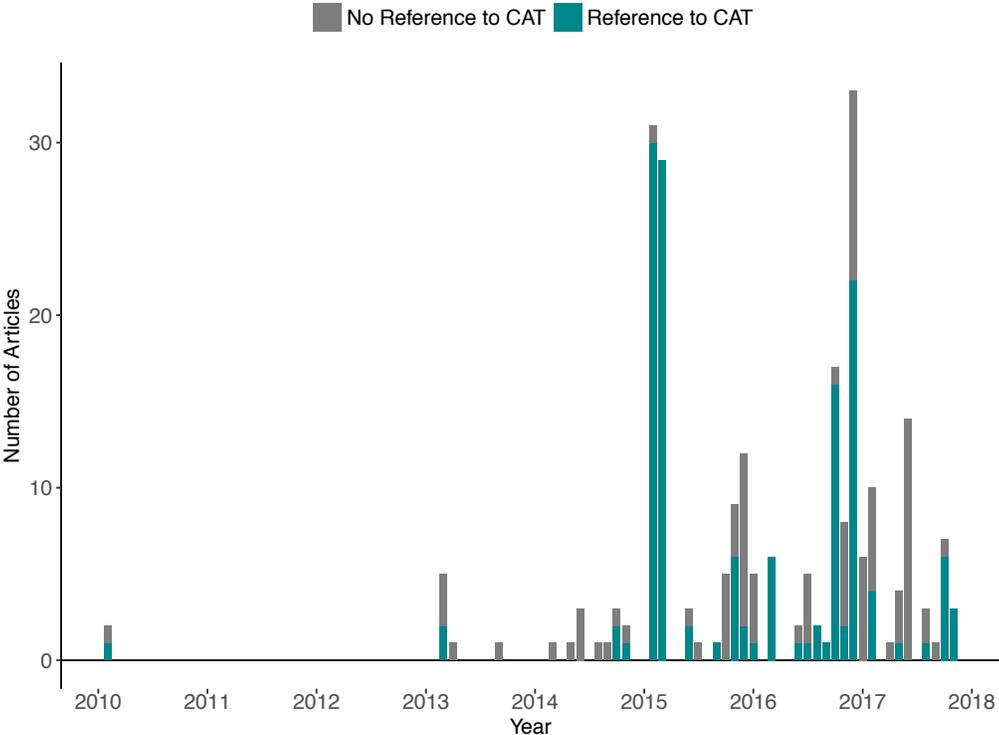
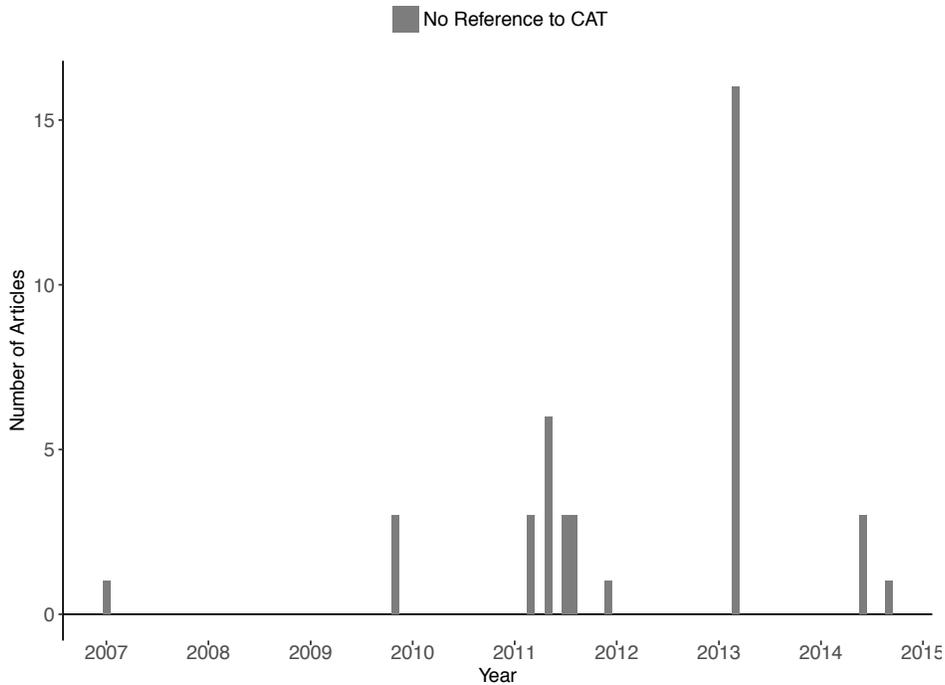
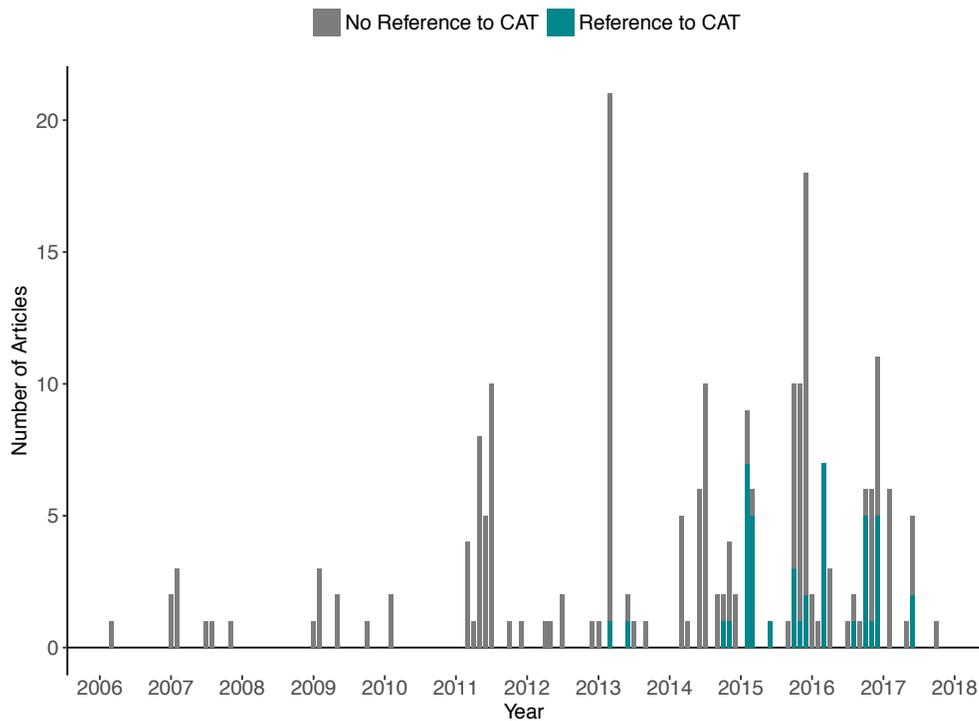


Figure 4a/b explores the same question for the Australian and New Zealand media. As previously identified, there is no evidence that Australian readers hear about the CAT; coverage of torture in Fiji is sparse and ceases entirely by September 2015. In contrast, New Zealand coverage of torture, and of the CAT, is fairly frequent (20% — not nearly as extensive as in the Fijian media) and sustained. Overall, the evidence that Fijian treaty participation grabs the attention of domestic ‘targets’ is compelling, and quite a bit stronger than for international press.

**Figure 4a. Australian Media on Fijian Torture**



**Figure 4b. New Zealand Media on Fijian Torture**

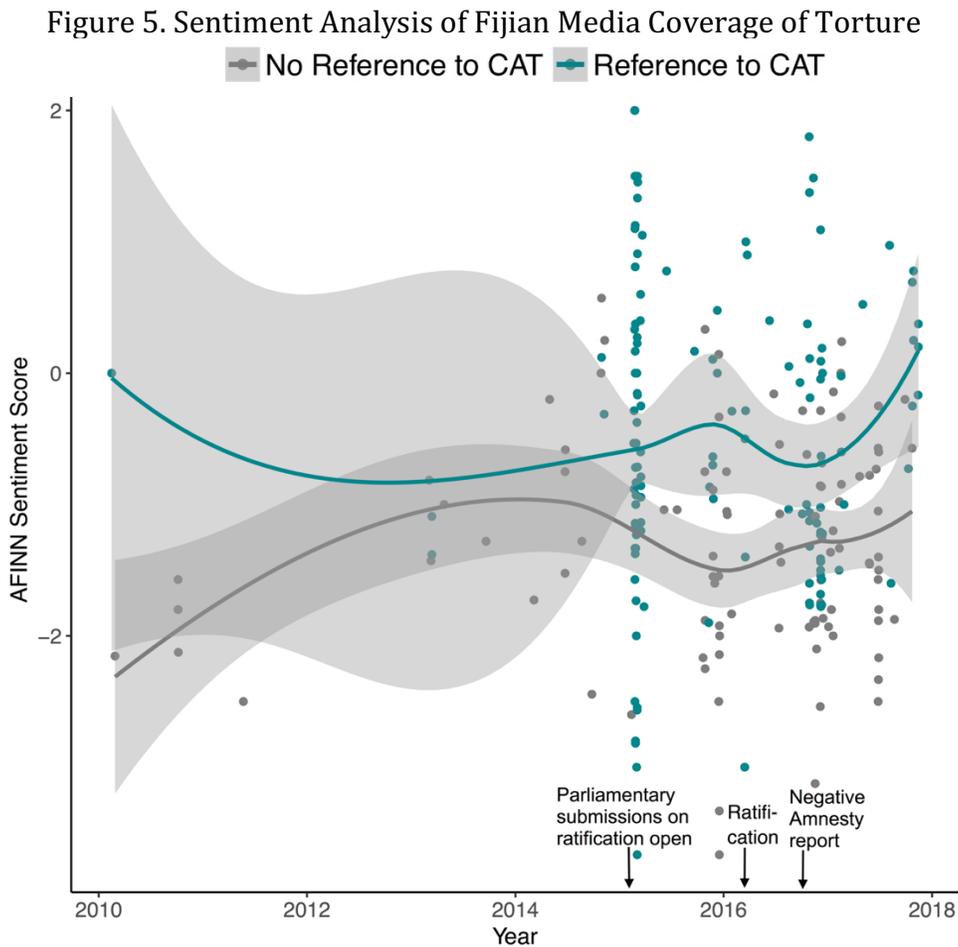


**5. Sentiment**

A core argument of this book is that HRA participation serves as ‘positive propaganda’ for leaders/governments of non-democracies. If this is true, information about treaty participation should be associated with greater willingness to believe that officials are dedicated to rights-protection and/or more positive attitudes toward leaders. Chapters 5 and 6 test these propositions via survey experiments in Iran and Thailand, respectively.

The present chapter tests the latter idea — about positivity — via sentiment analysis (also called opinion mining), which explores a text’s emotional content programmatically by linking it to a lexicon.

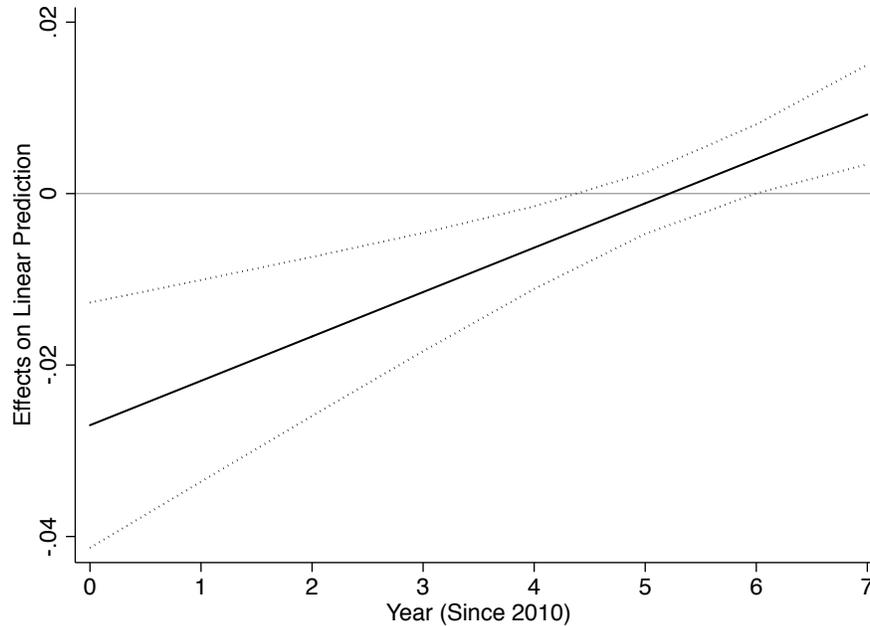
Figure 5 presents the data graphically, as a first cut at understanding whether injecting discussion of the CAT into debates affects the tenor of Fijian coverage. To do this, I use The AFINN lexicon, a sentiment scale that is commonly used in the sociology and psychology literatures (Silge and Robinson 2017; Young and Soroka 2012). AFINN’s scale ranges from -5 (very negative) to +5 (very positive). Examples from the data include ‘torture’ (-4), ‘degrading,’ (-2), ‘justice’ (2), and exuberant (+4). For each article, I generated an average sentiment score based on AFINN.



The content analysis highlights at least two ‘key moments’ when treaty status appears to be useful for generating more positive press. One is on or near the time of joining, including when (or if) the ratification question makes its way into national institutions. Indeed, in 2015, Fijians witness two types of articles about torture, broadly speaking: relatively negative pieces that grapple with alleged abuses but rarely inject the CAT into the discussion, and relatively positive articles that discuss the merits of CAT participation. There can be no doubt that the Fijian government was pleased to see the latter in high circulation. Another ‘key moment’ is during times of public relations crises, when



**Figure 7. Average Marginal Effect of Time on Fijian Media Sentiment**



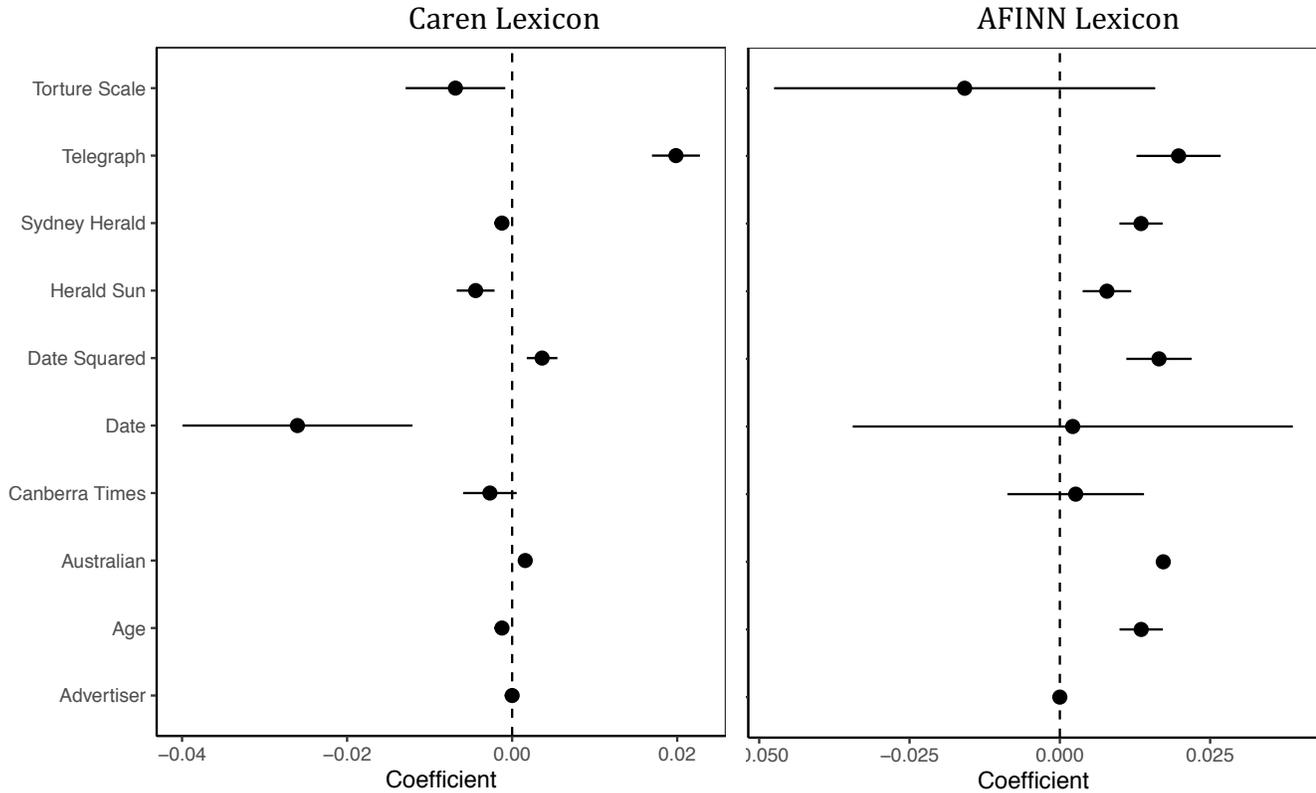
What if the improvement in sentiment simply reflects an amelioration in *conditions* rather than more favorable *depictions* in articles that reference the CAT? To control for that possibility, I re-conducted the analysis with a variable gauging the prevalence of torture in the year the media coverage took place. I used the PTS data (Haschke 2018) because they are available for the largest number of years in my data, whereas other common metrics are not. The results hold even with the inclusion of this new variable: articles that mention the CAT have a more favorable tenor, and the over-time variation in sentiment is also unchanged. In the Model 3 and 4 analyses, higher torture rates (as covered in State Department reports) are also associated with lower sentiment, as one might expect.

I now turn to the Australian and New Zealand media, exploring the tenor of media coverage of torture in Fiji via sentiment analysis in the same manner as above. Figure 8 shows coefficient plots for the Australia analysis; Table 2 in the Appendix shows the full OLS results. As mentioned earlier, the Australian media make no mention of the CAT, which itself provides evidence against the ‘international praise for ratification’ hypothesis. There is strong evidence that Australia’s media coverage of torture in Fiji becomes more positive over time, as shown in Figure 8.<sup>12</sup> At first glance, one might interpret this as evidence that CAT participation is indirectly influencing the sentiment of discourse in the Australian media. However, torture in Fiji last gained coverage in the Australian media in September 2014, almost two years before its CAT ratification, and well before the possibility of joining became a central part of public discourse in either Fiji or New Zealand.<sup>13</sup> Overall, the Australian media provide no evidence to support the idea that this target audience was at play.

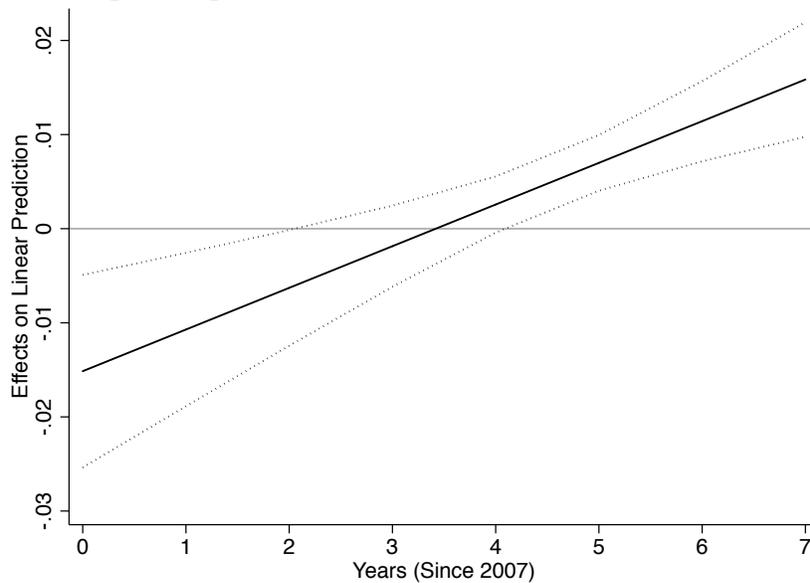
<sup>12</sup> This finding holds even if we include a variable gauging torture *practices* in Fiji.

<sup>13</sup> In the Fijian media, the CAT was mentioned in one article in 2010, two in 2013, and two in 2014. In the New Zealand media, it appeared in only two pieces in 2013 and 2014, respectively. In both countries, this was rather sparse.

**Figure 7. Sentiment Analysis of Australian Media Coverage of Torture in Fiji**



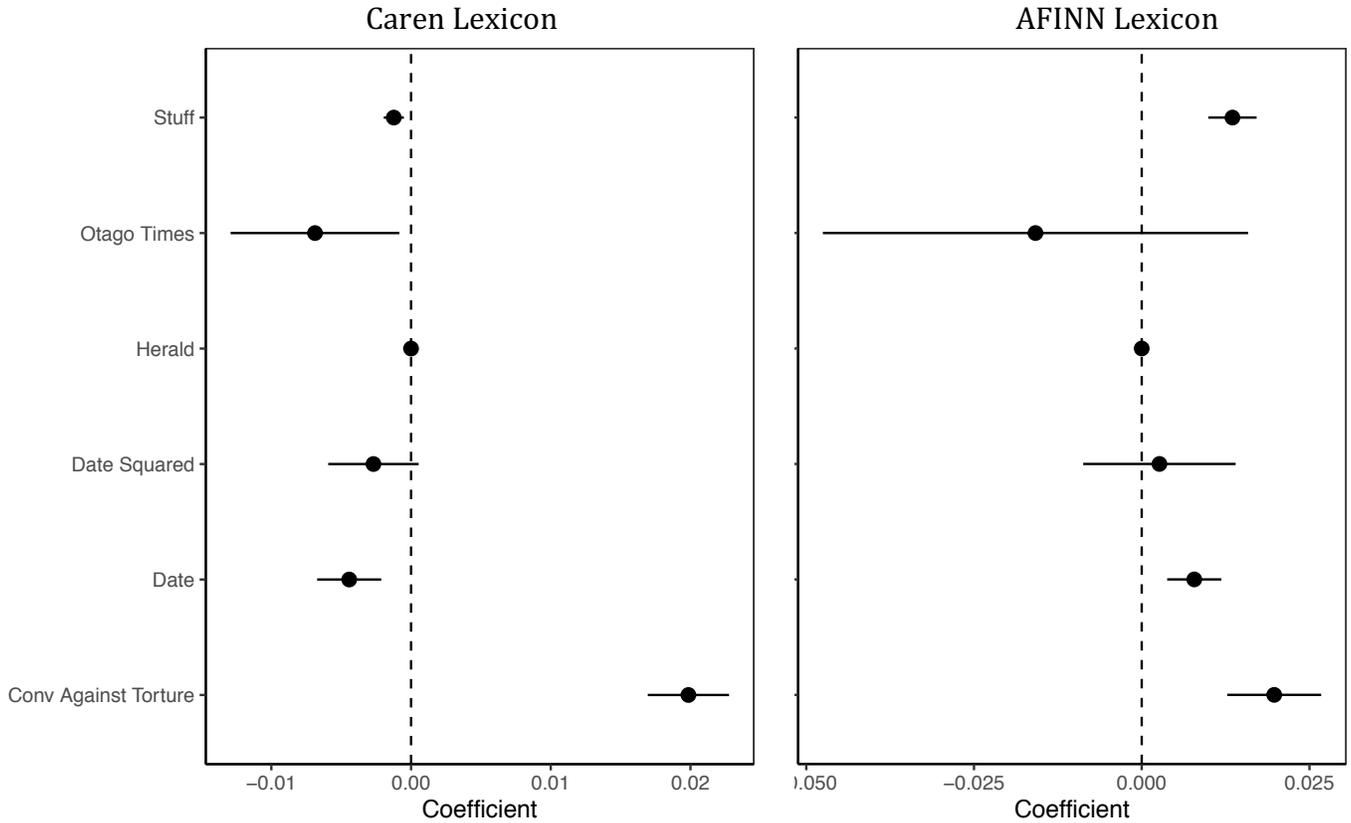
**Figure 8. Average Marginal Effect of Time on Australian Media Sentiment**



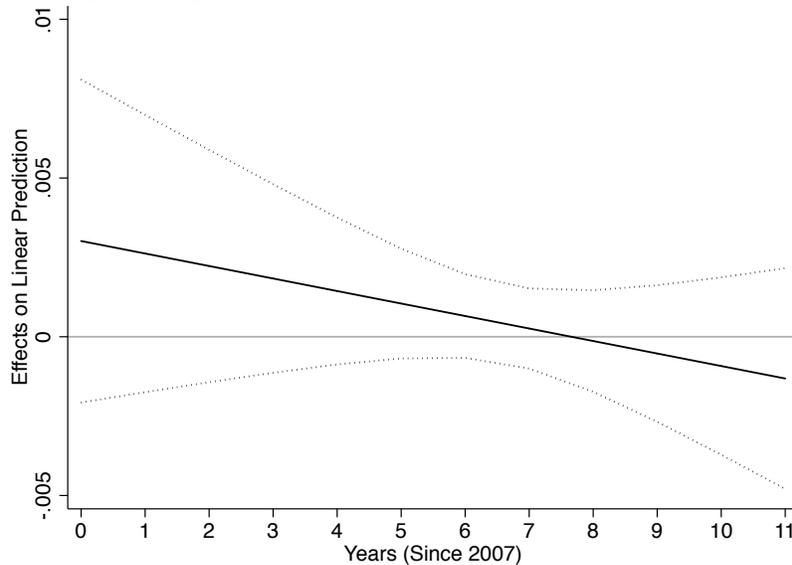
The New Zealand media contrast somewhat with their counterparts across the Tasman. As mentioned above, the CAT figures frequently in its coverage, though not nearly as frequently as in the Fijian press on the topic. Consistent with the analyses of the Fijian media, articles referencing the CAT are significantly more positive in sentiment (Figure 9, or Table 3 in the Appendix), across both lexicons. As was the case in the Fijian media, this does not simply reflect an amelioration in *conditions*, but rather a more favorable discourse

specifically in CAT articles.<sup>14</sup> In contrast to the Fijian media (Figure 6), there is no evidence that the tenor of New Zealand media on this topic is significantly changing over time (see Figure 10).

**Figure 9. Sentiment Analysis of New Zealand Media Coverage of Fijian Torture**



**Figure 10. Average Marginal Effect of Time on New Zealand Media Sentiment**



<sup>14</sup> See Table 3, Models 3 and 4, which control for torture practices as measured by Haschke (2018).

Alternative interpretations of the events and the data need to be addressed here. Perhaps Fiji's ratification was sincere; perhaps, furthermore, the average positive trend in the media post-ratification (for Fiji and Australia) reflects an improvement on the ground. The notion that Fiji's ratification was sincere is difficult to reconcile with the reality of the legal commitment it forged in 2016, which included far-reaching reservations. NGOs criticized the latter as a deep "hollowing out" of the country's commitment (Australian Broadcasting Corporation 2016a),<sup>15</sup> and several UN members officially objected that the reservations were "of a general and indeterminate nature" and raised doubts about Fiji's dedication to fulfilling its obligations.<sup>16</sup>

Whether the data reflect an improvement in torture practices depends largely on whom one asks. The government argues that past abuses have been dealt with; that it now embraces a language of "zero tolerance against torture" (Fiji Sun 2016a), and points to its recent CAT ratification and hosting of a regional torture-prevention workshop as evidence of its dedication. Many NGOs remain critical, citing an "ingrained culture of torture" among the security forces, accusing the government of showing little will to prosecute torture cases, and labeling the country's CAT ratification an "empty gesture" (Amnesty International 2016b: 25; Human Rights Watch 2017). Even if there has been notable improvement in Fijian torture practices (which is not at all clear, given NGO responses), this does not explain why articles that do not make reference to the treaty are less positive, even post-ratification.

## 5. Inside the Media Coverage

What are the media *saying* about torture in Fiji? What are they saying about the CAT? This section presents an overview of these and related questions. Figure 11 presents topics covered in all 499 articles, derived via topic modeling (LDA, Gibbs sampling). I limit  $K$  (the number of topics) to eight for ease of interpretation.

The themes can be characterized as follows: (1) a highly-publicized regional police workshop on investigative interviewing<sup>17</sup>; (2) court cases involving complaints by detainees who were alleged torture victims; (3) CAT ratification and surrounding parliamentary debate; (4) Amnesty International report(s) alleging that Fijians are subject to various types of brutality by the state's security apparatus; (5) democracy and the 2006 coup; (6) reported violence, beatings, and death at the hands of military personnel; (7) the 2013 Youtube video described earlier in this paper; and (8) a final category that is difficult to depict.

To understand better what factors drive an article's topic assignment, I conducted a multinomial logistic regression of the articles. Table 5 (Appendix) shows the results. Topic 7 – the 2013 Youtube video – is the base category; therefore, all comparisons are in relation to it unless otherwise stated. To gauge differences between the three countries, I include

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<sup>15</sup> Most notably, it does not accept the Convention's definition of torture.

<sup>16</sup> [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter=4&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en)

<sup>17</sup> <http://www.pacific.undp.org/content/pacific/en/home/presscenter/pressreleases/2017/10/24/investigative-interview-training-of-the-trainers-course-for-fiji-police.html>

dummies for the media source's country of origin.<sup>18</sup> I also include dummy variables to gauge differences across country and by whether the article makes reference to the CAT.<sup>19</sup>

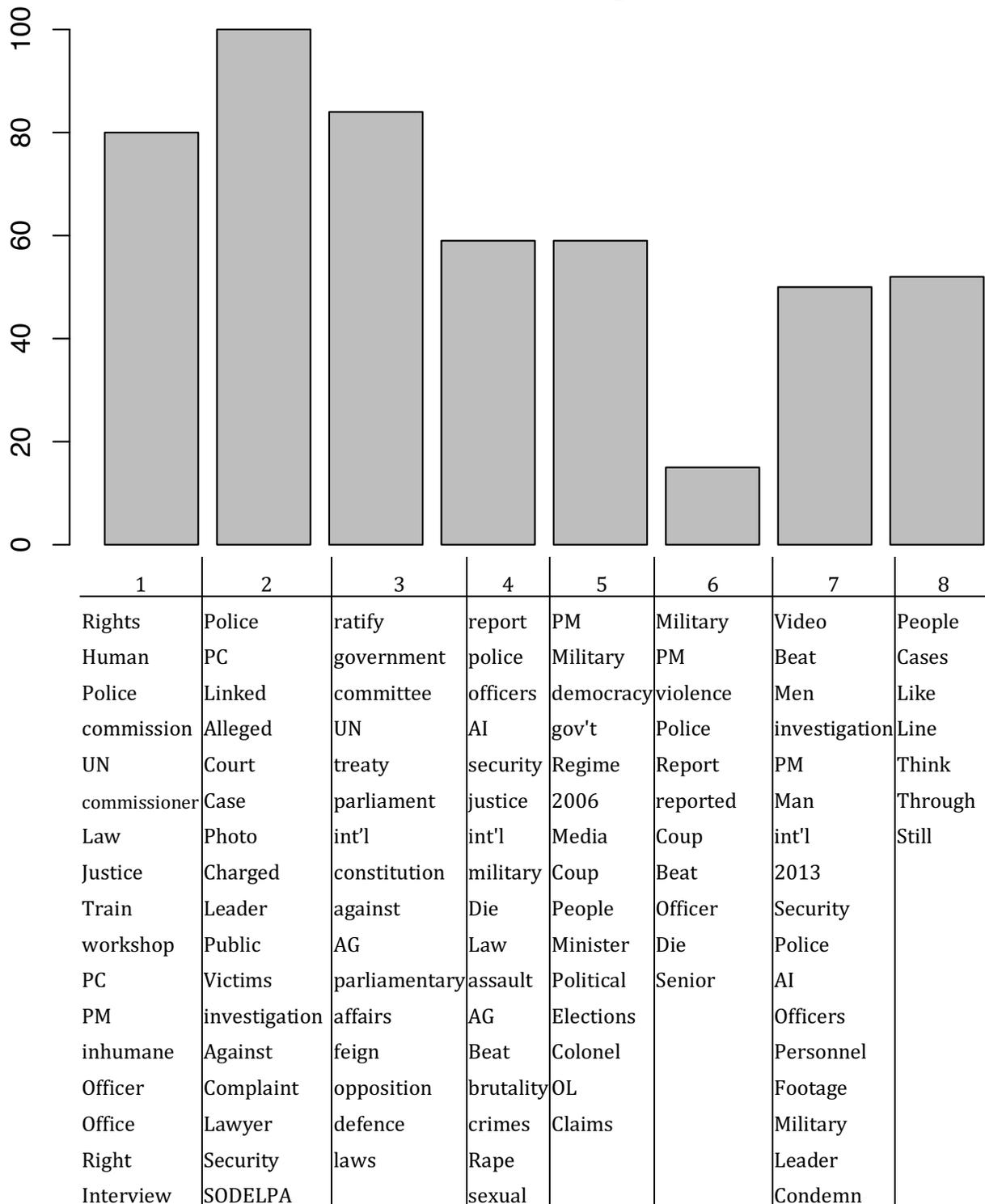
I focus first on the Fijian press. Not surprisingly, the CAT appears most prevalently in topic (3), discussion of ratification. It is also central to discussions of (1) (a regional police workshop strongly publicized by the PM himself) and marginally prevalent in (4) (damning 2016 Amnesty report). The Australian media, of course, make no reference to the CAT, and more generally, generate far fewer articles on the topic of torture than do the Fijian media. The former focus heavily on the coup and its affront to democracy, as well as military brutality – with less coverage of more reputation-enhancing topics such as Fiji's regional anti-torture workshop. The New Zealand media's emphases are also of interest. Discussions do not focus nearly as heavily on topics that gain interest in the Fijian media. Instead, as with Australia, the coup and democracy attract the most attention (CAT and non-CAT articles), along with ratification to some extent. There is little evidence that the CAT is generating significant reputation-enhancing discussion in the New Zealand press.

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<sup>18</sup> For ease of comparison, I include dummies for: Fiji (CAT reference), Australia (no CAT reference), New Zealand (CAT reference), and New Zealand (no CAT reference). The excluded category is therefore Fiji (no CAT reference).

<sup>19</sup> This is not possible for Australia because the country's media make no reference to the CAT.

**Figure 11. Topics Discussed in Australian, Fijian, and New Zealand Media Coverage of Torture**



SODELPA: Social Democratic Liberal Party. PM: prime minister. AG: attorney-general. PC: police commissioner. HR: human rights. AI: Amnesty International.

## 6. Conclusion

A core argument of this book is that autocratic leaders ratify HRAs for largely domestic political reasons. While a hunt for international acclaim may play some role, domestic good press is equally if not more important because it provides the means through which citizens hear about steps leaders are allegedly taking to defend their rights. As I argue elsewhere in the book, citizens (unlike opposition members of parliament, NGOs, and foreign governments) largely lack the knowledge and expertise to understand the ways in which governments simultaneously water down these rights while still proclaiming a commitment to them.

Looking closely and in-depth at Fiji's CAT ratification provides an opportunity to gauge the idea that citizens have the opportunity to hear about their governments' treaty-making decisions, and that the information they receive is positive. It also enables us to compare international to domestic reactions. Text analysis of the Fijian press strongly supports the idea that citizens had ample opportunity to hear about CAT participation, and that discussion of the treaty was significantly more positive. As Fiji's single-largest aid donor, Australia would have been the most obvious place to find evidence of international 'rewards for ratification' (Nielsen and Simmons 2015). It is telling that not a single Australian news source mentioned Fiji's decision to join the agreement. The New Zealand evidence is more mixed: sources from this country covered ratification – and in a more positive tenor than for other articles in that country. Yet, this coverage was less prevalent than what we find in the Fijian press. Overall, the evidence of *domestic* rewards for ratification is far more compelling.

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### ... Segue-way/Introduction to chapter 5

Chapter 4 took an in-depth look at one country's ratification of a prominent UN HRA. Despite being an obvious case where international pressures to ratify might weigh most heavily (if the international 'rewards for ratification' argument holds), the evidence was far more consistent with domestic motivations being key. Indeed, the Fijian case provides ample evidence that rights-bearers themselves have the opportunity to hear the positive coverage. But this does not tell us whether citizen perceptions actually *improve* in reaction. To test this idea, I conducted survey experiments in two autocracies that face human rights challenges: Iran and Thailand. This chapter presents the Iranian findings.

## Appendix to Chapter 4

**Table 1. Regression Results, Sentiment Analysis of Fijian Media on Torture**

	Model 1	Model 2	Model 3	Model 4
Convention Against Torture	<b>.019</b> [.001]	<b>.029</b> [.004]	<b>.018</b> [.002]	<b>.028</b> [.006]
Date	-.027 [.001]	.003 [.487]	-.040 [.001]	-.013 [.050]
Date-squared	<b>.003</b> [.000]	-.001 [.245]	<b>.004</b> [.000]	<b>.001</b> [.222]
Fiji Sun	<b>.006</b> [.000]	<b>.020</b> [.000]	<b>.006</b> [.000]	<b>.020</b> [.000]
Fiji Live	-.004 [.397]	.002 [.746]	-.001 [.920]	.007 [.332]
Fiji One	<b>.015</b> [.000]	<b>.003</b> [.008]	<b>.015</b> [.000]	<b>.003</b> [.023]
Fiji Village	<b>.007</b> [.000]	<b>.011</b> [.000]	<b>.007</b> [.000]	<b>.012</b> [.000]
Fiji Broadcast Corp	-.006 [.000]	-.006 [.002]	-.005 [.000]	-.006 [.002]
Fiji Jet	-.0005 [.990]	-.031 [.004]	.013 [.134]	-.014 [.084]
Fiji Times	[Excluded category]	[Excluded category]	[Excluded category]	[Excluded category]
Torture Scale	-----	-----	-.032 [.062]	<b>-.044</b> [.016]
Constant	<b>.066</b> [.008]	-.021 [.219]	<b>.138</b> [.010]	.078 [.086]
Observations	240	240	240	240
R-squared	.159	.150	.171	.159

**P-values** appear in brackets; results significant at  $p < .05$  are boldfaced. Models 1 and 3 use the Caren lexicon. Models 2 and 4 use the AFINN lexicon.

**Table 2. Regression Results, Sentiment Analysis of Australian Media on Torture in Fiji**

	Model 1	Model 2	Model 3	Model 4
Date	-.007 [.061]	-.015 [.211]	-.007 [.061]	-.0152 [.211]
Date-squared	<b>.001</b> [.018]	.001 [.077]	<b>.001</b> [.018]	.001 [.077]
Advertiser	<b>.004</b> [.006]	<b>.017</b> [.001]	<b>.004</b> [.006]	<b>.017</b> [.001]
Age	-.001 [.012]	.013 [.000]	-.001 [.012]	.013 [.000]
Canberra Times	<b>.002</b> [.000]	<b>.017</b> [.000]	<b>.002</b> [.000]	<b>.017</b> [.000]
Sydney Herald	-.001 [.012]	.013 [.000]	-.001 [.012]	.013 [.000]
Herald Sun	<b>.020</b> [.000]	<b>.020</b> [.000]	<b>.020</b> [.000]	<b>.020</b> [.000]
Telegraph	-.004 [.007]	<b>.008</b> [.001]	-.004 [.007]	<b>.008</b> [.001]
Australian	-.003 [.147]	.003 [.326]	-.003 [.147]	.003 [.326]
Courier	[Omitted Category]	[Omitted Category]	[Omitted Category]	[Omitted Category]
Torture Scale	<b>-.026</b> [.008]	-----	<b>-.026</b> [.008]	-----
Constant	<b>.055</b> [.004]	-.036 [.208]	<b>.055</b> [.004]	-.036 [.208]
Observations	40	40	40	40
R-squared	.631	.330	.631	.330

**P-values** appear in brackets; results significant at  $p < .05$  are boldfaced. Models 1 and 3 use the Caren lexicon. Models 2 and 4 use the AFINN lexicon.

**Table 3. Regression Results, Sentiment Analysis of New Zealand Media on Torture in Fiji**

	Model 1	Model 2	Model 3	Model 4
Convention Against Torture	<b>.009</b> [.001]	<b>.031</b> [.004]	<b>.009</b> [.001]	<b>.031</b> [.004]
Date	<b>.003</b> [.046]	<b>.029</b> [.001]	<b>.003</b> [.046]	<b>.029</b> [.001]
Date-squared	-.001 [.073]	<b>-.002</b> [.002]	-.001 [.073]	<b>-.002</b> [.002]
Otago Daily Times	<b>.002</b> [.040]	-.001 [.555]	<b>.002</b> [.040]	-.001 [.555]
Stuff	<b>.009</b> [.000]	<b>.015</b> [.000]	<b>.009</b> [.000]	<b>.015</b> [.000]
NZ Herald	<b>-.018</b> [.000]	<b>-.019</b> [.002]	<b>-.018</b> [.000]	<b>-.019</b> [.002]
RNZ National	[Omitted Category]	[Omitted Category]	[Omitted Category]	[Omitted Category]
Torture Scale	-----	<b>-.033</b> [.005]	-----	<b>-.033</b> [.005]
Constant	-.007 [.092]	<b>-.046</b> [.023]	-.007 [.092]	<b>-.046</b> [.023]
Observations	219	206	219	206
R-squared	.079	.193	.090	.193

**P-values** appear in brackets; results significant at  $p < .05$  are boldfaced. Models 1 and 3 use the Caren lexicon. Models 2 and 4 use the AFINN lexicon.

**Table 4. Multinomial Logistic Regression of Torture ‘Topics’**

	Topic 1 Regional Workshop	Topic 2 Victim Complaint	Topic 3 Ratifi- cation	Topic 4 Damning AI report	Topic 5 Democra- cy, coup	Topic 6 Military brutality	Topic 8 Unclear
Conv Against Torture, Fiji	<b>2.439</b> [.041]	-.871 [.494]	<b>3.108</b> [.011]	1.021 [.394]	-33.83 [1.000]	-.232 [.888]	.507 [.699]
No Conv Against Torture, Australia	-2168315 [.319]	-1846606 [.442]	<b>-1510775</b> [.000]	-2097029 [.350]	.554 [.717]	-.841 [.666]	-1925131 [.475]
Conv Against Torture, NZ	<b>-5.667</b> [.000]	<b>-3.116</b> [.000]	<b>-3.638</b> [.000]	<b>-5.371</b> [.000]	.0806 [.921]	-1.597 [.098]	<b>-2.868</b> [.000]
No Conv Against Torture, NZ	<b>-3.751</b> [.013]	<b>-2.773</b> [.036]	.589 [.674]	<b>-4.761</b> [.002]	1.123 [.502]	-33.24 [1.000]	-1.169 [.390]
Date	<b>-3.141</b> [.000]	<b>-2.799</b> [.000]	<b>-2.612</b> [.000]	<b>-2.968</b> [.000]	<b>-.598</b> [.001]	<b>-1.016</b> [.000]	<b>-2.854</b> [.000]
Date-squared	.277 [.000]	.236 [.000]	.193 [.000]	.268 [.000]	-2.35e-07 [.405]	-2.67e-07 [.571]	.246 [.000]
Constant	<b>1.15</b> [.000]	<b>1.35</b> [.000]	<b>9.491</b> [.000]	<b>9.836</b> [.000]	<b>3.912</b> [.004]	<b>5.899</b> [.001]	<b>8.932</b> [.000]

N = 499. **P-values** appear in brackets; results significant at  $p < .05$  are boldfaced. Models 1 and 3 use the Caren lexicon. Models 2 and 4 use the AFINN lexicon. Excluded topic is 2013 Youtube video

## **Content Analysis Details: Fijian Media**

I focus on English-language sources for three reasons: (1) these dominate the media market, with Hindi-language sources (Sartaj, Shanti Dut) attracting only a relatively small readership; and (2) whether indigenous ('iTaukei') or Indo-Fijian, virtually all Fijians speak and read English as their mother tongue or first learned language. Because it is a relatively small country, Fiji has a relatively limited number of media outlets.<sup>20</sup> I collected articles from the following media outlets: Fiji Jet, Fiji Broadcasting Corporation, Fiji Live, Fiji One, Fiji Sun, Fiji Times, and Fiji Village.<sup>21</sup>

Limiting the search in this manner, rather than 'scraping' worldwide news sources (or using some more universal retrieval method), may raise concerns about retrieval bias.<sup>22</sup> The articles we encounter by restricting the search are unlikely to be representative of the broader corpus of information available on the topic online. This, in turn, can lead to biased inferences about the 'true corpus' that citizens can access. It is no doubt true that the articles retrieved are not representative of the full corpus. However, this is not a threat to inference here, for two main reasons. First, I not claim that the articles are representative of everything one might find online; rather, I claim that they are representative of what citizens in Fiji are likely to encounter. Second, this latter focus is more reasonable because (1) media penetration is fairly high in the country; and (2) it is far more reasonable to assume that citizens get information from media sources when it crosses their desk or dining table, rather than by scouring the internet for articles on the topic of torture.

I searched each news source's website for articles containing the word 'torture.' I did not specify date parameters, but the earliest to appear was from 2008. Before the Youtube prisoner video, torture received infrequent coverage in the Fijian domestic media –but this is not for lack of allegations and documented torture cases before that date.<sup>23</sup> A Factiva search for additional Fijian domestic news articles unearthed no additional pieces. The search identified 304 articles, 56 of which I dropped because they covered torture in other countries or animal cruelty. This leaves a total of 248 articles in the Fijian media about torture.

To define whether the article makes mention of the CAT, I used R's content analysis packages to search the following terms: 'Convention Against Torture,' 'Convention on Torture,' 'Torture Convention,' 'CAT,' 'UNCAT,' and 'Anti-Torture Treaty.' I also searched 'Convention' and 'Human Rights Convention (Treaty/Agreement),' but the first search had already identified each article containing those terms. A brief perusal of each article showed no misidentification – all 'CAT' articles contained references to the CAT, and all 'no CAT' articles were without reference to the agreement, as one would hope and expect.

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<sup>20</sup> Candidate sources can be found at [www.bbc.com/news/world-asia-pacific-14919686](http://www.bbc.com/news/world-asia-pacific-14919686).

<sup>21</sup> I excluded a few potential sources. Fiji Focus is simply a government-run newsletter and unlikely to attract a wide readership. Intelligentsiya is a blog with uncertain authorship. Finally, Fijileaks is a blog and a Facebook group, rather than a bona fide media outlet.

<sup>22</sup> He and Rothschild N.d.

<sup>23</sup> Amnesty International 2013; 2016.

**Table 5. Prevalent Expressions in Fijian Articles About Torture**

<b>Expression</b>	<b>Appearances</b>	<b>Expression</b>	<b>Appearances</b>
Police	710	Law	199
Fiji	705	People	174
Torture <sup>a</sup>	577	Justice	170
Torture Convention <sup>b</sup>	436	Bainimarama <sup>d</sup>	159
Human Right	421	Commission	147
Officer	317	Treatment	144
Government	277	Beating	140
Report	273	Military	136
Forces	264	Alleged	131
Ratify <sup>c</sup>	244	Sayed <sup>e</sup>	128
International	212	Constitution	126
Committee	205	Parliament	124
International	212	Commissioner	121
Committee	205	Qiliho <sup>f</sup>	116

<sup>a</sup> Or 'torturing'

<sup>b</sup> Or 'Convention Against Torture,' 'Convention on Torture,' 'CAT,' 'UNCAT,' 'Anti-Torture Treaty'

<sup>c</sup> Or 'ratified,' 'ratification'

<sup>d</sup> Or 'Prime Minister'

<sup>e</sup> Or 'Sayed-Khayum,' 'Attorney General'

<sup>f</sup> Or 'Police Commissioner'

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