

Transnational Advocacy Networks

Twenty Years of Evolving
Theory and Practice

Peter Evans
César Rodríguez-Garavito
Editors

Co|lección
Dejusticia

ISBN 978-958-5441-56-9 Digital Edition
ISBN 978-958-5441-55-2 Printed Edition

Layout
Diego Alberto Valencia

Copy Editing
Morgan Stoffregen

Cover
Alejandro Ospina

Printed by
Ediciones Antropos Ltda.

First edition
Bogotá, Colombia, November 2018

This document is available at
<https://www.dejusticia.org>



Creative Commons Licence 2.5
Attribution-Non Commercial Share-Alike

Dejusticia
Calle 35 No. 24-31, Bogotá D.C.,
Colombia Telephone (+57 1) 608 3605
www.dejusticia.org

Con

Ackno

Intro

Ecosy

Peter E

Chapter 1 The In

How

Politi

Ineffe

Kathry

Chapter 2 How

on O

Trans

Amand

Baekkw

Chapter 3 Trans

South

Kathry

Chapter 4 Trans

Activ

Louis E

Chapter 5 Trans

Capa

the P

Maritz

1. The Information Paradox: How Effective Issue Creation and Information Politics Can Lead to Perceptions of the Ineffectiveness of Transnational Advocacy

Kathryn Sikkink

The third central theme of transnational advocacy (volume). Some of the advocacy are believed to have been increasingly effective in the area of human rights and environmental issues. Debates among scholars, bloggers, and op-eds have led to the "Twilight of Human Rights Criminal Law" (H. J. Lar, Eric Posner, and others) again and again. The evidence that transnational advocacy should be abandoned.

In our 1998 book *Transnational Politics*, we defined how the effectiveness of transnational advocacy influence is measured. We identified four kinds of influence: (i) influence on the discursive environment; (ii) influence on the policy process; (iii) influence on the behavior of actors; and (iv) influence on the structure of the system. We spoke of four kinds of transnational advocacy networks (TANs): information networks, accountability networks, information politics (creating and moving it to where it is needed), and transnational advocacy paradox" that produces new information.

Introduction

The third central theme of this volume focuses on projecting the future of transnational advocacy (see Evans and Rodríguez-Garavito in this volume). Some of the factors that influence the future of transnational advocacy are beliefs about its impact or effectiveness. Recently, there has been increasing pessimism about the continuity and effectiveness of human rights advocacy, norms, and law, as reflected in vigorous debates among scholars and practitioners. A number of new books, blogs, and op-eds bear titles such as *The Endtimes of Human Rights*, *The Twilight of Human Rights Law*, and "The Demise of International Criminal Law" (Hopgood 2013; Posner 2014; Osiel 2014). In particular, Eric Posner, author of *The Twilight of Human Rights Law*, stresses again and again that the continued existence of human rights violations is evidence that human rights law has not worked and should be abandoned.

In our 1998 book *Activists beyond Borders: Advocacy Networks in International Politics*, Margaret Keck and I anticipated this issue and tried to define how the effectiveness of transnational advocacy should be measured. We identified the following types or stages of transnational advocacy influence: (i) issue creation and agenda setting; (ii) influence on the discursive positions of states and international organizations; (iii) influence on institutional procedures; (iv) influence on policy change; and (v) influence on state (or other target) behavior. We also spoke of four kinds of politics common to transnational advocacy networks (TANs): information politics, symbolic politics, leverage politics, and accountability politics, clarifying that the most common was information politics (credibly producing politically usable information and moving it to where it can have the most impact). Finally, in our chapter on transnational women's networks, we introduced the term "information paradox" to describe how activists, by creating new issues and producing new information, could sometimes give the impression that

practices were getting worse, when actually they were just becoming more visible (Keck and Sikkink 1998).

Although much of the reaction to *Activists beyond Borders* focused on the “boomerang effect,” as the introduction to this volume points out, the book developed a variety of other concepts that continue to be useful in discussions about network effectiveness. Some of these concepts serve as a starting point to address this issue of the effectiveness of transnational advocacy around human rights—in particular, issue creation, information politics, and the information paradox. In this chapter, I argue that when we ask questions about the impact of transnational human rights advocacy, it is increasingly the very effectiveness of the advocacy with regard to issue creation and information politics that has led to the perception that human rights behavior has worsened rather than improved. The information politics of transnational human rights networks has succeeded in raising awareness of an ever-growing range of rights violations around the world; yet because of this, to many people, the world appears worse off. Although this chapter focuses on human rights, I believe that these issues are relevant for many different kinds of transnational advocacy.

In an article I wrote in 2013 with Ann Marie Clark, we developed further the idea of the information paradox and spoke of a broader issue of “information effects” of transnational advocacy. Information effects are “patterns in the data that stem from the process of information collection and interpretation, rather than from the process that actually gives rise to human rights violations” (Clark and Sikkink 2013, 540). This is not a problem limited to human rights research; it plagues many other areas of research as well. Take, for example, current debates over autism. Researchers are still uncertain whether there has actually been an increase in autism or merely an increase in the reporting of autism, or some combination of both. In the field of public health, researchers call this “surveillance bias” or “detection bias,” where the closer they look at some health issue, the more likely they are to find problems. Human rights researchers, however, seem for the most part to be unaware that such a phenomenon as surveillance bias might also affect our field.

The field of human rights is also affected by another, more specific kind of information effect—namely, a changing standard of accountability—that occurs when human rights activists and lawyers begin to expand the notion of what constitutes a human rights violation. Both increased information and higher standards are good news for human rights victims, but they can be bad news for datasets that try

to compare numbers with numbers produced

To illustrate a change in the evolving definition of “sexual rape” created a high profile when attention was focused on domestic and transnational violence of both date rape and sexual violence in many countries to reveal that were added to the database of possible rapes that could be

This increased awareness and values of ordinary violence against women in *Borders*—that emerged in information politics. As a global issue; it was provided more information on suffering and who linked from many parts of the world violence against women sometimes appeared when, in fact, it was not (Keck and Sikkink 1998). The globe had access to more rights violation. For example, beaten by their husbands report abuse for the first time through information availability—led in turn to the work of human rights activists documenting them and servers to show that it was

The information was more straightforward, or policy makers were the news are left with violations of all kinds hidden but very relevant human rights information used by scholars to measure policy, and activism. Qu

they were just becoming

Activists beyond Borders focused on to this volume points on concepts that continue to effectiveness. Some of these on this issue of the effective- an rights—in particular, information paradox. In ions about the impact of creasingly the very effec- creation and information human rights behavior has ation politics of transna- n raising awareness of an d the world; yet because worse off. Although this t these issues are relevant ocacy.

arie Clark, we developed and spoke of a broader al advocacy. Information from the process of infor- han from the process that (Clark and Sikkink 2013, rights research; it plagues for example, current de- tain whether there has ac- n increase in the reporting the field of public health, detection bias,” where the ore likely they are to find er, seem for the most part urveillance bias might also

by another, more specific ing standard of account- tivists and lawyers begin a human rights violation. dards are good news for news for datasets that try

to compare numbers about human rights performance from the 1980s with numbers produced last year.

To illustrate a changing standard of accountability, let us examine the evolving definition of rape. The notions of “date rape” and “marital rape” created a higher standard of accountability than previously, when attention was focused almost solely on stranger rape. Both domestic and transnational campaigns succeeded in creating the issues of both date rape and marital rape and in changing the rape laws in many countries to reflect these issues. As date rape and marital rape were added to the definition of what constituted rape, the number of possible rapes that could be reported increased.

This increased access to information can change the perceptions and values of ordinary people. Consider the transnational network on violence against women—discussed in chapter five of *Activists beyond Borders*—that emerged in the 1990s and started doing what TANs do: information politics. Originally, violence against women did not exist as a global issue; it was created and put on the agenda by activists who provided more information about the violence that women were suffering and who linked together previously disparate types of violence from many parts of the world to create a single category that was called violence against women. As these activists highlighted violations, it sometimes appeared that violence against women was getting worse when, in fact, it was not—we simply had more information about it (Keck and Sikkink 1998, 194). Not only that, but women around the globe had access to new information about what constituted a human rights violation. For instance, women who once thought that being beaten by their husbands was just the nature of their lives began to report abuse for the first time. These processes—increased information through information politics and changing standards of accountability—led in turn to instances of the information paradox, where the work of human rights activists to reduce human rights violations by documenting them and calling attention to them was later used by observers to show that human rights law and activism was not effective.

The information paradox thus takes two main forms. The first is a more straightforward response in which members of the public, scholars, or policy makers who read these human rights reports and follow the news are left with the impression that violence and human rights violations of all kinds are increasing in the world. A second form, more hidden but very relevant, involves more technical issues of how human rights information gets coded into quantitative measures then used by scholars to measure the effectiveness of human rights law, policy, and activism. Quantitative human rights research is particularly

susceptible to this information paradox because of its heavy reliance on some measures coded from the documents of human rights organizations themselves. Activists are producing the data that is used by scholars to argue that activists do not make a difference in the world.

This chapter focuses on this second, more technical issue and suggests new ways in which scholars can be more savvy users of this data. But it also discusses how the information paradox challenges TANs to make sure that their increasing virtuosity in information politics and issue creation does not become a tool for demonstrating their lack of effectiveness in leading to behavioral change.

Quantitative Researchers and Information Effects

One of the most serious issues with which empirically minded human rights scholars must grapple is problematic documentation and data. This is particularly acute for scholars who do only quantitative analysis and rely on only one or two key measures of repression. This data is not intentionally wrong or distorted but may nevertheless be misleading because of our increased knowledge about human rights violations.

In 2009, Emily Hafner-Burton and Jim Ron wrote a review essay entitled "Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes," claiming that scholars who did qualitative field research were more optimistic about human right progress, while scholars using quantitative research were more pessimistic (Hafner-Burton and Ron 2009). The undercurrent of the article was that those who relied on numbers were more objective and more pessimistic. Yet the information paradox suggests that relying on certain kinds of numbers may not make a person more objective but rather might introduce information bias.

The following year, Beth Simmons's prize-winning book on this topic, *Mobilizing for Human Rights*, exploded the dichotomy between optimistic field researchers and pessimistic number crunchers. Drawing on a wide range of data to measure the effectiveness of various human rights treaties, and using sophisticated quantitative techniques, Simmons showed that human rights treaties do lead to advances in human rights if a country's type of government is taken into account. In fully authoritarian regimes, for example, human rights treaties are often ratified just for show, while in countries transitioning to democracy many human rights treaties have a positive effect on the ground (Simmons 2009).

The important qualitative human rights scholars who unproblematically use quantitative measures more precisely than those who use a wider range of measures to get more information. In turn to the case of activists in creating a new landholding elites of the ineffectiveness

Brazil had an authoritarian period experienced its most severe repression under Emílio Médici held military courts that during this period (April 1974 to 1985) was led by a transition to democracy elected a president of the decade of the 1980s of transition to democracy.

Brazil would appear that the human rights former opposition tried out policies of Brazil know that human rights transition to democracy, period has had better. In spite of this, the Political Terror Scale (cal Integrity Rights rights practices during better than those of this puzzle?

To read the data process through which information about some governments, both democratic

use of its heavy reliance
s of human rights orga-
the data that is used by
difference in the world.
technical issue and sug-
savvy users of this data.
adox challenges TANs to
information politics and
monstrating their lack of

Information Effects

empirically minded hu-
matic documentation and
who do only quantitative
asures of repression. This
but may nevertheless be
dge about human rights

on wrote a review essay
pact through Qualitative
ars who did qualitative
man right progress, while
ore pessimistic (Hafner-
he article was that those
nd more pessimistic. Yet
on certain kinds of num-
ut rather might introduce

ze-winning book on this
the dichotomy between
umber crunchers. Draw-
effectiveness of various
d quantitative techniques,
s do lead to advances in
ent is taken into account.
human rights treaties are
s transitioning to democ-
tive effect on the ground

The important division may be between not quantitative and qualitative human rights researchers but rather quantitative researchers who unproblematically rely on a small number of standard-based measures more prone to information effects and those like Simmons, who use a wider range of data to test their hypotheses. To explain how more information and higher standards affect our evaluation, let us turn to the case of Brazil as an illustration. In Brazil, the work of activists in creating awareness of rural violence by death squads linked to landholding elites and of police brutality in *favelas* led to a perception of the ineffectiveness of human rights measures.

Human Rights in Brazil: An Illustration of Information Effects

Brazil had an authoritarian military regime from 1964 to 1985 and experienced its most repressive period from 1968 to 1974, when General Emílio Médici held power. Almost 2,000 individuals later testified in military courts that they had been tortured during interrogations during this period (Archdiocese of Sao Paulo 1986, 79). The period from 1974 to 1985 was less repressive and began the long process of Brazil's transition to democracy, which was completed in 1989, when Brazil elected a president by popular vote. For our purposes, we can think of the decade of the 1970s as authoritarian rule, the 1980s as a period of transition toward democracy, and since the 1990s a period of democracy.

Brazil would appear to be an example of exactly the kind of change that the human rights movement hopes to promote. Brazilians elected former opposition figures as presidents, and their administrations carried out policies of political and economic inclusion. Most experts on Brazil know that human rights problems continued after the transition to democracy, but virtually all would argue that the democratic period has had better human rights practices than the military regime. In spite of this, the main quantitative measures of repression—the Political Terror Scale (PTS) and the Cingrinelli and Richards (CIRI) Physical Integrity Rights Index—indicate that the physical integrity human rights practices during the final years of the military government were better than those of the current democratic period. How do we explain this puzzle?

To read the data correctly, we have to discover more about the process through which these measurements are created. Reliable information about some human rights violations is difficult to secure. Governments, both democratic and authoritarian, often hide information

about their human rights violations. During the military dictatorship in Brazil, for example, the government concealed its practices of torture, disappearance, and summary execution of political opponents. Because of this reluctance, analysts turn to nongovernmental organizations, international organizations, and at times other states for reports on human rights practices. We have good reason to believe that the reports of outside monitors, however imperfect, come closer to revealing the nature of repression than states' self-reporting. Knowing this distinction improves the situation somewhat but still does not solve the human rights data problem.

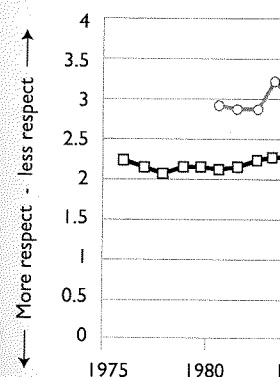
The two most commonly used sources by academics for measuring state repression are Amnesty International's annual reports and the US State Department's annual country reports on human rights practices, both of which have been issued regularly for several decades. Each year, these reports try to summarize the human rights practices of most of the countries in the world during that year. We are fortunate that two such series exist, one by a government and one by a respected nongovernmental organization. Still, we cannot ignore certain failings. The US State Department has political goals that may affect human rights reporting, although its reports have become more accurate over time. For its part, Amnesty International is committed to a human rights ethos that may make it difficult for the organization to speak of "improvement" in the context of serious ongoing violations of human rights.

For researchers, the value of these two sources cannot be overstated, as they are produced every year in a similar format and thus can be used to provide what we call a "time series" on human rights practices, allowing us to compare change over time—in this case, from 1980 to the present. The PTS and CIRI human rights data projects use the reports to produce scales of human rights violations of physical integrity rights. Both of these scales are composite measures of four human rights violations: torture, extrajudicial killings, disappearance, and political imprisonment. We call them standard-based measures because they assign human rights scores to every country in the world each year, based on subjective criteria applied to primary sources. In other words, research-assistant coders, for example, read the narrative text on Brazil in the Amnesty International or State Department report for every year and assign it a number on a scale created by the project. The PTS has a numerical scale from one to five, with five as the worst human rights performance and one as the best. The CIRI physical integrity index is a somewhat more complex eight-point scale, with its own set of coding instructions that are precise but sometimes problematic.

The CIRI measure of ex such a way that the inc until the number of viol 200 extrajudicial killing would not show any in duce databases of core for researchers to use.

When charted over changing global levels o fluctuations, global ave from the late 1970s to 20 scholars to point to the

Standard-based



Note: The CIRI physical integrity index represents the average combination of the CIRI physical integrity index and the State Department reports.

After the databases are scales and insert them i positive human rights c address several importa law have? Do human Can transnational advo researchers then use qu Perhaps most important that we also know affec mocracy, and civil war. man rights law, but they human rights law, contr

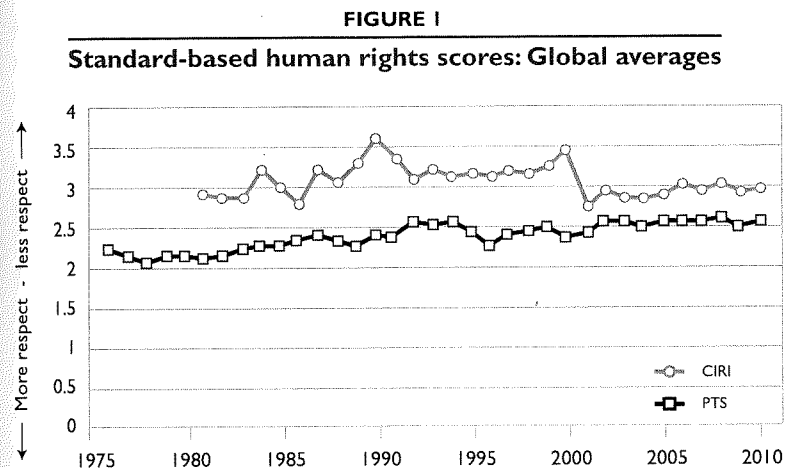
the military dictatorship revealed its practices of torture of political opponents. nongovernmental organizations other states for reports reason to believe that the effect, come closer to revealing-reporting. Knowing this but still does not solve the

academics for measuring annual reports and the US on human rights practices, for several decades. Each an rights practices of most year. We are fortunate that t and one by a respected not ignore certain failings. ls that may affect human become more accurate over s committed to a human e organization to speak of going violations of human

sources cannot be overstated in similar format and thus can es" on human rights practice—in this case, from 1980 ghts data projects use the violations of physical integrity measures of four human gs, disappearance, and political-based measures because country in the world each primary sources. In other ble, read the narrative text ate Department report for created by the project. The with five as the worst human rights. The CIRI physical integrity point-scale, with its own ut sometimes problematic.

The CIRI measure of extrajudicial killings, for instance, is designed in such a way that the index simply cannot measure any improvements until the number of violations falls below fifty. Thus, a country that has 200 extrajudicial killings one year and 80 such killings the next year would not show any improvement. These scores accumulate to produce databases of core human rights practices that are available online for researchers to use.

When charted over time, these popular datasets tend to show unchanging global levels of repression. Figure 1 shows that despite minor fluctuations, global average scores on PTS and CIRI stayed mostly flat from the late 1970s to 2010. This is the main evidence that has led many scholars to point to the failure of the human rights movement.



Note: The CIRI physical integrity scale is 0–8, and the PTS scale is 0–5. The PTS line here represents the average combination of PTS scores derived from Amnesty International and State Department reports.

After the databases are published, quantitative researchers take these scales and insert them into their models, usually to measure whether positive human rights change has occurred. The numbers are used to address several important questions: What impact does human rights law have? Do human rights prosecutions improve human rights? Can transnational advocacy groups lead to positive change? These researchers then use quantitative methods to test their hypotheses. Perhaps most important, they can control for a series of other factors that we also know affect human rights practices, such as poverty, democracy, and civil war. Not only do they ask about the effects of human rights law, but they also try to discern the independent effect of human rights law, controlling for these other factors. For example, we

know that inequality can contribute to human rights violations (Landman and Larizza 2009). Brazil continues to have significant inequality, so perhaps this inequality explains why Brazil's human rights record does not seem to be improving, despite democracy and human rights activism. Quantitative research lets us address important questions such as this one in sophisticated ways. But in the end, the models and conclusions are only as good as the data they rely on.

The main problem with the data is that so much more human rights information is being produced today than when the reports first started. Today, when the reports are written, there are hundreds of groups working on human rights in Brazil in situations of relative security, making it possible to document and publish much more far-reaching reports than ever before. Human rights officers in US embassies are now often in routine contact with the large range of human rights groups inside Brazil and outside of it. Compare this to when Amnesty International and the State Department first began reporting on human rights in Brazil in the late 1970s. Then, there were few sources of human rights information either outside or inside the country, so the two entities relied on a small number of in-country sources and communicated with only a handful of human rights organizations. Furthermore, in the US Embassy in Brazil, new human rights officers were just getting used to reporting on human rights. The reports were mandated by Congress in 1976, and US diplomats were initially not very good at producing them, nor did many even think it was a good idea. Their data was also skewed because diplomats got most of their information from their counterparts in the Brazilian government, who would tell them that accusations of human rights violations were exaggerated and that things were getting better. To gather better information about human rights violations, embassy staff would have needed to talk to human rights organizations or to the political opposition, and in the 1970s they were not used to doing that. Especially in the early years, the State Department's reports were widely perceived as politically biased, particularly with regard to authoritarian regimes that the United States considered its allies in the struggle against communism. As a result of these factors, the early years of the CIRI and PTS measures are particularly problematic because the Amnesty International and State Department reports were shortest during this time, fewer human rights organizations existed to produce good source information, and the political bias in the State Department reports was the strongest (Clark and Sikkink 2013).

Thus, according to CIRI and PTS, the human rights situation in Brazil was a full point better during the authoritarian and transition

period than it has been in the transition decades of democratic periods. Political integrity rights (1981–1985) is a democratic period score down further, precisely the kinds of democratic Brazil held political political killings and

The PTS and liberties and de at gross violations deed cases where authoritarian or here. A Brazilian ances makes clear was 1971–1974, opponents after pearances after dos Direitos Hu do CIRI and PT The difference l reports focused of *political opposition* US government direct government and imprisonment including the right cess use of lethal and prosecute v

In their first State Department political imprisonment directly by state were short and la tions in state-sp By 1987, however

n rights violations (Land-
ve significant inequality,
til's human rights record
ocracy and human rights
ress important questions
the end, the models and
rely on.

t so much more human
y than when the reports
itten, there are hundreds
il in situations of relative
and publish much more
n rights officers in US em-
the large range of human
t. Compare this to when
tment first began report-
'0s. Then, there were few
outside or inside the coun-
ber of in-country sources
man rights organizations.
ew human rights officers
n rights. The reports were
plomats were initially not
even think it was a good
plomats got most of their
razilian government, who
ghts violations were exag-
To gather better informa-
staff would have needed
e political opposition, and
at. Especially in the early
widely perceived as politi-
oritarian regimes that the
ggles against communism.
f the CIRI and PTS mea-
he Amnesty International
during this time, fewer hu-
good source information,
reports was the strongest

human rights situation in
authoritarian and transition

period than it has been during the recent democratic decades. Brazil has an average PTS score of three for the authoritarian and transition decades of the 1970s and 1980s and a score of four for the fully democratic period of the 1990s through 2013.¹ The average CIRI physical integrity rights score for Brazil for the military government period (1981–1985) is also almost a point better than the average score for the democratic period of the 1990s and 2000s. Because CIRI breaks the score down further by specific type of violation, we can see more precisely the kinds of violations that are driving the scores. Although the democratic Brazilian governments rarely practiced disappearances or held political prisoners, they appeared to be engaged more in extrajudicial killings and torture.

The PTS and CIRI scores are measures of repression, not of civil liberties and democracy, so they disregard regime type and look only at gross violations. This distinction allows for the fact that there are indeed cases where repression is worse during democratic regimes than authoritarian ones. I believe, however, that other factors are at stake here. A Brazilian government report in 2007 on deaths and disappearances makes clear that the worst period for deaths and disappearances was 1971–1974, that the state rarely killed or disappeared its political opponents after 1979, and that there have not been any cases of disappearances after the 1985 transition to democracy (Secretaria Especial dos Direitos Humanos do Presidência da República 2007). Why, then, do CIRI and PTS record more killings and torture under democracy? The difference lies in the changing standard of accountability. Earlier reports focused only on the *government-sponsored* killing and torture of *political opponents*. But by 1985, human rights organizations and the US government expanded their focus from a narrow concentration on direct government responsibility for the death, disappearance, torture, and imprisonment of political opponents to a wider range of rights, including the right of people to be free from police brutality and the excess use of lethal force, and the duty of the state to prevent, investigate, and prosecute violence by nonstate actors.

In their first reports on Brazil, both Amnesty International and the State Department focused on gross human rights violations, especially political imprisonment, torture, and summary executions committed directly by state officials. The early State Department reports on Brazil were short and largely positive, commending the government on reductions in state-sponsored deaths and disappearances in the early 1980s. By 1987, however, during the transition to democracy, both Amnesty

1 This score begins in 1976, so it excludes the worst years of repression.

International and the State Department began to take a harsher tone. Amnesty International gained the ability to travel to Brazil for on-site visits and, as a result, produced a specific report on rural killings. The organization clarified that such killings were carried out by "hired gunmen in the pay of local landowners" but also stressed that it was concerned about the "persistent failure by local and state authorities to investigate these killings effectively or to bring criminal prosecutions, with the result that those responsible acted with impunity and further abuses were encouraged" (Amnesty International 1987, 137). A second Amnesty International investigation looked at the torture and ill treatment of detainees in police stations and prisons throughout the country, as well as the killing of suspects. This was a new departure because it focused on the treatment of criminal suspects rather than political prisoners, previously the organization's core mission.

The organization's expansion of its mandate and better capacity to conduct on-site investigations led to an increasing documentation of human rights violations that could make it seem like the situation in Brazil was getting worse after democratization, when it is possible that the situation was the same or even better—it only seemed more severe because we knew more about what was happening. This expanded attention to a wider range of victims translated into worse PTS and CIRI scores because both indexes now count extrajudicial killings and torture, regardless of whether these acts are against political opponents or against criminal suspects.

Similar changes were made in the State Department, which, taking its cue in part from nongovernmental organizations, was also expanding the range of its focus in Brazil to include the treatment of common criminals, campesinos involved in land disputes, and indigenous people.

The problem is that we do not know if the Brazilian police kill and mistreat more victims today than they did in the 1970s and 1980s, because our only good source of information on these topics is human rights publications with their changing standard of accountability. In the 1970s and 1980s, human rights organizations were not collecting data on rural violence or the excess use of force against common criminal suspects.

Since that time, organizations within Brazil have turned their attention to police violence. For example, the Observatório das Violências Policiais-SP (Observatory of Police Violence in São Paulo) uses news sources to compile a monthly report of all victims of police brutality. The Observatório argues that all of these deaths are "extrajudicial executions" and represent the excessive use of lethal force by the Brazilian

police. Many conditions living in the human rights movement. From encouraging de from a narrow torture—mainly state's failure to as police brutal suspects. From such expanding tic picture than

These information may affect quality advocacy, some desire to make the not know much the increased accountability could lead to il Convention against use of torture, obligations der for the interna to see whether awareness of to

One of my ten by two pol that states ratified tended to torture at a luncheon to accompany country wanted torture, we won its ratification out? No, they would not.

to take a harsher tone. I traveled to Brazil for on-site reporting on rural killings. The report was carried out by "hired guns" and also stressed that it was the responsibility of federal and state authorities to investigate criminal prosecutions, rather than impunity and further repression (National 1987, 137). A second report on the torture and ill treatments throughout the country was a new departure because it focused on human rights rather than political repression.

The report and better capacity to investigate and document increasing documentation of human rights violations seem like the situation in Brazil, when it is possible that the situation only seemed more severe because of the increasing. This expanded attention went into worse PTS and CIRI violations, judicial killings and torture of political opponents or

department, which, taking into account the violations, was also expanded to the treatment of communities, disputes, and indigenous

Brazilian police kill and the 1970s and 1980s, because of these topics is human rights and of accountability. In the 1970s and 1980s, human rights were not collecting evidence against common crimi-

They have turned their attention to the Instituto das Violências (in São Paulo) uses news reports of police brutality. These are "extrajudicial executions" by the Brazilian

police. Many of these killings are of poor and marginalized populations living in the slums (known as *favelas*) of São Paulo. This excellent human rights work thus calls our attention to violations committed against groups who were not the original focus of the human rights movement. From the point of view of human rights work, these are encouraging developments. Human rights organizations have moved from a narrow focus on state-sponsored imprisonment, killings, and torture—mainly of its political opponents—to include criticism of the state's failure to prevent, investigate, and prosecute violence, as well as police brutality and the excessive use of lethal force against criminal suspects. From the point of view of measuring effectiveness, however, such expanding standards of accountability can paint a more pessimistic picture than warranted.

Implications of the Information Paradox for Human Rights Scholarship

These information effects and changing standards of accountability may affect quantitative studies on the effectiveness of human rights advocacy, some by scholars who have top-notch methods and the desire to make their mark with a counterintuitive finding but who may not know much about human rights on the ground. If we assume that the increased human rights information and changing standards of accountability affect only some of the countries in the databases, this could lead to illogical findings, such as, for example, that ratifying the Convention against Torture (CAT) is associated with an increase in the use of torture, when, in reality, once a state ratifies the convention, the obligations deriving from the treaty provide an excellent opportunity for the international community to monitor that state more closely to see whether it is obeying human rights law. This produces more awareness of torture, not more torture itself.

One of my least favorite of these counterintuitive articles—written by two political scientists (Hollyer and Rosendorff 2011)—argues that states ratified the CAT in order to tell their publics that they intended to torture them! I sat next to one of the authors of this article at a luncheon and asked if he had conducted any qualitative research to accompany the quantitative analysis in the paper. For example, if a country wanted to use CAT ratification to threaten its population with torture, we would expect that the government would at least announce its ratification in the official newspaper. Had the authors checked it out? No, they had not. Would they check it before publishing? No, they would not.

To clarify my position, I am not a data skeptic who rejects coding because it is less nuanced than case study work. I myself have used both CIRI and PTS in some of my research, and I value them as data sources. But I believe that scholars and activists alike should be aware of how and why human rights data may be biased. Scholars need to be more informed users of these numbers. Practitioners need to be aware that sometimes their best efforts at information politics could be used to claim that they are not having any positive effect. Most importantly, the numbers should not be treated as an objective measure of human rights and should be used with great care when supporting a claim that a human rights situation has not improved. Beyond that, I would argue that any research relying on this data that demonstrates improvements in the human rights situation is working against a bias in the data and thus its findings may be even stronger than those shown.

Since my article with Clark was published, a gifted methods scholar named Chris Fariss produced a sophisticated and persuasive article making related arguments and providing modeling solutions. In his paper, Fariss (2014) coins the phrase “a changing standard of accountability” for human rights. He shows that a new technique called “latent variable modeling” can be used to combine standard-based measures, such as CIRI and PTS, with events data—which includes actual lists of events related to human rights—to correct for the changing standard of accountability. Using this new model, Fariss then shows that the ratification of the CAT is associated with improvements, not a decline, in human rights protection.

Not all human rights data is subject to information effects and changing standards of accountability. Other human rights issues, such as the right to education and the right to health, can be measured in more straightforward ways, such as through literacy rates, the percentage of school-aged children in primary schools, the percentage of children who receive immunizations, or infant mortality or child mortality rates. Infant and child mortality figures might be an especially excellent measure of economic and social rights, since they measure extreme deprivation of health at a very young age.

Conclusion

Although the information paradox may be a technical issue, the stakes of this debate are high. Understanding where human rights activism and law are having an effect is an important yet difficult task because almost all the data we use to try to measure effectiveness is created by the human rights movement itself. We know that human rights TANs

have been effective and putting those numbers on a standard of accountability in the world. We have made any, increasingly innumerable, it is difficult to measure popular sentiment is getting worse.

What are the First, I think it is information paradox. less on information on what we might and campaigns to improve human use more leverage than assuming the human rights protection on constantly protection on making sure the ed by powerful countries.

Human rights continued commitment work of activists, supporters, read *The Twilight of Human Rights* half of human rights retreat to comfort stall or move back rights work. Although reasoned, well-informed

References

- Amnesty International. London: Amnesty International Books.
- Clark, Anna. and Human Rights Information Rights Quarterly.

keptic who rejects coding work. I myself have used and I value them as data. Lists alike should be aware of this bias. Scholars need to be aware of this bias. Activists need to be aware of this bias. Information politics could be used to this effect. Most importantly, the effective measure of human rights is supporting a claim that beyond that, I would argue demonstrates improvements against a bias in the data and those shown.

l, a gifted methods scholar and persuasive article modeling solutions. In his rising standard of accountability technique called "latent standard-based measures, which includes actual lists of the changing standard. This then shows that the improvements, not a decline,

information effects and human rights issues, such as health, can be measured in literacy rates, the percentage of children, the percentage of child mortality or child mortality. It is an especially excellent measure extreme de-

Conclusion

technical issue, the stakes of human rights activism are difficult because effectiveness is created by what human rights TANs

have been effective in using information politics to create new issues and putting those issues on the agenda, thus creating a changing standard of accountability for what constitutes a human rights violation in the world. What we have trouble understanding is whether TANs have made any difference in actual state behavior. Because we are increasingly inundated with dire human rights information and because it is difficult to measure progress in this area, there is an increasingly popular sentiment that the protection of these rights around the world is getting worse.

What are this argument's implications for activists and scholars? First, I think it is incumbent on these actors to be aware of the information paradox. Second, perhaps human rights activists should rely less on information politics, less on "naming and shaming," and more on what we might call "effectiveness politics"—identifying techniques and campaigns that have been effective and trying to discern how best to improve human rights. Perhaps the human rights movement should use more leverage politics, for example, to bring about change, rather than assuming that producing another report is the answer to every human rights problem. Likewise, human rights TANs might work less on constantly pressing to raise the standard of accountability and more on making sure that existing standards of accountability are not flouted by powerful countries.

Human rights progress is not inevitable but rather contingent on continued commitment and effort. Without the belief and the untiring work of activists, change often will not occur. But if activists and their supporters, reading books such as *The Endtimes of Human Rights* and *The Twilight of Human Rights*, come to believe that their efforts on behalf of human rights are suspect or even counterproductive, and thus retreat to comfortable inactivity, human rights progress could indeed stall or move backward. Some expectation of hope sustains human rights work. Although hope in itself is insufficient, work sustained by reasoned, well-informed, patient hope is not.

References

- Amnesty International. 1987. *Amnesty International Report 1987*. London: Amnesty International.
- Archdiocese of Sao Paulo. 1986. *Torture in Brazil*. New York: Vintage Books.
- Clark, Ann Marie, and Kathryn Sikkink. 2013. "Information Effects and Human Rights Data: Is the Good News about Increased Human Rights Information Bad News for Human Rights Measures?" *Human Rights Quarterly* 35:539–68.

- Fariss, Christopher J. 2014. "Respect for Human Rights Has Improved over Time: Modeling the Changing Standard of Accountability." *American Political Science Review* 108:297-318.
- Hafner-Burton, Emilie M., and James Ron. 2009. "Seeing Double." *World Politics* 61:360-401.
- Hollyer, James, and B. Peter Rosendorff. 2011. "Why Do Authoritarian Regimes Sign the Convention against Torture? Signaling, Domestic Politics, and Non-Compliance." *Quarterly Journal of Political Science* 6:275-327.
- Hopgood, Stephen. 2013. *The Endtimes of Human Rights*. Ithaca, NY: Cornell University Press.
- Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.
- Landman, Todd, and Marco Larizza. 2009. "Inequality and Human Rights: Who Controls What, When, and How." *International Studies Quarterly* 53:715-36.
- Osiel, Mark. 2014. "The Demise of International Criminal Law." *Humanity Journal* (blog), June 10. <http://www.humanityjournal.net/blog/the-demise-of-international-criminal-law>
- Posner, Eric. 2014. *The Twilight of Human Rights Law*. New York: Oxford University Press.
- Secretaria Especial dos Direitos Humanos do Presidência da Republica. 2007. *Direto à Memória e à Verdade: Comissão Especial sobre Mortos e Desaparecidos Políticos*. Brasília: Secretaria de Direitos Humanos da Presidência da República.
- Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge: Cambridge University Press.