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NATIONAL HUMAN RIGHTS INSTITUTIONS:
FOR THE STATE OR FOR THE PEOPLE?

by

Ashley Brooke Huddleston

A Thesis

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Abstract

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International human rights norms are enforced through many different mechanisms, both domestic and international. States are the main violators of human rights and often the international community protects individuals from states. However, since 1991 the United Nations have been accrediting domestic organizations with the mandate to enforce and protect human rights within the state. NHRIs are designed to be an independent body while still being part of the state. This paper examines the relationship between NHRIs and actual human rights protections and explores whether or not states are able to protect citizens from themselves.

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Introduction

National Human Rights Institutions (NHRIs) are defined as “state bodies with a constitutional and/or legislative mandate to protect and promote human rights” (United Nations, 2010, p. 11). The international community defined NHRIs with the Paris Principles in 1991 and the United Nations formally approved these principles in 1993 (Office of the High Commissioner for Human Rights, 2013). These domestic bodies are formed to enforce international human rights norms on the national level. While there are multiple studies that focus on whether or not NHRIs are effective mechanisms at protecting human rights (Cardenas, 2003; Cole & Ramirez, 2013; Kumar, 2003), there is no literature on what functions an NHRI must be mandated to fulfill in order to be effective. Previous studies have been unable to reach a consensus on whether or not NHRIs have an impact on human rights. This thesis seeks to fill that gap in the literature and will argue that the presence of an NHRI within a country is not what the literature should focus on. Instead, the activities that an NHRI office is allowed to undertake in their protection of human rights determine whether or not the office will be effective.

Studies that only focus on the presence of an NHRI ignore what roles the office actually performs, and since this varies from state to state, this is why there has been no previous consensus on the impact of NHRIs. My argument will focus on these activities, also referred to as functions, when assessing the positive or negative impacts of NHRIs. I argue that different functions have varying impacts on human rights. Without the ability to perform any actions an NHRI would be completely ineffective and therefore it is important to investigate the functions they are allowed to perform as well as examining which functions lead to improvement of human rights. For example, the ability to publish

reports allows an NHRI to inform the public and international community of human rights abuses within their state, which is knowledge the government could reasonably wish to keep confidential so they would not have to face pressure to protect rights they may be violating. With the ability to publish reports an NHRI also gains the ability to hold the government accountable for any abuses they may be guilty of.

This thesis will begin by discussing the relevant literature on human rights and NHRIs. It will then present the theoretical argument explaining why NHRIs can be effective when they are allowed to perform specific activities, as these activities allow sufficient power to protect human rights. In order to further explain NHRIs and the effects of their permitted activities, two case studies will be provided. The first case study will focus on a developed state, New Zealand, with a relatively high protection of human rights. In contrast, the second case study will center on Ghana, a state that is still developing with a dismal history of human rights protections.

In addition, to test my arguments quantitatively, I use a newly formed dataset that records the functions of each state's office and use data on human rights levels each year to measure the impact of NHRIs over time. The conclusions reached are important for policy makers to consider, when forming an NHRI or rewriting current NHRI mandates, if they are committed to improving human rights. Policy makers must consider the functions they assign to an NHRI and what impact those functions have on human rights in order for an NHRI to have positive impacts on human rights.

Literature Review

Human rights literature in the social sciences has only emerged in the past few decades. Morgan (2009) explains that this slow emergence of social science literature on

human rights stems from the disconnect between the moral nature of the conception of human rights and the more scientific nature of social sciences. Human rights originate from metaphysical ideas from within the spheres of theology and philosophy, while the social sciences originated using methods known from the natural sciences, which strive to avoid moralistic judgments (Morgan, 2009, p. 3). Because moral judgments led to defining human rights, they were largely ignored within social sciences as they were considered moral concepts instead of something that was measurable scientifically. Social sciences focused on not making moralistic judgments and it was not until states began engaging in human rights discourse, and enforcing their protections, that the social sciences were able to measure and analyze human rights empirically (Morgan, 2009, p. 4).

The international community began this focus on human rights after experiencing World War II. After witnessing the deaths and results of abuse of state power, states were motivated to create universal human rights so the international community could encourage their protection (Robinson, 1998, p. 27). As the international community defined human rights, they became measurable concepts and, therefore, social sciences were able to begin studying both their protections and violations. Human rights subsequently became part of international law, beginning with The Universal Declaration of Human Rights in 1948, and social scientists, most especially political scientists, began measuring human rights and investigating factors that affect the level of respect for human rights. The focus on human rights within social sciences gained popularity in the 1970s (Morgan, 2009, p. 4). The relatively recent development of the systematic study of

human rights accounts for some of the lack of a longer standing literature within the field of political science and social sciences.

Human rights “are internationally agreed values, standards, or rules regulating the conduct of states towards their own citizens and towards non-citizens” (Baehr, 1999, p. 1). While ideas about human rights have changed over time, contemporary human rights are considered to be the international and national laws that have developed since World War II (Morgan, 2009, p. 3). There were, however, states that protected these rights before international laws, such as the United States, who incorporated the Bill of Rights into their constitution in 1791. As stated above, the United Nations passed the Universal Declaration of Human Rights (UDHR) in 1948. This document includes the rights listed in my study and it is also supplemented by the International Covenant on Economic, Social and Culture Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), both of which entered into force in 1976.

While no state is forced to ratify these documents these are generally accepted by scholars and the United Nations as the basis of international laws for human rights and considered universally relevant. All three of the treaties mentioned form what is sometimes referred to as the “International Bill of Human Rights” (Office of the High Commissioner of Human Rights, n.d.). For example, the UDHR was passed as a resolution, which is not legally binding, but it has now acquired the same status as a legally binding document in the international community (Baehr, 1999, p. 4).

The rights discussed in this thesis are all considered first generation rights or “classic” rights (Baehr, 1999, p. 6). First generation rights are those that are civil and political, while the second generation of rights are economic and cultural, while the third

generation of rights focus on collective rights. However, some scholars point out that this distinction is not mutually exclusive (Baehr, 1999, p. 6; Landman, 2006, p. 10). For example worker's rights, which are included in this study, could be considered first or second generational. First generation rights are often considered the most important, not because any human right is more important than another, but because some states are unable to fulfill second and third generation rights due to their economy or during their time developing (Cranston, 1967, p. 12). An example would be a the third generation right to a clean environment. Due to the expensiveness of clean practice during development this right is hindered by a government's inability, and not unwillingness, to protect. Therefore, only rights within the first generation are studied since these are the rights that a government is reasonably expected to uphold despite other factors they may be faced with.

Within human rights literature there are certain factors that are widely accepted as influencing a state's level of respect for human rights. These factors are population size, state weakness, regime type, and economic factors. While they are not the only variables that scholars study in relation to human rights, they are the most agreed upon and generally included as controls in quantitative studies, even when they are examining other potential influences, due to the fact that the literature resoundingly agrees that they are predictors of human rights practices.

The first factor covered extensively in the literature is political regime type. Howard and Donnelly (1986) argue that while human rights may be considered universally accepted they are more likely to be respected by democratic regimes (p. 801). The theoretical reasoning that explains liberal regimes protecting human rights is not, for

Howard and Donnelly (1986), that different states violate human rights more or less based on which type of regime but instead that the relationship with rights and regime type stems from the fact that “universal” human rights are based on liberal ideologies and were put into place by liberal states (p. 803). Put more simply, when the United Nations was formed it was based off of liberal ideologies and their opinions on what universal human rights should be is centered around these ideas. Not all states are liberal democracies and, therefore, some states do not agree these rights should be enforced universally.

In liberal democracies regimes, the individual is viewed as distinct from the community and all individuals are accepted as equal to one another and the human rights that are considered universal stem from liberalism. However, Howard and Donnelly (1986) explain that in more traditional societies individuals are viewed as part of the community where they are given unequal privileges based on certain statuses within that community (p. 808). Focusing on the community over the individual leads to different rights the society would find important to protect and lead them to avoid individual rights, such as freedom of speech, which could lead to discontent among the population.

Howard and Donnelly (1986) also argue that communist societies are in many ways like the traditional societies with their conception of the individual as part of the state, and therefore are more likely to violate human rights as they are conceptualized by liberalism (p. 810). The authors distinguish other types of regimes, but the most pertinent argument they make that is relevant to this study is that some regimes are more likely to accept the UDHR because of the basic beliefs they have as a state (p. 801). Since democracies are based off of liberal principles it follows that democratic regimes are

more protective of individual human rights, which are also based off of liberal principles. In summary, there is likely to be some variance in their levels of respect for human rights across different regime types. This is empirically shown through other scholars' studies. For example, Poe and Tate (1994) find that democracy has a positive significant impact on human rights respect (p. 862).

Some scholars look at the regime type question from another point of view. Frantz and Kendall-Taylor (2014) argue that autocratic governments are more likely to use repression in order to resist opposition and stay in power, while democracies are more open to change through the election process and therefore have no reason to repress citizens (p. 333). To summarize, some scholars look at different regime types as affecting human rights because of the ideology that founded them while others study the relation of regime type to human rights as it pertains to the reasons they may have to resort to repression. Either way, regime type is seen as a significant indicator of the level of respect for human rights in the literature.

The second factor often found to influence human rights is economic development. Mitchell and McCormick (1988) argue that countries that are poor have more social and political tensions, which leads to repression (p. 478). Economic tensions lead to instability within the state, as citizens are more likely to be dissatisfied, and the government then often resorts to repression in order to maintain control. They find that this relationship is not as explanatory as they expected, but that economic conditions do affect human rights, especially political imprisonment and torture (p. 488).

Poe and Tate (1994) also investigated the impact of economic development on human rights. They argue that economic growth would increase the protection of human

rights. Overall, they find that the economy is not very significant to human rights.

However, Davenport and Armstrong (2004) find that the relationship is twice as strong as the one previously reported by Poe and Tate and conclude that economic factors are more important than previous literature thought it to be. Overall, economic factors are considered a significant predictor of human rights by most scholars even if they don't agree on the exact strength of this relationship.

State weakness is also heavily examined in the literature on human rights.

Englehart (2009) examines the effect of state capacity on human rights. State weakness is defined by Englehart as the inability of states to police their territory and states that are plagued with corruption (p. 163). The logic behind state failure leading to human rights violations is that states are the main protectors of human rights. States that are weak are unable, or unwilling due to corruption, to prevent private actors and separate government agencies from violating human rights (p.163). This is true even when weak states want to protect human rights (p. 164).

State weakness is also accepted by the United Nations, as a cause of human rights violations, as evidenced by the Geneva Protocols of 1977. These treaties explicitly state that in the case of a national war the government is still supposed to recognize the legal rights of combatants (Forsythe, 1981, p. 17). While the treaties themselves are not always binding and have not been recognized in states where these wars are likely to occur, the fact that the UN saw the need to address the issue speaks to the impact civil wars have on the increase in human rights violations. If a civil war is occurring in a country it is most likely true that the state is unable to police all territories.

The fourth factor that scholars often look at as a determinant of human rights abuses is population size. Scholars agree that population pressure leads states to resort to more repression (Henderson, 1993; Morgan, 2009; Poe & Tate, 1994). Henderson (1993) theorizes that this is caused by too many people in a country, working as individuals and communities, are competing for resources and that this causes the government to resort to repression in order to maintain some semblance of balance within the society. Population size might also adversely affect the economy, and therefore indirectly affect human rights. Economic development within a country must be considered in the context of how many people that development affects. When there are more people present within a country there is less impact of economic development on each person (p. 324). Poe and Tate (1994) agree with Henderson's logic and add that with a larger number of people the number of occasions where repression can take place is higher, stating that this is "simple probability" (p. 857). They also agree with Henderson that population size places more demands on the government, such as the availability of more jobs and housing.

Human rights treaties are another factor studied in the human rights literature. Since states make the decision to sign these treaties and signal a domestic commitment to human rights, they are important to consider in a discussion of international human rights norms being followed by national actors. According to Hobbesian thought, a state should be able to "pursue its goals in relation to other states without moral or legal restrictions of any kind" (p. 24), furthermore it states that "ideas of morality and law, on this view, are valid only in the context of a society, but international life is beyond the bounds of any society" (p. 24). In line with this is the thought that states pursue their own moral and legal goals and that these are of their own assertion (Bull, 1977).

After World War II it became obvious that states themselves were making atrocious decisions when it came to the human rights of their citizens. In 1948 the United Nations adopted the UDHR that formally placed human rights on the legal agenda of the international community for the first time (Hafner-Burton & Tsutsui, 2005). Since then the UN has passed multiple treaties that focus on different areas of human rights specifically, such as the ICCPR. It is not the ratification of these treaties that prove that international norms are becoming domestic policies. Rather, the actions that these treaties inspire within domestic communities and the fact that states can use the ratification of these treaties, or their impact on domestic action in another state, to make decisions on how they interact with one another, are evidence that the international community accepts these treaties as universal.

When states sign international human rights treaties this does not immediately reflect their human rights practices and there is no consensus among scholars on the exact effect treaties have on domestic practices. Keith (1999) finds that states actions do not change significantly after becoming party to a treaty. Although there may be some differences between non-party states and party states, this could simply be explained because those who sign are already practicing positive human rights protections (Keith, 1999). Hill (2010) finds mixed results when he examines the relationship between specific treaties. For example, he finds that the ICCPR has a negative effect on physical integrity rights while the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) positively affects women's rights.

Regardless of their actual influence on human rights practices, the fact that states are willing to sign these treaties says something about the nature of a changing global

system. Before the formation of the United Nations states were careful to limit their legal obligations to one another (Hafner-Burton & Tsutsui, 2005). While it is fascinating that states have signed these treaties, it is worth keeping in mind that they have no strong enforcement mechanisms and perhaps this is the reason states are willing to ratify treaties that have no effective sanction mechanisms to punish noncompliance.

But why do states feel the need to sign these treaties, if they do not plan on following them? Keith (1999) suggests that in order to become a member of the UN many states may feel the need to sign them, especially the ICCPR. Considering the status and benefits that come with being a UN member, states may feel pressured to sign. Later I will argue that this is why the establishment of an NHRI may not have a significant impact on human rights since NHRIs are created due to the international norms that call for them.

Cole and Ramirez (2013) attempt to assess the effect of NHRIs on both physical integrity rights, and civil and political rights. They find that NHRIs are able to influence physical integrity rights, and civil and political rights (p. 2). However, Cole and Ramirez (2013) use an index variable to measure these rights (p. 8). Although they use the same dataset I choose to use in this study, I do not agree with using an aggregated measure. This disagreement comes from the same logic that Mitchell and McCormick (1997) use. It is important to focus on separate components of the variable to make sure they are not interrelated to one another (p. 511). Cole and Ramirez (2013) also use this same measure while looking at all civil and political rights (p. 9). The conclusion of their study is that NHRIs affect physical integrity rights positively in the long run and negatively in the short term (p. 13) and that civil and political rights show a smaller pattern of change.

In this study, I add to the literature by thoroughly examining the impact of NHRIs on human rights. Over 133 states currently have NHRIs (Koo & Ramirez, 2009) but very limited research has thoroughly examined their effectiveness in advancing human rights and what literature does exist is divided. Through looking at the effectiveness of the different functions of NHRIs, I hope to explain why this division exists and determine what functions influence their ability to protect human rights.

Theoretical Framework and Hypotheses

The UN began advocating for the creation of National Human Rights Institutions (NHRIs) in 1946, and at that early period were simply calling for NHRIs to supplement the work of the UN Commission on Human Rights (Cardenas, 2003, p. 28). Cardenas (2003) shows that NHRI increased in number steadily after the UN resolution by the Economic and Social Council that called for more independent NHRIs was passed in 1946, and in 1978 the UN began to set standards for these domestic bodies (p. 28). In this time period, multiple changes were taking place internationally and more states were liable to come under attack for their human rights practices. The increase in NHRIs can be partially explained by states who feared coming under attack from the international community as well as partially by their desire to avoid more international regulation of human rights by making their own state responsible themselves (p. 29). The formation of an NHRI would enable the state to control the growth of the UN human rights committees by decentralizing them into individual states.

NHRIs are defined as “domestic bodies that sit at the intersection of government and civil society. NHRIs are mandated to promote and protect citizens’ human rights” (Conrad, DeMerritt, Moore, & Welch, 2013, p. 1). The first NHRI was formed by

Sweden in 1809 and since then have been established in over 133 states. NHRIs use international law as their basis for setting standards in their state (Koo & Ramirez, 2009) and as such their function has expanded throughout the years.

The standard settings for NHRIs became internationally defined in 1991 when the UN passed the Paris Principles. The Paris Principles launched the creation of NHRIs in most states, as there were relatively few before the 1990s, and enabled the UN to give credibility to NHRIs based on factors set out within the principles. For example, an NHRI is supposed to be given independence from the rest of the state and be established by either a constitutional decree or legislative action. Based on these principles, the UN gives an accreditation score to each NHRI through the International Coordination Committee of National Institutions.

The UN also offers training and assistance to newly created or struggling NHRIs. This is in the form of anything from training on how to run an office and hear complaints to providing additional funding when needed (Cardenas, 2003, p. 30). Some scholars argue that NHRIs began to form at the end of the Cold War as more attention was paid to human rights on a global scale since democracy entered an era of resurgence (Cardenas, 2003, p. 34) and view this time period as the catalyst for the increase of NHRIs. The UN, at least, helped support this movement and gave it more power to succeed.

The Paris Principles describe multiple requirements an NHRI should follow. An NHRI must be established by the national constitution or by legislative law. Whichever way an NHRI is established it must be given a clear role as well as independence from the rest of the government. An NHRI must also be given the ability to fulfill the role established by the law, and cannot merely be a symbolic office. The principles also

require that NHRIs are able to have a relationship with international organizations in order to be more engaged in the international human rights discussion and they must educate the domestic population on international human rights norms (Pegram, 2010, p. 732).

Besides the UN backing of NHRIs, there are multiple reasons a state may form an NHRI. For example, states that frequently commit human rights abuses but want to portray a different image to the international community may form an NHRI (Cardenas, 2003, p. 35). This reasoning, if true, could affect the findings on the effectiveness of NHRIs. If they are simply formed by the state to make itself look good, there will most likely be no decrease of human rights violations. However, one could argue that the state may form an NHRI for the wrong reasons but the power of an independent NHRI could still change human rights norms within the state to better align with international norms because of their relationship to the UN.

As stated above, NHRIs are, by definition, created by the government they are located in to protect the rights of their own citizens. Due to this seemingly obvious conflict of interests that a state actor can hold, the literature on the subject of the effectiveness of NHRIs is divided. National Human Rights Institutions potentially are a great vehicle for enforcing human rights. Unlike non-governmental organizations that do not always have access to the governments or the ability to contact them, an NHRI must report to the government and is therefore given the right to have their voice heard by them.

Because of this access to the government and often a much bigger budget than non-governmental organizations as they are funded by the government and supplemented

by the United Nations, they might be better able to carry out protections of human rights than a non-governmental organization (Renshaw, 2012) therefore, hopefully increasing their effectiveness at monitoring and decreasing human rights abuses since they are better funded. NHRIs are the only agency formed by the state that has the exclusive agenda to protect and promote human rights. They bring human rights into the political discourse of the country they are created in (Kumar, 2003, p. 276).

Due to their position as a part of the state, however, many NHRIs are held back by conflict or fall victim to corruption from within the political structure itself. They often have to choose between a strong relationship with the government (where the government is willing to support and fund them), which makes influencing the government's human rights practices easier, or more independence in order to have more freedom to criticize the government on existing policies or the lack of new policies being put into action (Renshaw, 2012).

There is also the argument that an NHRI brings human rights closer to the state's attention than signing an international treaty or having citizens or non-governmental organizations seeking to protect human rights. This is because the establishment of an NHRI requires changes in the actual structure of the legal system of the state. For example, many states mandate their NHRIs in their constitution (Pegram, 2010, p. 732).

However, when reading the existing literature on human rights institutions, one may question which comes first. It is possible that countries that already have a high respect for human rights would feel comfortable creating an institution to tell them they are doing a good job at protecting rights or to make sure they stay on the right path. It is also easy to see why a state that did a poor job would not want to create such an

institution. This introduces the issue of reciprocal causation; do NHRIs affect human rights or does the fact that the state protects human rights affect the establishment of an NHRI? In fact, some scholars have found that NHRIs are more likely to be founded in states that already have a low amount of human rights violations (Koo & Ramirez, 2009).

In this study, I am interested in measuring the effectiveness of NHRIs, something that is debated by scholars and policymakers alike. This is due to the fact that NHRIs are part of the state. They are created and funded by the state, not the international community or private actors within the state, and as such are potentially influenced by more political factors. This puts the NHRI in a position of maintaining a relationship with the government so that they are able to communicate with them when trying to change human rights policies, while also trying to keep independence to be seen as credible by the citizens they are attempting to protect (Renshaw, 2012, p. 300).

“For any state that was subject (or feared being subject) to international human rights pressure, national institutions may have offered a way to avoid greater international institutionalization” (Cardenas, 2003, p. 29). The acceptance and formation of NHRIs enabled states to still maintain sovereignty while also showing that they were committed to international norms. This enabled states to have a bit of control in the process of international norms even though they could not stop them completely. For states that are concerned that their human rights practices might be called into question or cause for an intervention, NHRIs are seen as a way to maintain sovereignty and avoid interventions. States that might want to prove they were committed to improving human rights in order to be a better candidate for foreign aid, the formation of their own NHRI is a very attractive option. Due to the argument that NHRIs are formed within some states in order

to decentralize the international human rights movement, it is unlikely that states form them for the sole purpose of improving human rights practices. My first hypothesis is that the mere presence of NHRIs has no effect on human rights protections.

Hypothesis 1: The presence of an NHRI does not affect human rights conditions within a country.

Using a new dataset gathered by the NHRI Data Collection Project (Conrad, et al, 2013), I look at all NHRIs in all countries between the years of 1995 to 2005. This allows me to examine them well after the Paris Principles had been accepted and therefore, states that formed new NHRIs after them will have implemented the principles while states who already had NHRIs are allowed time to transition to the new international standards.

In this study, I am not only concerned with the effectiveness of mere presence of NHRIs. The NHRI Data Collection Project (Conrad, et al., 2013) also gathered data on the functions of NHRIs within the state. These are the variables I am most concerned with in my thesis I argue that the state gives NHRIs certain functions based on how much power they want them to hold. By establishing an NHRI the state is making an empty promise to the international community to provide additional human rights protections. Some states set up their NHRI offices and although they adhere to the Paris Principles, they offer no power to the office for it to actually be effective. Not all NHRIs are given the same abilities and this is something that previous literature greatly ignores. I specifically focus on the ability of an NHRI to initiate investigations, press charges, and publish their findings.

When an NHRI is given the power to initiate investigations this means that they can decide, based on complaints or their own observations (Conrad, et al., 2013), if they want begin investigations of agencies that they believe may be violating human rights. Without this power an NHRI is only able to investigate situations that the government expressly gives them permission to. This permission can take time and will most likely not be given when the government knows they are guilty of violations. It would also give the government time to cover up any abuses. My second hypothesis is based on this argument. I assert that when NHRIs are able to initiate investigations, human rights will be positively affected.

Hypothesis 2: The ability of an NHRI to initiate investigations has a positive relationship with human right protections.

The second function I focus on is the ability to publish findings. These findings could be from investigations they initiated or on the general human rights conditions in their country. I argue that the ability to publish their findings and make them available to the public gives NHRIs the chance to hold the government accountable to citizens within the state. When an NHRI is able to publish their findings they are able to place pressure on the government through public opinion. This could be similar to naming and shaming the government to their own citizens, which is shown to directly lead to improvement of governments human rights practices (Murdie & Davis, 2012). Due to this my second hypothesis that the effectiveness of NHRIs are influenced by their ability to publish their findings.

Hypothesis 3: The ability of an NHRI to publish findings has a positive relationship with human right protections.

The third power I examine is an NHRI's ability to bring charges against other government agencies or individual actors within the government who may have violated human rights. When given this power an NHRI is able to act as prosecutor or command a prosecutor to take action against those they suspect of being guilty of human rights violations. I argue that this power is the most effective an NHRI can be allowed. With the ability to initiate investigations an NHRI is able to hold other government agencies responsible for their human rights violations by having oversight on their activities. When an NHRI has the power to initiate investigations, it also shows they have more independence from other governmental agencies. This is because they are able to make decisions on which activities they want to pursue and that they are able to prosecute members of their own government.

Hypothesis 4: The ability of an NHRI to bring charges has a positive relationship with human right protections.

The distinction of different types of rights is important to take into account here. The rights I examine for this study are all fundamentally different from one another. I have chosen to look at three 'negative' rights and one 'positive' right, as many scholars make this distinction. Negative rights are rights that only "require the absence of their violation in order to be upheld," (Landman, 2006, p. 11) while positive rights require more from the state in providing they are not violated than simply not violating them. Self-determination, for example, requires free and fair elections that are often expensive to hold. The distinction I am most interested in is the rights that a government is obligated to hold, even in a state of national emergency. In the ICCPR there is an article which allows for states to take measures required in an emergency situation to protect

their citizens. However, there are certain rights listed that must never be violated no matter what the situation within a state may be.

For this study, I have included two rights –torture and political imprisonment– that must never be violated, according to the ICCPR,, and two rights, –speech and self-determination– that may be restricted under certain circumstances. I also include all other physical integrity and empowerment rights. Although rights are not to be ranked, I argue that this distinction is important. When states violate human rights, this can often be justified by stating they are protecting the state itself. There are, however, some rights that do not fall under this argument. I am interested to see if there is a difference between these rights when the influence of an NHRI is within a country. Since NHRIs are part of the state, do they allow certain violations with the justification of protecting the state? This can be looked at by comparing both types of rights. I reflect this argument in my study by grouping torture and political imprisonment together as well as by grouping speech and self-determination together for separate hypotheses.

In addition to studying all physical integrity rights and empowerment rights aggregated together, this study examines all rights separately. I argue that this is important because of the nature of an NHRI. As part of the government they may not be able to speak as strongly against the government as may be necessary to prevent violations in rights such as torture and political imprisonment. But they may be able to step in during violations of freedom of speech and of self-determination.

Drawing from my argument that the existence of an NHRI does not affect human rights, but rather that the functions of an NHRI have an impact, and that all human rights

should be looked at separately, in the following two sections I test the four hypotheses using two case studies and then using quantitative data

Case Studies

I begin my study of NHRI's effectiveness and functions with an in-depth analysis of two countries with human rights institutions. For each country, New Zealand and the Republic of Ghana, I provide a history of their respective NHRIs as well as a summary of the laws that created them. A discussion of each NHRI's mandates and functions will then be used along with human rights data throughout the years their office has been opened to analyze the impact of each on conditions within the country. I chose New Zealand because, although it is part of the global south, it is a developed state with a good record of human rights. This is in contrast to Ghana, which is a developing state and has a poor record of human rights protections. The NHRIs in both states have an accreditation statuses of "A", which is the highest possible, from the Office of the United Nations High Commissioner for Human Rights (United Nations, 2010, p. 168).

New Zealand

New Zealand formed their national human rights institution in 1977 with the Human Rights Commission Act of 1977. Currently the Human Rights Commission (or "Te Kahui Tika Tangata" in Maori) of New Zealand works under the Human Rights Commission Act of 1993, which updated the previous act and provided the Commission with new mandates. The most notable change the Act of 1993 provided was requiring the Commission to identify any other law in New Zealand that conflicted with its goal. This meant that the Commission was given not only the power to examine every law but also the power to make recommendations to the rest of the government when they identified

laws that stood in conflict with their human rights goals (Chan, 2008, p. 87). The main goal of the Human Rights Act of 1993 was to consolidate both the Human Rights Act of 1977 and the Race Relations Act of 1971 in order to provide a commission that protects citizens from discrimination as well as protecting all other human rights.

The Human Rights Commission of New Zealand's primary function is to "advocate and protect human rights" (Human Rights Act of 1993). Most NHRIs share this broad wording of the primary function and only through reading the rest of the laws pertaining to the institution is it possible to understand what functions they are given more specifically. In New Zealand's case the Commission is then given functions that allow them to carry out their primary function. Perhaps the most important wording within the law, however, is within their preamble which states that the act's purpose is to protect and promote human rights "in general accordance with United Nations Covenants or Conventions on Human Rights" (Human Rights Act of 1993, 2014). This wording implies that the Human Rights Commission enforces all covenants and conventions on human rights the United Nations passed, meaning they adhere to international human rights norms. This is very important because it means that they protect, strive to protect, or at the very least are mandated to protect each right evaluated in this study.

Furthermore, it is important to look at which functions they are allowed to carry out as this study looks at the possible effects that specific functions have on human rights. According to The NHRI Data Collection Project the functions that are expressly laid out in New Zealand's laws, from the ones the data collection project studies, are the abilities to hear complaints, initiate investigations, and publish their findings. However, they are not expressly forbidden to bring charges or levy punishments (Conrad, DeMeritt, &

Moore, 2013). While this most likely points to the conclusion that they do not perform those functions, it is important to distinguish between the actions they are mandated to take, the actions they are forbidden to take, and those that aren't mentioned in their formation laws.

Because of this it is important to also study their annual reports to see if there is any mention of these actions taking place. In this case the only data collected by the NHRI Data Collection Project is the “organizational” data, meaning the data on what they appear to do by law, as the behavioral data is yet to be published (Conrad et al., 2013) and there are no other studies that collect quantitative data on each state's NHRI. Therefore, it is important for studies like this to evaluate state laws on a more comprehensive level.

The functions that the Human Rights Commission of New Zealand are expressly given are multiple and varied from education of the population as to what their rights actually are to promoting research in order to understand what human rights actually are. This study specifically looks at the ability to initiate investigations, the ability to publish findings, and the ability to bring charges. As mentioned above, the Human Rights Commission of New Zealand is allowed to publish their findings according to The NHRI Data Collection Project (Conrad et al., 2013). This function is given to the Commission in section 5 of the Human Rights Act of 1993 as it lists all functions and states “to make public statements in relation to any matter affecting human rights” (Human Rights Act of 1993, 2014). This is further expanded upon at the end of the section when the act states:

The Commission may, in the public interest or in the interests of a person, department, or organisation, publish reports relating generally to the exercise of its functions under this Act or to a particular inquiry by it under this Act, whether or not the matters to be dealt with in a report of that kind have been the subject of a report to the Minister or the Prime Minister (Human Rights Act of 1993, 2014).

Not listed in this section are the abilities to bring charges against violators or to levy punishments over those they deem guilty of violations. However, the last function that is mentioned is the ability to “exercise or perform any other functions, powers, and duties conferred or imposed on it by or under this Act or any other enactment” (Human Rights Act of 1993, 2014). So it is important to consider other national laws that pertain to the commission as well as their annual reports and other published articles from the commission that may lead to the conclusion that they are also given the ability to, or at least not hindered by the government from, performing other functions.

In New Zealand’s case there are no other functions given in the act that established the commission so looking elsewhere is necessary. However, given that the ability to bring charges is not listed in their annual report (Human Rights Commission & The Office of Human Rights Proceedings, 2014), which is the only one given on their website, nor is it mentioned elsewhere on their website as a function they can perform for their citizens. After a thorough examination of the HRC’s information, it is clear that even if they could bring charges they at least do not exercise that function.

The next step is to examine the Commission’s website and determine what actions they take. One useful resource is looking at the information they provide to the general public on the functions they can provide to them. One example is looking at the publication entitled “What is the Human Rights Commission?” (Human Rights Commission, n.d.). In this document, the reader is told that the HRC protects human rights standards and states that human rights are “expressed in the Universal Declaration of Human Rights adopted by the United Nations in 1948 and through international treaties” (p. 2) further showing that the commission in New Zealand is committed to

international human rights norms as evidenced in the preamble as mentioned above. The main purpose of the HRC seems to be to provide equality and to protect against discrimination. Although the Commission states that their function includes all rights, it is also important to focus on what message they actually send with their actions in order to understand what rights they focus the most on.

For example, in 2004 the commission published a plan for the next five years that laid out their main focus and what their actions would be centered on (Human Rights Commission, 2004). While this plan mentions that the basis for the plan got its foundation in international human rights norms, such as the UDHR, the publication states that there are certain issues that are more pressing and that these are the ones the commission planned to focus on as they need the most promotion and protection. These issues are poverty and abuse of children, barriers that disabled people face, the vulnerability of those being held in detention, the impact of poverty on human rights, and economic and social inequalities (Human Rights Commission, 2004, p.4). The action plan continues on to outline how the commission plans to address these issues (p. 5). The most poignant part of this action plan is that it states the rationale for focusing on certain issues more heavily than others, which can be a hint into why most of their actions are centered on the rights listed above.

According to this publication “New Zealand has the essential elements necessary for the effective protection, promotion and fulfillment of human rights, the status report concluded. In many respects we meet international human rights standards and often surpass them” (Human Rights Commission, 2004, p. 4). Perhaps this is true, if a country already protects international human rights, their commission would then be able to focus

on certain ones in particular. For example, if their citizens have freedom from torture they are most likely to be able to eliminate discrimination. This could be twofold. First, they are under less pressure from the international community for certain rights violations. Second, they are under less pressure from the citizens themselves.

The commission hears complaints from citizens and it would stand to reason that their actions follow in line with what the majority of those complaints focus on. The actual protections will be looked at more in-depth with a discussion on the human rights conditions as reported by international data, but it is worth consideration what the Commission itself determines the conditions to be versus what the international community perceives.

The latest annual commission report released by the HRC of New Zealand was the report on the year covering from 2013-2014 (Human Rights Commission & The Office of Human Rights Proceedings, 2014). In this document a summary of the commission's office is given with a description of the Human Rights Act of 1993. Furthermore, goals and actions to attain those goals are summarized in this report. The Commission lists four specific goals for the year: to eliminate discrimination in work and educational areas, to improve access to housing and health, to free people from violence and abuse, and to make sure human rights standards were fully reflected in both laws and practice (p. 16).

The action plan for this is then given as education of the population so they understand the rights they deserve, incorporating international human rights standards in law, and providing an efficient way for citizens to air complaints and make enquiries as to what their rights are as well as providing legal representation when needed (Human

Rights Commission & The Office of Human Rights Proceedings, 2014, p. 17). Due to the fact that these were new measures there was no way for the Commission to effectively measure their impacts (p. 18). However, they are able to note the areas they need to improve and report their progress.

For example, the Commission advised the government to adopt UN recommendations on the elimination of discrimination against women and states that the government accepted their recommendations (Human Rights Commission & The Office of Human Rights Proceedings, p. 22). It is hard to know what exactly this means but, it is a good sign that the Commission acknowledges that the government listens to their recommendations which points to the level of effectiveness an NHRI has. If they were simply there as a way for the state to appear to protect human rights, as Cardenas (2003) argues, the government would have no inclination to listen to their recommendations.

In addition, the Commission's report states that each year at least 55 changes are made to policy and practice as a result of their complaints service and that in the year this report covers 76 changes were made (Human Rights Commission & The Office of Human Rights Proceedings, 2014, p. 25). This study argues that hearing complaints is an important, and potentially impactful, function of NHRIs. The Commission altered their complaints service in order to make their services more efficient, which mainly included responding to each complaint within three days. The Commission reports that they received around 1,400 complaints from 2013-2014 and that they were able to resolve the disputes in 90% of the cases (p. 77).

Every four years states that are members of the United Nations are asked to provide information to the Universal Periodic Review, a committee of the UN, on what

they are doing to increase human rights protections and 2013 was one of those years for New Zealand (Human Rights Commission & The Office of Human Rights Proceedings, 2014, p. 32). This report, published by the UN, details the meeting of the New Zealand Commission's meeting with the Universal Periodic Review (UPR) and discusses what recommendations were made for the Commission to consider (United Nations, 2014).

Many of the recommendations for 2014 center around the advice to ratify treaties or to continue practices they already have in place (Human Rights Commission & The Office of Human Rights Proceedings, pp. 3-25). That the recommendations center on ratifications or the continuance of activities they already have in action is an important thing to consider and points to good human rights practices. The UPR could have made recommendations to end torture, for example, but instead it seems from reading the report that New Zealand already adheres to all physical integrity and empowerment rights that this study focuses on.

The Commission in New Zealand does not offer their annual reports from previous years online and therefore the most recent one cannot be compared to their first or any other year. However, the UN does provide the previous report from their four-year review in 2009. The language from this meeting is decidedly different from that of four years later. In the report from 2014 New Zealand begins by stating that they are "proud" (p. 2) of their human rights protections and goes on to outline the specific plans they have for the future, which are also discussed in the NZHRC's annual report from the same year (Human Rights Commission & The Office of Human Rights Proceedings, 2014, p. 16). Instead, the NZHRC mentioned during the meeting in 2009 that they thought human rights protections "were fragile" and stated "New Zealand is not fully consistent in

incorporating international human rights standards in domestic law” (United Nations, 2009, p. 2). This is in contrast to their recent publication, mentioned above, that states “in many respects we meet international human rights standards and often surpass them” (Human Rights Commission, 2004, p. 2). A reader of both these documents and the varying reports from 2009 to 2013 can reasonably conclude that the NZHRC considers themselves to have made great strides in human rights protections in the four year interval.

The effectiveness of an NHRI cannot reasonably be measured internally or judged based on their reports to the United Nations. Instead, third party measurements are imperative to consider as they gather data in a way that is comparable across states and is not as biased as a state judging their own rights could be.

Therefore, looking at projects such as the CIRI Human Rights Data Project dataset, which measures rights on a yearly basis for most states, is imperative. In this dataset separate rights are recorded as an ordinal variable ranked from “0” to “2” with a higher score indicating that there were no violations found in the given state a given year and a similar measure is used for the sums of all physical integrity rights and empowerment rights with a range from “0” to “8” for physical integrity rights and a range of “0” to “14” for empowerment rights (Cingranelli, Richards, & Clay, 2014, pp. 7-65). The NZHRC was formed in 1977 and their office was formally occupied in 1978 (Conrad et al., 2013).

Within the statistical analysis included in this thesis, I use the year the office was formally occupied as the first year their effectiveness can be measured. Since the CIRI data begins in 1981 the effectiveness from their first year to the third, and the measure of

rights before the office existed, is hard to compare. However, their effectiveness over time can still be scrutinized. It is also important to acknowledge that the Human Rights Act was passed in 1993 and changed some of the powers the office held (Chan, 2008, p. 87) although, this is not a function studied in this thesis as it is not measured by the NHRI dataset (Conrad et al., 2013) and I would suggest future datasets to include a measurement for this duty.

From 1981 to 2001 New Zealand maintained a score of “8” for the measurement of physical integrity (Cingranelli et al., 2014). However, from 2002-2007 that number decreased to a “7” implying that protections of physical integrity rights were not absolute. Since this measure is a summed variable of disappearance, extrajudicial killings, torture, and political imprisonment it is possible to see which of these rights were violated specifically. In this case, from the years 2002-2007, torture is measured as a “1” meaning it went from “has not occurred” to “practiced occasionally.” This measure is improved again in 2008 and stays consistent until the last year of the dataset, 2011, it follows that the total for all physical integrity rights also increases. For empowerment rights which includes freedom of speech, self-determination, freedom of assembly, freedom for foreign movement, freedom for domestic movement, freedom of religion and workers rights, New Zealand scores a full “14” from 1981-2011. The high empowerment variable stems from the fact that each of the empowerment rights score a “2” every year (Cingranelli et al., 2014, pp. 7-65).

To summarize the data it can be seen that New Zealand has seemingly provided excellent human rights protections since at least 1981 faltering for five years when they practiced torture. What this study seeks to find is the impact an NHRI has on human

rights. Notably since New Zealand formed their office in 1978 and measurements do not exist until 1981, it could be that the office dramatically improved all rights within the first three years of their existence or that because of the three year lapse the data allows for time for the office to begin making changes. Since the CIRI dataset only begins in 1981 this is impossible to tell from that dataset alone.

Therefore, I also consider the Political Terror Scale (PTS) dataset. The PTS only measures physical integrity rights, which is the reason it is not used in other areas of this study. However, for the purpose of determining the level of rights before 1978 the PTS score begins in 1976 and measures two years before the establishment of the NZHRC. The PTS dataset gives scores from both Amnesty International and U.S. State Department reports. However, in the case of New Zealand only scores gathered from the State reports are given (Wood & Gibney, 2010, p. 372). Again, this score tells little about rights before the NHRI was established, as the score remains constant throughout the years the dataset covers. However, the PTS score does not vary in the years 2002-2007 (Gibney, Cornett, Wood, & Haschke, 2013) unlike the CIRI data although they seek to measure the same phenomenon.

The fluctuation in the measurement of torture does not align with the formation of the office or its restructuring after the new Human Rights Act in 1993 so another explanation must be reached. First, it is clear that the NZHRC had no direct significant effect on human rights protections. This could be indicative of the argument that NHRIs form in states that already protect human rights since their government is not threatened by oversight when there is nothing to hide. Perhaps the report from the Universal Periodic Review in 2009 was indicative of the reality of torture in New Zealand when the

Commission stated that human rights protections were fragile (United Nations, 2009, p. 2). Although the measurement does improve in 2009 (Cingranelli et al., 2014) it is most likely that the Commission's report published in 2009 focused on events from 2008 since it was the last full year before the meeting. However, this is impossible to know without exploring previous annual reports and reports to the UN, which are not available. The CIRI dataset uses Amnesty International country reports and the U.S. Department of State's annual reports (Cingranelli et al., 2014, p. 3). Amnesty International has rarely written reports on New Zealand and therefore the U.S. annual reports are the only insight into why torture is measured as it is on the CIRI scale. In 2001 the report on New Zealand states that "police abuse increased slightly from 2000" (U.S. Department of State, 2002). According to the CIRI codebook torture is defined as:

the purposeful inflicting of extreme pain, whether mental or physical, by government officials or by private individuals at the instigation of government officials. This includes the use of physical and other force by police and prison guards – including rape and beatings – and deaths in custody due to tangible negligence by government officials (Cingranelli et al. 2014, p. 17).

The 2001 report mentions a slight "increase" in police brutality, which should not itself lead to them scoring lower for torture, though the reader is told that there were three deaths resulting from police abuse (U.S. Department of State, 2002). In 2002, the first year New Zealand's score for torture decreased in the CIRI dataset, the number of deaths increased to four and the complaints of police brutality increased from 2,468 to 2,792 (U.S. Department of State, 2003). The wording changes in 2005 from stating "the Government generally respected these prohibitions" (U.S. Department of State, 2005) when discussing torture to "the law prohibits such practices, and there were no reports that government officials employed them" (U.S. Department of State, 2006). This wording stays consistent through 2008 (U.S. Department of State, 2009) so it is unclear

why the CIRI dataset codes New Zealand as violating torture from 2002-2008 or at least why they continue to do so from 2005-2008 when the report states that there are no instances of this violation.

New Zealand, in conclusion, has had consistent human rights measurements throughout the years their NHRI has existed. Only one right, over six years, fell from full protection. Therefore, this case study can imply no new evidence on the effectiveness of NHRIs. Despite not being given the ability to initiate investigations or bring charges, the NZHRC seems to be very effective, although this is perhaps not an accurate conclusion because rights were protected before the office was formed. Instead these findings lead to the credibility of the argument that states for NHRIs when they are already protecting human rights. However, this conclusion cannot be reached by looking at only one case and so I also include an analysis on Ghana's NHRI.

The Republic of Ghana

The Republic of Ghana approved the Constitution of Ghana in 1992, which entered into effect in January 1993 (Commission on Human Rights & Administrative Justice, n.d.). Article 216 of the Constitution of Ghana prescribed that within six months of the first meeting of Parliament, a commission on human rights was to be formed (Republic of Ghana, 1992). The functions that the Commission should include are given in Article 218 but were not limited to just those listed. Within the Constitution the Commission is given the duty to hear complaints, investigate those complaints, investigate corruption, and publish their findings along with multiple other functions. This thesis argues that the functions which make an NHRI effective are the abilities to publish findings, the ability to initiate investigations, and the ability to bring charges. All

three of these functions are given to the Commission in the Constitution (Republic of Ghana, 1992) and reiterated in the preceding legislation from Parliament, the Commission on Human Rights and Administrative Justice Act of 1993 (Act 456). Notably missing from Act 456 is wording concerning international human rights norms or UN conventions and covenants. This admission also occurs in the Article 218 and is not listed in the Constitution of Ghana regardless of location. However, the Constitution outlines what the state considers fundamental human rights and freedoms in Chapter 5 (Republic of Ghana, 1992).

Not mentioning international human rights norms does seem unusual since NHRIs are formed to uphold these (United Nations, 2010, p. 11). Because of this omission it is important to carefully inspect the list of rights the state of Ghana considers fundamental to understand what rights their NHRI is focused on protecting. The physical integrity rights that Ghana mentions include freedom from extrajudicial killings and torture. While political imprisonment is not explicitly listed, freedom of political opinion is given. The Constitution also states that no person can be deprived of their liberty except under certain conditions, such as violating the criminal code, and from both of these statements it can be reasonably concluded that freedom from political imprisonment is protected as well. The empowerment rights mentioned include freedoms of speech, self-determination, assembly, domestic and foreign movement, religion, and worker rights (Republic of Ghana, 1992). Therefore, the Commission in Ghana protects all rights that this thesis focuses on and performs all functions that I argue are important.

One duty given to the Commission on Human Rights and Administrative Justice (CHRAJ) is to submit annual reports to Parliament that outlines their performance

(Republic of Ghana, 1992; Commission on Human Rights and Administrative Justice Act of 1993 (Act 456). The most recent report available to the public through their website, www.chrajghana.com, is the 2010 submission to Parliament and the oldest available is the 2009 submission. The 2010 report states that it is the seventeenth annual report (Commission on Human Rights & Administrative Justice, 2011, p.1). Thus it can be gathered that the Commission has submitted a report for each year since 1993. Within the 2010 report the Commission outlines their structure, mission statement, and mandate before discussing their yearly activities. After explaining their formal structure and citing the laws under which they operate, the Commission states that they divide their activities into two categories: enforcement and protection (p. 16). Enforcement activities include hearing complaints and initiating investigations while promotion of rights is done through education of the population (p. 17).

When studying NHRIs the ultimate question is whether or not they are effective at protecting citizens from human rights violations committed by the government since that is supposed to be their main function (United Nations, 2010, p. 11). This effectiveness is only possible if they are given the ability to perform certain activities such as bringing charges and it is important to consider whether or not they are allowed to take actions that would hold other agencies of the government accountable. The CHRAJ states that it is given an oversight function over the government and its agencies in order to ensure human rights are protected (Commission on Human Rights & Administrative Justice, 2011, p.17).

The annual report also includes a review of their performance for the year (Commission on Human Rights & Administrative Justice, 2011, p. 21). Within this

section, they detail educational measures they enacted as well as examples of monitoring human rights, such as visiting prisons and detention centers to make sure the conditions comply to human right standards (p. 21). The report also gives a selection of examples of cases the CHRAJ has covered throughout the year and a breakdown of the types of complaints they received, an example being 230 complaints received stating there had been a violation of personal liberty (Commission on Human Rights & Administrative Justice, 2011, p. 62). This does not necessarily mean there were violations of the freedom from political imprisonment but this is the closest one of the categorizations comes to mentioning specific physical integrity rights or empowerment rights.

This admission is concerning and could mean many different things. For example, it could imply that none of these rights were violated, that the citizens do not feel safe complaining about them being violated, or that the Commission itself decides not to report on these cases if they do exist. The annual report of 2009 was written in a similar format and, just as the following year, does not discuss complaints or cases of physical integrity rights or empowerment rights (Commission on Human Rights & Administrative Justice, 2010). More recently the CHRAJ met with the Universal Periodic Review in 2012. In contrast to New Zealand's latest review, the CHRAJ was met with concerns over torture and freedom of religion showing that these rights are not fully respected in Ghana and the international community is aware of it regardless of the omission of these rights in their country reports (United Nations, 2012, p. 17).

Ghana's NHRI formally opened their office in 1993, making it a newer office than New Zealand's, and it was formed after the Paris Principles were established. The CIRI dataset begins reporting annual scores in 1981 (Cingranelli et. al., 2014, p. 3). There

is therefore data available on human rights for over ten years before Ghana had an NHRI although full data for 1981 is missing. In total physical integrity rights scored a “2” in 1982 and when that variable is broken down into individual rights it shows that both killing and political imprisonment scored a “0” while disappearances and torture both scored a “1”. This means that, according to the CIRI codebook, there were “50 or more” (p. 8) killings within the year and that there was “regular” and “widespread” political imprisonment (p. 21). It also shows that disappearances occurred “occasionally” (p. 12) and torture occurred occasionally or in less than 49 cases (p. 19). Empowerment rights were almost as equally violated in 1982 with only freedom of speech and freedom of domestic movement being found to be fully protected.

Unfortunately, the Amnesty International Report and the U.S. Department of State Report is not available to examine until 2010 and 1999 respectively. In the year before the Constitution of Ghana was written, 1991, human rights had improved in Ghana with physical integrity rights increasing to a score of “5”. This improvement is due to reports finding that disappearances and killings were fully avoided although, political imprisonment still received a score of “0” and torture a score of “1”. Empowerment rights scored the same in total in 1991 as they did nine years earlier, although each individual right did not score the same, freedom of speech did gain a full score of “2” and domestic movement became less protected which lead to the score being (Cingranelli, et al.,2014). It is important to note how much rights improved prior to the formation of an NHRI. Rights being more protected point to a shift in the government’s practices that could also lead them to allowing an agency with oversight. The government may feel

they do not need oversight, and therefore won't be effected by it, as the rights are already being protected and view the NHRI as just a formal act.

A year after the establishment of the CHRAJ, in 1994, physical integrity rights had improved by two points giving Ghana a score of "7" out of 8 points available. Political imprisonment still reached only a score of "1" while disappearance, extrajudicial killings, and torture scored a "2" each. Empowerment rights also improved from a score of "7" to four points higher at an "11". The improvement was due to full protection of the freedom of assembly whereas in 1991 this scored a "0". Domestic movement and self-determination also increased by a point each (Cingranelli et al., 2014).

These findings show that while human rights were not fully respected within the year before the NHRI was mandated by the Constitution they were improved the year after it was established.. Perhaps this improvement is linked to the creation of the NHRI or the improvement can also be linked to the creation of a new constitution that established what Ghana would recognize as human rights. Most likely, the improvement can be linked to a combination of both. The Constitution did define human rights for the state but it also mandated a Commissioner's office be formed to protect those rights showing a commitment to enforcing protections even if that meant giving oversight to one agency.

The last year the CIRI dataset provides a measurement for is 2011 (Cingranelli et al., 2014). This provides information that shows the impact of human rights for 17 years of the CHRAJ's existence. Unfortunately, after 1994 physical integrity rights decreased from a "7" to a "4" in 2011. The decrease was not sudden, but instead gradual and fluctuating going down to a "6" in 2002 and a "5" in 2006. Most notably, torture went

from a “2” in 1991 to a “0” in 2011 indicating that the government went from not practicing torture to practicing it frequently. Empowerment rights, although they fluctuated a bit through the years, still score an “11” in 2011.

The decrease in physical integrity rights could be the result of many different factors. First, it is shown that after the Commission was formed there was a slight increase in protections of those rights and then there is a gradual decrease throughout the years. It could be that the Commission brought attention to and improved those rights in the beginning and then lost effectiveness or the data could actually be reflecting no change in actual rights at all. The Commission itself reports violations to the government, a mechanism not provided for before its creation. This suggests that the rights could be being measured more effectively and the data could be reflecting that fact. For example, in the CIRI codebook (Cingrilli et al., 2014) they don’t state that violations never occur when a state scores high for protections but instead also states that violations could be “unreported” (p. 17). Second, it is also still possible that the NHRI has no effect on human rights or a negative effect as it would seem from just examining Ghana. This is why it is also important to include a statistical analysis of all states. Case studies may provide a good way of examining the impacts on a specific state but can provide no general conclusions on their effect in every state.

Conclusion of Case Studies

The two case studies examined highlight some of the theoretical arguments made by this thesis. New Zealand, which formed their NHRI before the UN suggested states do so, already had high protections for rights and continued this trend after the formation of an NHRI office. Despite the fact that they are unable to bring charges they are still

effective at fulfilling their role in protecting human rights. I argue that this is because they formed their NHRI voluntarily and as a simple signal that they were protecting human rights giving the office only a symbolic function since rights were already protected. Ghana, on the other hand, formed their NHRI the year immediately after the UN suggested states do so. This immediately raises the question as to whether or not they simply formed the office in order to appear to conform to international norms and demands. Their human rights protections improved only the first couple of years after the office opened pointing to the argument that the presence of an NHRI is effective at increasing human rights protections. However, human rights became increasingly violated in the years following leading this case study to conclude that the office was formed only as a symbolic measure by Ghana to thwart international interference.

Research Design and Data Analysis

For this project the main independent variable is the presence of an NHRI within a country. The NHRI Data Collection Project (Conrad et al., 2013) provided both the year that an NHRI was established in a country by law or constitution and the date the office was occupied. The best measurement for this study was the year that the NHRI became occupied. By selecting that measurement to code, I was able to ensure that an NHRI had an actual office, some sort of budget, and people working in that office.

The year an NHRI was formally established is an important year to consider, but for my purposes I wanted to look at only years when the NHRI was actually performing duties since those are the years they would potentially be decreasing human rights violations. Therefore, I created a binary variable that is coded “1” beginning in the year a country establishes an NHRI and “0” before those years, or “0” for countries that do not

have an NHRI. All proceeding years are coded as “1” therefore measuring the presence of an open office. This project focuses on the years 1995-2005 and each country is coded for each year. There are 172 countries included in this analysis.

The NHRI Data Collection Project also offers information about the operation of an NHRI and the duties they are able to perform within a country. These are important to measure since not all NHRIs are the same and different countries may have different rules about what activities they are allowed to engage in. For this I chose three different activities that may impact the effectiveness of an NHRI. The documents establishing the NHRI were reviewed in order to code these variables and if those did not contain the necessary information additional legal documents and statements published from the NHRI themselves were examined. The three I chose were the ability of an NHRI to initiate investigations, press charges, and publish their findings. In some cases the legal documents expressly forbid these activities and therefore, when this is found, the variable is coded “-1”. In other cases they are expressly granted the ability or given the duty to do these activities and in that case the variable is coded “1”. In all other cases these variables are coded “0” meaning that they are neither forbidden to participate nor are they given the express mandate to do so.

When an NHRI has authority to initiate investigations, they are able to start an investigation on their own accord. The motivation to do so could come from a complaint of a citizen or their own desire to know more about the human rights conditions in a certain area such as in prisons. This means that they do not have to wait for another sector of the government to allow them to investigate any situation they deem necessary.

The ability to bring charges is also an important variable. In this case if they have permission to bring charges, it is a measurement of whether or not they can act as a prosecutor or command a prosecutor to take action against another agency. Often, when action is taken, it is against another section of the government. NHRIs are only supposed to oversee government actions, and therefore these prosecutions are against other government agencies or individual actors who were working for the state.

The ability to publish findings is also included and measures whether or not the NHRI has mandate to make either their full records or parts of their records available to the public. Often, this is done in the form of yearly publications that outline their activities from the previous year and can also include what agencies they conclude are guilty of human rights violations.

The control variables, GDP per capita and population size, were both taken from The World Bank. The World Bank measures population size as the number of residents within a country regardless of if they have citizenship status or not (n.d. b). As Henderson (1993) argues population size could cause strain on the government, as there are more individuals to compete for resources (p. 324).

The World Bank (n.d. a) also provides a measure of GDP per capita which takes the gross domestic product of the country and divides it by the population present in the country at the middle of the year. This was an especially accurate measure for my study as the current GDP per capita given by The World Bank is held constant based on the value of a US dollar in the year of 2005, the last year of my study. I re-coded this measure to better reflect the effect of GDP per capita on each measure. Instead of each unit being equal to one U.S. dollar each unit is worth one million. GDP per capita is

used as my indicator of economic development, which is shown to be positively associated with the level of respect for human rights. As Mitchell and McCormick (1988) argue economic tension leads to domestic unrest which can be cause for repression. Therefore, better economic conditions should lead to better human rights protections.

The third control variable included in my study is a measure of civil war within a country. The data comes from the Uppsala Conflict Data Program (Themner & Wallensteen, 2012) and is a measure of whether there was an active intrastate war within that year that was a conflict between the government and a non-state actor. The definition of intrastate war that they employ implies that there were twenty-five deaths that resulted from armed conflict in said intrastate war. This variable is coded as a dummy variable. During years of an armed intrastate conflict are coded “1” and “0” otherwise. Civil war is my measure of state weakness, which is shown by previous literature to have a negative effect on human rights. When a state is in the process of a civil war it indicates that the government does not have full control of all of their territory. The inability to control their territory is a sign of state weakness, which leads to repression as the government struggles to maintain power where they can.

The fourth control variable in my study is political regime type measured by the Polity IV project (Center for Systemic Peace, 2013). The measure I chose to use was the dataset’s “polity2” variable, which codes the regime type from a -10 to a 10, ranging from full autocracy to full democracy respectively. Regime type is shown to influence human rights as more liberal regimes, such as democracies, have a higher respect for

human rights as they focus more on the individual. Autocracies are more likely to violate human rights in order to maintain power through political repression.

The dependent variables in this study come from the CIRI Human Rights Data Project (Cingranelli et al., 2014). For the dependent variables an index of physical integrity rights is included as well as a measure of torture and political imprisonment separately. There is also an index of empowerment rights as a whole along with a measure of freedom of speech and self-determination as separate variables. The CIRI dataset is coded using information from the US State Department Country Reports and Amnesty International reports.

The CIRI dataset defines torture as intentional and carried out by the state or by private individuals on the will of the state. Political imprisonment measures the amount of people incarcerated for activities deemed political, such as non-violent opposition to the government or for being members of a particular ethnic group. Extrajudicial killing measures deaths caused by the government in the absence of due process of the law. The disappearance variable measures missing people whose absence is considered politically motivated. All these rights are measured as ordinal variables, coded “0” for the years when there are widespread violations of these rights, coded “1” when there are some violations, and coded “2” when there is no recorded violation for that year.

Speech and self-determination are measured similarly. The variable that measures freedom of speech also includes how free the press is and is coded “0” when there is complete censorship of the press (and presumably what people are allowed to talk about in their everyday communications) and this variable ranges to “2” when no censorship is found for that year. Self-determination measures the ability of citizens to participate in

free and fair elections of their leaders. The variable measuring freedom of assembly measures actual government protection of this right, as opposed to legal protections, which most states state they respect but in reality do not. There are two variables measuring freedom of movement, one which measures freedom for domestic movement and the other for foreign movement. The measurement of freedom of religion reflects to what level citizens can practice a religion of their choice as well as their ability to convert others to that religion. Worker's rights measures the rights of workers to organize collectively. These rights variables range from "0" when they are not respected at all to "2" when it is respected in general.

Physical integrity is an index variable of torture, political imprisonment, extrajudicial killing, and disappearances combined together. It is measured on an ordinal scale ranging from "0" (no respect for these four rights) to "8" (full respect for these rights). Empowerment rights is an index variable that is composed of freedom of movement, freedom of speech, worker's rights, self-determination, and freedom of religion. It is also measured on an ordinal scale, similar to that of physical integrity although the scale is from a "0" to a "10", higher scores indicating better respect for empowerment rights.

Findings

The results of my data analysis vary across rights and functions. Not all functions have a significant impact on rights but the ones that do should be considered by all states that do not already have those functions mandated in order to make their NHRIs more effective. The presence of an NHRI only had a significant impact on four rights: political imprisonment (Table 5), disappearance (Table 6), free speech (Table 7), and self-

determination (Table 8). As argued, the presence of an NHRI should not be the independent variable in the literature on NHRIs and instead scholars and policymakers should give more attention to the actual activities these institutions are permitted to carry out. This argument is supported by my results. Although the presence of an NHRI does impact four rights they only improve two. Self-determination and political improvement both see an increase in protection (Table 5 and Table 8), while protection for disappearances and freedom of speech both decreased (Table 6 and Table 7). Therefore, it is very important for policymakers to consider the impact of NHRIs before establishing one in their state. The negative relationships may be caused by states that set up NHRIs to appear to be more committed to human rights than they are in reality.

My main argument is that the functions an NHRI are allowed to perform are more significant than their presence and this study was enacted in order to test which ones impact human rights the most. The ability to initiate investigations means that when an NHRI was formed by the government they were given the power to not only investigate other state agencies when they were suspected of human rights abuses but also the power to initiate those investigations on their own without needing additional permission from the government. This would, in theory, lead the government to be held more accountable for their actions if they are aware that the NHRI can investigate their activities at any time. As my results show, there is not much empirical support for this argument. A significant increase in protection is only found to occur with self-determination (Table 8), although there is a marginally significant increase in freedom of foreign movement (Table 10) when the NHRI located in a state is allowed to initiate their own investigations. There is a, however, significant negative effect on the freedom from

disappearances (Table 6) and freedom of speech (Table 7). These results indicate that while some functions may improve some rights they can also harm the implementation of others. This is due to the fact that not all rights are fundamentally the same and require different actions on the government's part to be protected. For example, freedom of speech requires that the government take active steps in promoting these rights, such as protecting the media. Freedom from torture, however, requires that the government simply not torture their population.

The next function I choose to incorporate was the ability to bring charges. This variable measures whether or not an NHRI is permitted to act as a prosecutor against those guilty of human rights abuses or order another agency to prosecute. This would hold the government more accountable than simply initiating investigations as it also allows the NHRI to provide consequences for violating human rights. Bringing charges is the only function that has a significant impact on either index variable and this produces a significant increase for both physical integrity rights and empowerment rights as a whole (Table 1 and Table 2). When each right is examined separately this significant positive relationship between bringing charges and increased protections is also found to exist with extra-judicial killings (Table 3) and torture (Table 4) as well as political disappearances (Table 6) and freedom of religion and workers rights (Table 12 and Table 13). The ability to bring charges should be authorized for all NHRIs; while this function does not improve all rights it does impact a large portion of them positively while having no negative significant impact on others.

The last function included in this study is the ability to publish findings. I argue that this could hold the most significant impact because it holds the government

accountable, not only just to another government agency, but also to the general public and the international community. Investigations and charges could be considered conditional government information but the ability of an NHRI to make these public gives them more weight. This positive protection is only significant in the case of self-determination (Table 8) and only a marginal impact is found on foreign movement (Table 10). A negative impact is found on disappearances (Table 6), freedom of speech (Table 7), and freedom of religion (Table 12). Overall, publishing findings does not significantly improve a large amount of rights. This could be due to governments reacting when there is negative information about them and preemptively taking away rights, such as freedom of speech, in order to make sure their citizens cannot protest for more rights. A positive impact on self-determination could be shown because the government is seeking to add legitimacy after being shown to violate rights while a negative impact on other rights is due, in part, to the government increasing repression in order to thwart any potential backlash when their already poor protection of rights become public.

Conclusion

This thesis began with a review of the literature that currently exists on NHRIs and pointed out that all previous literature ignores what functions an NHRI must have to be effective. Adding to the literature I discuss which functions may be important and include case studies to illustrate this argument and supplement a statistical analysis.

In conclusion I find mixed results for all of my hypotheses. My first argument was that the presence of an NHRI within a country would not have a significant impact on rights. I looked at rights both as aggregated variables for all physical integrity rights and empowerment rights as well as examining each right separately. I found that for all

physical integrity rights and all empowerment rights, there is no significant relationship between the level of rights and the presence of an NHRI. However, when rights are looked at separately, there are different results. The presence of an NHRI increases protection against political imprisonment, disappearances, and self-determination. However, an NHRI decreases protections for free speech and freedom of religion. These results also vary based on which functions an NHRI is able to carry out.

The ability of an NHRI to bring investigations has no impact on all physical integrity rights or all empowerment rights. Initiating investigations does impact disappearances and freedom of speech negatively, while having a positive effect on self-determination and a marginal positive impact on foreign movement. The ability to publish findings also has no impact on physical integrity rights or empowerment rights as a whole, although the results vary when rights are disaggregated. A significant positive relationship is found on self-determination while significant negative relationships are indicated on freedom from disappearances, freedom of speech, and freedom of religion. Future studies should examine why an NHRI in general and an NHRI with the ability to initiate investigations and publish findings increase occurrences of disappearances.

The biggest impacts, and most significantly positive, are shown when an NHRI is able to bring charges against other government agencies when they conclude they are guilty of human rights violations. The ability to bring charges does not negatively impact any human rights. When looked at together, bringing charges increases all physical integrity rights and all empowerment rights. When each right is examined separately this impact is not found on all rights. Instead there is a significant positive impact on extrajudicial killings, torture, disappearances, religion, and workers rights. There is no

significant, or marginally significant, negative impacts on human rights when an NHRI is given the ability to bring charges.

Since the findings are mixed I would suggest that policymakers use this information carefully. Since there are some rights that are negatively impacted by an NHRI and their office functions, there should be consideration on how to negate this effect. However, there are many rights that are significantly improved and future work should focus on how to keep increasing those rights while translating that effect onto all other rights if possible. The most important recommendation this study makes is that all future NHRIs, and those that already exist, be given the ability to bring charges as this is a function that has no negative impacts and only offers positive benefits.

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Table 1-	Index Variables (a)			
	<u>Physical Integrity Rights</u>			
	<u>Model 1</u>	<u>Model 2</u>	<u>Model 3</u>	<u>Model 4</u>
Presence of an NHRI	-0.076 (.09495)	----	----	----
Investigations	----	-0.089 (.0912)	----	----
Bring Charges	----	----	.3241*** (.0824)	----
Publish Findings	----	----	----	-0.101 (.0915)
GDP per capita	87.8190*** (5.1788)	87.4335*** (5.2059)	88.1472*** (5.1972)	87.8745*** (5.1760)
Regime Type	0.089*** (.0079)	0.0894*** (.0078)	.0906*** (.0077)	.0892*** (.00778)
Civil War	-2.627*** (.1621)	-2.628*** (.1620)	-2.709*** (.1639)	-2.628*** (.1621)
Population	-4.57*** (6.24)	-4.56*** (6.23)	-4.69*** (6.14)	-4.56*** (6.23)
	N=1601	N=1601	N=1601	N=1601

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .01

Table 2-	Index Variables (b)			
	<u>Empowerment Rights</u>			
	<u>Model 5</u>	<u>Model 6</u>	<u>Model 7</u>	<u>Model 8</u>
Presence of an NHRI	0.1027 (.0941)	----	----	----
Investigations	----	0.0527 (.0894)	----	----
Bring Charges	----	----	.1923*** (.0793)	----
Publish Findings	----	----	----	-0.1377 (.0952)
GDP per capita	31.339*** (4.4414)	31.5311*** (4.4850)	31.1377*** (4.4523)	31.1280*** (4.4483)
Regime Type	.3574*** (.0117)	.3585*** (.0117)	.3617*** (.0115)	.3627*** (.0117)
Civil War	-.4056*** (.1448)	-.3967*** (.1447)	-.4167*** (.1446)	-0.3709*** (.1452)
Population	-2.37*** (3.12)	-2.37*** (3.12)	-2.46*** (3.15)	-2.36*** (3.13)
	N=1601	N=1601	N=1601	N=1601

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .01

Table 3-	Integrity Rights Variables(a)			
	<u>Killings</u>			
	<u>Model 9</u>	<u>Model 10</u>	<u>Model 11</u>	<u>Model 12</u>
Presence of an NHRI	-0.1297 (0.1111)	----	----	----
Investigations	----	-0.1277 (.1099)	----	----
Bring Charges	----	----	.3215*** (.0981)	----
Publish Findings	----	----	----	-0.1239 (.1091)
GDP per capita	128.03*** (9.72)	127.45*** (9.74)	129.46*** (9.77)	128.37*** (9.74)
Regime Type	0.0031 (0.0092)	.0029 (.0091)	0.0028 (.0089)	0.0023 (.0090)
Civil War	-1.9932*** (.1733)	-1.9969*** (.1731)	- 2.0611*** (.1743)	- 1.9953*** (.1731)
Population	-1.37*** (1.46)	-1.36*** (1.46)	-1.37*** (1.48)	-1.36*** (1.46)
	N=1602	N=1602	N=1602	N=1602

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 4-

Integrity Rights Variables (b)

	<u>Torture</u>			
	<u>Model 13</u>	<u>Model 14</u>	<u>Model 15</u>	<u>Model 16</u>
Presence of an NHRI	-0.1971 (.1131)	----	----	----
Investigations	----	-0.0923 (.1085)	----	----
Bring Charges	----	----	.5259*** (.0995)	----
Publish Findings	----	----	----	-0.1149 (.1083)
GDP per capita	102.42*** (6.16)	102.15*** (6.18)	103.80*** (6.23)	102.3887*** (6.1560)
Regime Type	.0514*** (.0092)	.0488*** (.0091)	.0521*** (.0088)	.0489*** (.0089)
Civil War	-1.2778*** (.2159)	-1.2861*** (.2151)	- 1.3804*** (.2175)	-1.2840*** (.2152)
Population	-1.71*** (1.64)	-1.69*** (1.64)	-1.73*** (1.66)	-1.69*** (1.64)
	N=1602	N=1602	N=1602	N=1602

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .01

Table 5-	Integrity Rights Variables (c)			
	<u>Political Imprisonment</u>			
	<u>Model 1</u>	<u>Model 2</u>	<u>Model 3</u>	<u>Model 4</u>
Presence of an NHRI	.2279** (0.1164)	----	----	----
Investigations	----	0.1108 (.1141)	----	----
Bring Charges	----	----	-0.1624 (.1031)	----
Publish Findings	----	----	----	.2212* (.1147)
GDP per capita	53.5271*** (6.8016)	53.5091*** (6.8147)	52.9063*** (6.7704)	53.397*** (6.7892)
Regime Type	.1906*** (.0099)	.1929*** (.0099)	.1941*** (.0098)	.1917*** (.0099)
Civil War	-1.4088*** (.1766)	-1.3946*** (.1764)	-1.3644*** (.1768)	-1.3992*** (.1791)
Population	-1.20*** (1.33)	-1.20*** (1.33)	-1.21*** (1.33)	-1.21*** (1.33)
	N=1602	N=1602	N=1602	N=1602

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 6-	Integrity Rights Variables (d)			
	<u>Disappearance</u>			
	<u>Model 5</u>	<u>Model 6</u>	<u>Model 7</u>	<u>Model 8</u>
Presence of an NHRI	-.3289** (.1393)	----	----	----
Investigations	----	-.4108*** (.1388)	----	----
Bring Charges	----	----	.2967** (.1219)	----
Publish Findings	----	----	----	-.3337** (.1374)
GDP per capita	73.2282*** (13.2349)	71.7683*** (13.2696)	75.1808*** (13.3453)	74.1946*** (13.3266)
Regime Type	.0335*** (.0114)	.0352*** (.0113)	.0276** (.0109)	.0316*** (.0111)
Civil War	-2.3014*** (.1622)	-2.3065*** (.1621)	-2.3894*** (.1642)	-2.3139*** (.1620)
Population	-2.14*** (4.31)	-2.12*** (4.31)	-2.27*** (4.29)	-2.13*** (4.32)
	N=1601	N=1601	N=1601	N=1601

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 7-	Empowerment Right Variables (a)			
	Free Speech			
	<u>Model 1</u>	<u>Model 2</u>	<u>Model 3</u>	<u>Model 4</u>
Presence of an NHRI	-0.2249** -0.1099	----	----	----
Investigations	----	-.3191*** (.1055)	----	----
Bring Charges	----	----	.1734 (.0937)	----
Publish Findings	----	----	----	-.3644*** (.1066)
GDP per capita	19.06*** (5.0371)	17.5027*** (5.0951)	19.4294*** (5.0374)	19.06009*** (5.0563)
Regime Type	.2763*** (.0127)	.2786*** (.0127)	.2722*** (.0123)	.2787*** (.01261)
Civil War	-0.1832 (.1672)	-.1814 (.1674)	-0.2318 (.1675)	-0.1814 (.1672)
Population	-1.74*** -5.16	-1.71*** (5.14)	-1.88*** (5.30)	-1.68*** (5.13)
N=1601	N=1602	N=1602	N=1602	N=1602

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 8-

Empowerment Right Variables (b)

Self-Determination

	<u>Model 5</u>	<u>Model 6</u>	<u>Model 7</u>	<u>Model 8</u>
Presence of an NHRI	.4226*** (.1288)	----	----	----
Investigations	----	.2574** (.1269)	----	----
Bring Charges	----	----	0.1149 (.1113)	----
Publish Findings	----	----	----	.3794*** (.1267)
GDP per capita	43.6602*** (8.4564)	44.2903*** (8.4330)	43.5186*** (8.5031)	43.3922*** (8.4402)
Regime Type	.3866*** (.0154)	.3893*** (.0154)	.3948*** (.0154)	.3890*** (.0153)
Civil War	0.1526 (.1765)	0.1715 (.1760)	0.1804 (.1762)	0.1627 (.1759)
Population	-1.2** (5.52)	-1.15** (5.47)	-1.13** (5.48)	-1.22** (5.54)
	N=1602	N=1602	N=1602	N=1602

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 9-	Empowerment Right Variables (c)			
	<u>Assembly</u>			
	<u>Model 9</u>	<u>Model 10</u>	<u>Model 11</u>	<u>Model 12</u>
Presence of an NHRI	0.1613 -0.1133	----	----	----
Investigations	----	0.0349 -0.1093	----	----
Bring Charges	----	----	0.0345 (.0971)	----
Publish Findings	----	----	----	-0.0089 (.1105)
GDP per capita	10.4773* (5.6682)	10.4036* (5.7156)	10.1881* (5.6848)	10.1712* (5.6823)
Regime Type	.2838*** -0.0119	.2864*** (.0119)	.2873*** (.0118)	.2872*** (.0119)
Civil War	-0.1795 (-.1795)	-0.1665 (.1619)	-0.1681 (.1623)	-0.1635 (.1619)
Population	-2.24*** (.522)	-2.25*** (.522)	-2.26*** (.526)	-2.24*** (.522)
	N=1609	N=1609	N=1609	N=1609

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 10-	Empowerment Right Variables (d)			
	<u>Foreign Movement</u>			
	<u>Model 13</u>	<u>Model 14</u>	<u>Model 15</u>	<u>Model 16</u>
Presence of an NHRI	0.0759 (.1167)	----	----	----
Investigations	----	0.1975* (.1132)	----	----
Bring Charges	----	----	0.1360 (.1016)	----
Publish Findings	----	----	----	-0.1453 (.1144)
GDP per capita	5.7223 (5.9531)	6.8476 (5.975)	5.5467 (5.9804)	5.3835 (5.9808)
Regime Type	.2128*** (.0103)	.2211*** (.0102)	.2155*** (.0100)	.2172*** (.0103)
Civil War	-.4972*** (.1531)	-.5087*** (.1529)	-.5080*** (.1535)	-.4728*** (.1532)
Population	-1.35*** (.376)	-1.37*** (.378)	-1.40*** (.381)	-1.31*** (.372)
N=1601	N=1652	N=1652	N=1652	N=1652

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 11-	Empowerment Right Variables (e)			
	Domestic Movement			
	<u>Model 17</u>	<u>Model 18</u>	<u>Model 19</u>	<u>Model 20</u>
Presence of an NHRI	-0.0156 (0.1180)	----	----	----
Investigations	----	-0.0480 (.1168)	----	----
Bring Charges	----	----	0.0649 (.1036)	----
Publish Findings	----	----	----	-0.1353 (.1167)
GDP per capita	58.0819*** (8.4055)	57.9573*** (8.4151)	58.2618*** (8.4159)	58.3106 (8.4298)
Regime Type	.1571*** (0.0094)	.1578*** (.0093)	.1573*** (.0090)	.1593*** (.0093)
Civil War	-0.4255*** (.1562)	-.4226*** (.1560)	-0.4371*** (.1563)	-.4145*** (.1562)
Population	-1.45*** (.411)	-1.44*** (.410)	-1.48*** (.415)	-1.41*** (.409)
	N=1652	N=1652	N=1652	N=1652

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 12-

Empowerment Right Variables (f)

	<u>Religion</u>			
	<u>Model 21</u>	<u>Model 22</u>	<u>Model 23</u>	<u>Model 24</u>
Presence of an NHRI	-0.2179** (.1074)	----	----	----
Investigations	----	-0.0563 (.1027)	----	----
Bring Charges	----	----	.4784** (.0949)	----
Publish Findings	----	----	----	-.3933*** (.1051)
GDP per capita	-3.0934 (4.7090)	-3.0956 (4.7464)	-2.8183 (4.7559)	-3.2890 (4.7266)
Regime Type	.1539*** (.0088)	.1499*** (.0087)	.1551*** (.0086)	.1568*** (.0088)
Civil War	-0.2607 (.1592)	-.2788* (.1587)	-.3451** (.1601)	-0.2553 (.1596)
Population	-3.15*** (.633)	-3.17*** (.631)	-3.48*** (.616)	-3.08*** (.632)
N=1601	N=1644	N=1644	N=1644	N=1644

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10

Table 13-	Empowerment Right Variables (g)			
	Workers Rights			
	<u>Model 25</u>	<u>Model 26</u>	<u>Model 27</u>	<u>Model 28</u>
Presence of an NHRI	-0.0099 (.1059)	----	----	----
Investigations	----	-0.1419 (.1018)	----	----
Bring Charges	----	----	.2515*** (.0925)	----
Publish Findings	----	----	----	-0.0528 (.1022)
GDP per capita	42.4630*** (5.2716)	41.7327*** (5.3031)	42.8597*** (5.3052)	42.4417*** (5.2727)
Regime Type	.1716*** (.1597)	.1744*** (.1598)	.1737*** (.0096)	.1723*** (.0097)
Civil War	-0.0785 (.1597)	-0.0698 (.1598)	-0.1143 (.1602)	-0.0768 (.1596)
Population	-1.96*** (.522)	-1.94*** (.521)	-2.13*** (.531)	-1.95*** (.522)
	N=1598	N=1598	N=1598	N=1598

Values given are coefficients. Standard errors appear in parenthesis.

***significant at .01 **significant at .05 *significant at .10