

# National Incorporation of Global Human Rights: Worldwide Expansion of National Human Rights Institutions, 1966-2004

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*Using an event history framework we analyze the adoption rate of national human rights institutions. Neo-realist perspective predicts adoption rates to be positively influenced by favorable national profiles that lower the costs and make it more reasonable to establish these institutions. From a world polity perspective adoption rates will be positively influenced by a world saturated with human rights organizations and conferences, by increasing adoption densities, and by greater linkages to the world polity. We find support for both perspectives in the analysis of the human rights commission. Only the changing state of the world polity is consequential for the founding of the classical ombudsman office. We discuss the national incorporation of international human rights standards and its relevance to issues of state sovereignty and national citizenship.*

The rise and expansion of the international human rights regime is a recent focus of sociological theory and research. Much theorizing revolves around the question of what such a regime implies for state sovereignty and national citizenship, and has accordingly centered on issues of treaty ratification and membership in international rights organizations. For both theory and research the crucial question is to ascertain the degree of importance to attach to national factors and historical legacies on the one hand, and on the other, the extent to which the outcomes of interest are driven by transnational dynamics. The literature includes those who assert that there are some discernable national economic, political and cultural

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profiles that make it more likely that some states will activate human rights standards. These more favorable profiles make it less costly and more reasonable to adhere to the international human rights regime. In contrast to this neo-realist perspective, neo-institutional world polity scholars stress the importance of the changing political culture of the world, increasing national linkages to the world, and global diffusion processes. From this perspective the crucial motor is the changing world and linkages to its global structures that emphasize the centrality of human rights. Existing evidence suggests that both national and world influences affect a range of human rights outcomes (Donnelly 1982, 1998; Sikkink 1993; Lutz and Sikkink 2001; Goodman 2002; Tsutsui and Wotipka 2004; Cole 2005; Hafner-Burton and Tusiuti 2005; Smith and Wiest 2005; Wotipka and Ramirez 2008).

This article contributes to the debate by examining the adoption of two different forms of national human rights institutions, the earlier classical ombudsman office and the more recent human rights commission or human rights ombudsman office. The formation of these government-sponsored, national human rights institutions may bring human rights standards closer to home than ratification of a treaty or the growing interest in human rights within civil society. Signing international treaties or heightened interest in human rights may be highly symbolic, whereas establishing government-sponsored national organizations involves more elaborate efforts in changing national legal structures (Burdekin 2000; Ayeni et al 2000; Kjaerum 2003). Despite the existence of a somber view that a number of national governments have created NHRIs to deflect internal and international criticism of human rights abuses (Human Rights Watch 2001), the significance and challenge of the worldwide expansion of NHRIs are increasingly recognized.<sup>1</sup>

Is the formation of NHRIs influenced by the same factors that shape the diffusion of international human rights instruments in prior studies? Do these influences operate in the same way for the earlier classical ombudsman office and the more recent human rights organs? This article addresses these questions via a cross-national research design and the use of event history analysis. Our findings lead to two core conclusions: First, the political culture of the world and linkages to the world crucially influence the emergence of NHRIs. A world that changes in the direction of a greater number of human rights organizations and treaties is a collective reality that increases the likelihood of the formation of NHRIs. Countries more embedded in this changing world are also more likely to adopt such human rights institutions. Second, the human rights record of countries and the character of their political regime are also consequential. NHRIs are more likely to be adopted in more democratic countries that have fewer human rights violations. In addition, support for these conclusions is strongest in the case of recently founded human rights institutions relative to classical ombudsmen.

These core conclusions inform our discussion of the national incorporation of international human rights standards, a discussion that takes us back to the issues of state sovereignty, national citizenship and the global human rights regime. This discussion will emphasize the global structuration of the human rights regime and its influence on the reconstitution of citizenship.

## Historical Overview of NHRIs

### *The Emergence of NHRIs*

Modern conceptions of human rights evolved only after World War II, exemplified by the highly individual yet universal form in Roosevelt's four freedoms, freedoms that apply to everyone everywhere in the world (Borgwardt 2005).<sup>2</sup> The articulation of these freedoms in the Atlantic Charter of 1941 served multiple purposes, one of which was to mobilize support for the Allies among non-aligned countries and colonies. The leadership of national independence movements in South Africa and India joined the nationalist leadership of Mexico and Turkey to support these new rights claims, which rapidly grew to include the right to self-determination. The Atlantic Charter emphasized freedoms for "all the men (sic) in all the lands," and would be favorably invoked for "reaffirming faith in the dignity of each human being and propagating a host of democratic principles." (Mandela 1994:83-84) What initially started in part as a geopolitical Western strategy to win World War II opened the door for both nationalist opposition to Western colonialism and demands for a wide range of rights triggered by social movements throughout the world. Thus, an unintended consequence of the triumph of the mostly Western allies was the triumph of an international human rights regime that was utilized to critique all sorts of regimes, including Western ones and the ones supported by Western powers.

This early mobilization and the symbolic need to invoke human rights standards to justify trials for those who had committed "crimes against humanity" (Pendas 2002) facilitated the establishment of the Universal Declaration of Human Rights. After the Nuremberg paradigm emerged, it became more difficult for national legal systems to shield those accused of human rights violations. This prosecutorial approach to human rights violations continues to this day, but an alternative paradigm, the truth commission, has also emerged in more than 30 countries, including Argentina, Uruguay, Germany, Chad and South Africa. Unlike judicial trials, truth commissions identify and publicize abuses of human rights rather than punish those responsible for the crimes. The educational goals of truth commissions appear to be broader in scope than the legal aims of judicial courts in that truth commissions aim to achieve both legal justice

and a redemptive collective memory that allows for re-integration as a nation (Landman 1996; Hayner 1994).

Both the prosecutorial and truth commission models recognize the primacy given to nation-states as the legitimate bodies for promoting and protecting human rights, a principle repeatedly emphasized by the international community and the United Nations (OHCHR 1993). In line with this emphasis on the role of governments in protecting human rights, international authorities and non-governmental organizations have increasingly emphasized the importance of establishing independent national machinery explicitly devoted to the enforcement and improvement of human rights. A new type of organization, NHRIs, has emerged to fill this gap.

A precise definition of NHRIs has yet to emerge, but the concept commonly refers to *government-sponsored* organs whose functions are specifically defined in terms of the promotion and protection of human rights. The jurisdiction of a national human rights organization is typically protected either by the constitution or national statutory laws. NHRIs' responsibilities generally include receiving complaints from individuals, investigating potential cases for human rights abuses or administrative faults, and recommending corrective measures to relevant organizations or individuals (Reif 2000; Kjaerum 2003). The number of complaints a NHRI receives ranges from hundreds to tens of thousands annually. This variation reflects not only the demographic scale of the country, but also the extent of the general public awareness of the institution in each country.<sup>3</sup> NHRIs can be grouped into three broad categories, the classical ombudsman office, the human rights commission and the human rights ombudsman office.

### *Categories of NHRIs*

The classical ombudsman, which may be an individual or a group, originated from the Swedish Ombudsman for Justice founded in 1809, and from other Scandinavian ombudsman institutions (Finland founded in 1919; Denmark in 1955; Norway in 1962), and spread through other parts of the world (New Zealand 1962; and Australia 1977). The original idea of the classical ombudsman was far removed from the ideals of human rights. It simply focused on ensuring the rule of law in public administration (Cheng 1968). Yet, contemporary ombudsman offices, despite their continuous emphasis on general fairness and legality in public administration, increasingly incorporate human rights values in several important ways. First, they empower individuals with the right to petition grievances regarding public administration. Second, the offices emphasize a close collaboration with other general human rights institutions, including the human rights commission (Hill 1974).

**Table 1: Categories of National Human Rights Institutions**

<b>Classical Ombudsman Offices</b>	<b>Countries</b>
Ombudsman	New Zealand, Mauritius & most others
Parliamentary Ombudsman	Sweden, Malta
National Ombudsman	Croatia, Indonesia
Ombudsperson	Ukraine
Commonwealth Ombudsman	Australia
Mediators	France, Gabon
<b>Human Rights Commissions</b>	
Human Rights Commission	Canada, Norway and most others
Human Rights Office	Latvia, Iraq
Human Rights Center	Norway, Moldova
<b>Human Rights Ombudsmen</b>	
Human Rights Ombudsman	Slovenia, Bosnia & Herzegovina
Public Defender	Jamaica, El Salvador
People's Advocate	Albania, Romania
Ombudsperson	Kosovo

In the past 20 to 30 years, human rights commissions with an explicit mandate for the promotion and protection of human rights have emerged, particularly in a number of Commonwealth member states, (New Zealand 1978; Australia 1986; and India 1993). Unlike a classical ombudsman office, the jurisdiction of a human rights commission is specifically focused on human rights and non-discrimination. While a classical ombudsman office is focused on receiving and investigating complaints regarding maladministration, a human rights commission seeks to receive and investigate complaints alleging human rights abuses and discrimination based on gender, race/ethnicity, sexual orientation or physical disability. Furthermore, the activities of a commission also include human rights education and promotional activities, and cooperation with NGOs and the media (Hadden 2002).

Along with the development of these commissions, the human rights ombudsman offices also emerged in the 1990s. These new ombudsmen increasingly seek to deal with general human rights as well as fair public administration, and have expanded their organizational goals into promotional activities and cooperation with NGOs, relative to the limited public administration goals of the classical ombudsman.<sup>4</sup> Similar to human rights commissions, this new generation of ombudsman takes international human rights laws and treaties and adapts them as a legal basis for their operations (Reif 2000; Kjaerum 2003). Thus, a human rights ombudsman has more in common with a commission than with a classical ombudsman.

Table 1 identifies the kinds of organizations and their home countries that correspond to the three broad categories of NHRIs that we propose to examine.

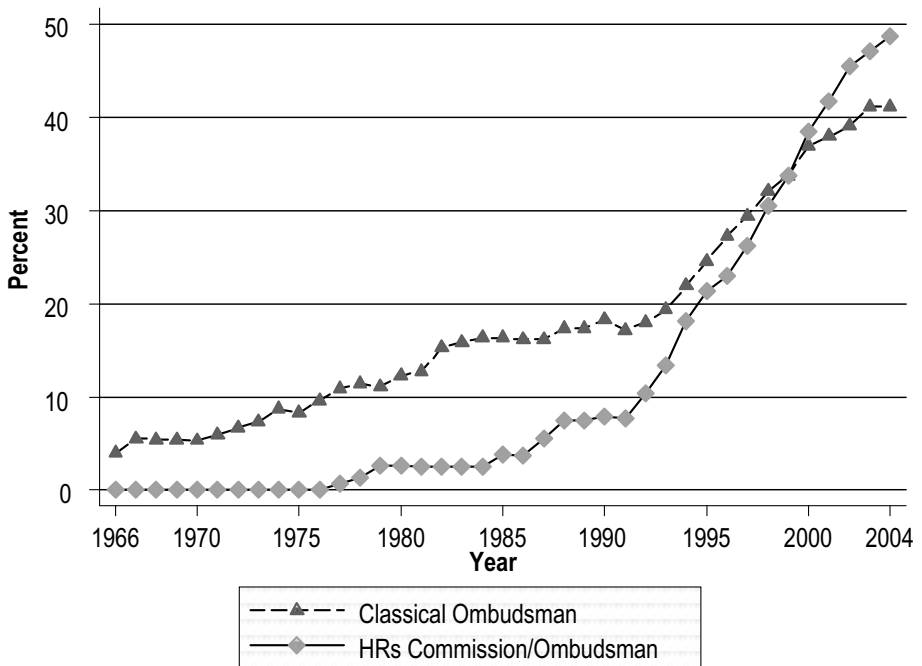
### *Historical Trend*

Since their initial emergence in Sweden in 1809, 178 NHRIs (83 classical ombudsman offices, 70 human rights commissions and 25 human rights ombudsman offices) have been established in 133 countries (see Appendix B). A number of countries have adopted both a classical ombudsman and a commission, but the majority use only one model. Figure 1 displays the adoption percentage of NHRIs relative to the number of independent countries during the observational period from 1966 to 2004.

The early period of the 1960s through the 1980s saw a modest increase of the classical ombudsman office, a dominant model of NHRIs during this period. By the end of the 1980s, about 17 percent of the countries around the world adopted this earlier form of NHRIs, whereas only eight percent of the countries appear to be the adopters of the human rights commissions/ombudsmen. The period of the 1990s and the early 2000s represents an era of a *human rights revolution* where all types of NHRIs experienced a rapid growth everywhere. This dramatic expansion, as the steep curves of both NHRIs indicate in Figure 1, was spurred by the spread and intensification of global human rights norms and standards. International human rights organizations expanded tremendously and several key international human rights treaties were ratified by a growing number of states (Wotipka and Tsutsui 2003). The organization of the first U.N. conference on NHRIs in 1991 was followed in 1992 by the creation of the guiding "Paris Principles." Then, these were adopted by the U.N. Commission on Human Rights and by the General Assembly in 1993 and significantly contributed to the worldwide mobilization of NHRIs. In conjunction with this global level development, more than 70 percent of the nation states worldwide adopted at least one form of NHRIs by 2004. As shown in Figure 1, 42 percent of the countries adopted the classical ombudsman office and 49 percent established the newer and more human rights-oriented commission or ombudsman.

This historical overview shows that a great number of nation-states worldwide have adopted NHRIs over the past several decades. We contend that the adoption of NHRIs in nation states involves the *national incorporation* of the global human rights regime. Incorporation indicates enactment of global human rights into national law and organizational structure. Human rights commissions/ombudsmen closely linked to global human rights utilize international standards as an explicit basis of their activities. Classical ombudsman offices tend to base their operation on domestic legislation, although some also refer to international standards.<sup>5</sup> However, the classical ombudsman offices adopted since the 1990s tend to explicitly derive their authority from international human rights laws, and use this linkage as a tool for strengthening their legitimacy. For the

Figure 1. Adoptions of National Human Rights Institutions, 1966-2004



past several decades, a great deal of the national incorporation of global human rights has occurred through the adoptions of NHRIs and this unique dimension requires systematic analysis.

### Explaining the National Incorporation of Global Human Rights

Why did countries adopt NHRIs and what were the conditions under which NHRIs expanded worldwide? To answer these questions, we draw on two theoretical frameworks, *neo-realist theory* and *world polity theory* and engage in hypothesis testing.

#### *Neo-Realist Theory*

The classical realist perspective in international relations views nation-states as unconstrained rational-actors pursuing their own interests in an anarchic world; national security interest comes first within this perspective (Morgenthau 1985[1948]; Waltz 1979; Gilpin 1987).<sup>6</sup> More recent works in this tradition under the banner of neo-realism assign more autonomy to international organizations and regimes, but nevertheless focus on these developments as tools controlled by powerful nation-states who seek to



satisfy their own interests in the world arena (Krasner 1999). From this perspective some countries are more able to dictate the international "rules of the game." These countries have the economic, political and cultural power to successfully impose their standards on the rest of the world. Moreover these countries are more able to comply with the international rules of the game because compliance is less costly for these countries. That is, the closer the fit between some international standard and some national structure or tradition, the lower the level of economic, political and cultural costs sustained in compliance (Keohane 1984).

From this neo-realist perspective the international human rights regime is one more example of the international rules of the game (Krasner 1982). It is not surprising that the modern revitalization of the international human rights regime started in the more dominant West. Donnelly (1982:303) asserts that "most non-Western cultural and political traditions lack not only the practice of human rights but the very concept. As a matter of historical fact, the concept of human rights is an artifact of modern Western civilization." A Western heritage is thus expected to co-vary with human rights developments, including the formation of NHRIs (Huntington 1996). Within such a heritage there will be more individuals and groups demanding human rights and doing so within a political framework that makes it easier to both make and satisfy these demands (Moravcsik 2000).<sup>7</sup>

A political framework that is more amenable to satisfying human rights demands can be discussed in general terms using the literature on democracy and democratization. More sensitive to citizenship rights, the more democratic regimes or newly democratic countries should have an easier time in transitioning to dealing with human rights claims. But a more concrete discussion can focus on the human rights records of varying regimes (Poe et al. 1999). In either case the straightforward implication is that the costs of alignment with an international human rights regime will be lower in a more democratic or newly democratic regime as well as in a regime with a more favorable human rights record (Hathaway 2003).

The neo-realist perspective predicts that the national incorporation of global human rights is more likely to occur in the more developed economies. Wealthier countries tend also to have more democratic regimes (Kurzman et al. 2002). Furthermore, net of political and cultural factors that favor the national institutions, wealthier countries are more likely to be able to afford the establishment and maintenance of NHRIs, and to shoulder the costs of compensating victims. Reparations paid to Americans of Japanese descent interned during World War II illustrate this point. Pressures on Japan to more explicitly acknowledge its wartime victimization of civilians (the comfort women issue, for example) are at least in part driven by the sense that Japan can afford to compensate its victims.



To summarize, from a neo-realist perspective, country profiles are crucial predictors of their adherence to or compliance with international human rights standards. Because the latter is more likely to reflect the preferences of the more powerful countries, it is less costly for these countries to act in ways consistent with these international rules of the game. This perspective motivates the following hypotheses:

*Hypothesis 1:* Economically advanced countries are more likely than non-economically advanced countries to adopt NHRIs.

*Hypothesis 2:* Democratic countries are more likely than non-democratic countries to adopt NHRIs.

*Hypothesis 3:* Countries changing in the direction of a more democratic regime are more likely to adopt NHRIs than countries that do not change or change in the direction of a less democratic regime.

*Hypothesis 4:* Countries with better human rights records are more likely than countries with poor human rights records to adopt NHRIs.

*Hypothesis 5:* Western countries are more likely than non-Western countries to adopt NHRIs.

### **World Polity Institutionalism**

The world polity perspective emphasizes the extent to which nation-states are embedded in a wider world and influenced by world models of proper nation-state identity (Meyer et al 1997; Meyer and Ramirez 2000). The widespread acceptance of models of “proper” nationhood creates a great deal of isomorphism among nation-states. Global models are articulated and spread through carriers such as international organizations and professional associations (Boli and Thomas 1997). The degree of country compliance with global model emphases is influenced by the extent to which countries are linked to these models and their carriers and by the strength of these models cum international regime.

In the post World War II era, one overriding emphasis has been the expected national commitment to progress and justice goals, an expectation reflected in a wide range of policy declarations, ranging from calls for investments in human capital to demands that the rights of individuals be protected. Individual rights, once exclusively discussed in a citizenship

rights frame, are now apt to include a human rights dimension (Ramirez et al. 2005). From the world polity perspective, a world of international organizations and conferences that increasingly emphasizes human rights increases the likelihood of countries acting as if they were committed to a human rights regime. This is especially the case if this world involves an increasing number of human rights-affirming countries. Countries that are more linked to international organizations, conferences or other countries that invoke human rights, are particularly attuned to the world emphasis on human rights through these linkages (Wotipka and Tsutsui 2008).

This line of reasoning differs from a neo-realist perspective in some important ways. First, from a neo-realist perspective, the pursuit of state interest is guided by a cost/benefit analysis that takes into account the power of the state. By contrast, international standards and legitimacy concerns are more important for the state from a world polity perspective. Secondly, international standards and world models are not merely tools controlled by the dominant powers. These standards acquire a regime-like quality that constrains and influences nation-states, including those with considerable power (Ruggie 1986; Meyer et al. 1997). A regime that grows in strength over time is more likely to influence the activities of *all* nation-states. Lastly, a world polity perspective stresses the influence of the activity of other countries throughout the world or within one's region. This has been discussed as a norm cascade or a normative bandwagon diffusion process (Finnemore and Sikkink 1998).

From a world polity perspective, normative and mimetic processes are crucial. Countries embrace human rights discourse and create human rights institutions to comply with changing international standards regarding what constitutes a proper and legitimate nation-state. These standards become more salient and thus more influential as more international organizations and world conferences affirm and develop these standards. Moreover countries with greater links to the wider world are more likely to be better attuned to the normative standards. Lastly, countries are increasingly aware of and likely to copy what other countries do in a wide range of policy or institutional developments. From a world polity perspective, it is increasingly difficult for countries to act as if only their historical legacy or national profile counted. What other countries increasingly do becomes indicative of a world standard of nation-state probity and legitimacy.

To summarize, the world polity perspective posits that the formation of NHRIs should be positively influenced by the political culture of the world and its human rights regime, by how much a country is linked to the world and the international human rights regime, and by the extent to which other countries worldwide and in one's region are establishing NHRIs. The overall world context matters as does the degree to which a country is embedded within this context. World and regional diffusion processes

are also consequential in favoring the formation of NHRIs. World polity institutionalism motivates the following hypotheses:

*Hypothesis 6:* Countries are more likely to adopt NHRIs as the world polity becomes more saturated by international organizations.

*Hypothesis 7:* Countries are more likely to adopt NHRIs as the world polity becomes more saturated by the international human rights regime.

*Hypothesis 8:* Countries are more likely to adopt NHRIs as other countries throughout the world or in one's region adopt these organizations.

*Hypothesis 9:* Countries are more likely to adopt NHRIs during and subsequent to world conferences promoting NHRIs.

*Hypothesis 10:* Countries with stronger links to the world polity are more likely to adopt NHRIs.

## Data and Methods

### *Dependent Variables*

The dependent variables are the annual rates that a country is likely to adopt either a classical ombudsman office or a human rights commission/ombudsman. The annual adoption rates are calculated from a variable indicating whether or not a country adopted a form of NHRIs and, if so, when the adoption occurred. Annual spells of this variable receive a score of 1 during the year a country adopts a NHRI. Otherwise, the spells are coded 0. Initially, we considered nearly all – national or federal level – NHRIs, which comprise 178 organizations established in 133 countries in total, starting in the year 1966, the year of the adoption of the two key international human rights conventions, and ending in 2004. Twenty-nine adopting countries, however, dropped from the statistical analyses due to their lack of data on the independent variables. Therefore, in the final analyses, we considered 104 adopting countries along with 36 non-adopting countries, yielding 140 analyzed countries in total.<sup>8</sup> When we saw a few rare cases in which a country adopted several similar institutions, we only considered the first adoption.<sup>9</sup>

With respect to the list of countries that founded classical ombudsman offices, we used the information by the International Ombudsman Institute,

an umbrella organization for the ombudsman offices worldwide.<sup>10</sup> In determining which countries adopted human rights commissions or human rights ombudsmen, we consulted the list by the National Human Rights Institutions Forum organized by the Danish Center for Human Rights and the U.N. Office of Higher Commissioner for Human Rights.<sup>11</sup>

To compile the adoption years of NHRIs, we first looked to the official web pages of an individual organization for an exact adoption date. If the site included an adoption date, it was taken for our dataset. If not, we consulted relevant laws that empower each NHRI, and based the adoption year on the timing of the passage of the legislation.

### *Neo-Realist Independent Variables*

#### *GDP per capita*

National economic development is measured by gross domestic product per capita in constant US \$ of 1995 (World Bank 2005). This is the most frequently used measure of national development or wealth in cross-national studies and it is logged to correct for a skewed distribution.

#### *Autocracy/Democracy Scores*

To gauge the degree to which a national polity is democratic, we use the Polity IV composite institutionalized polity score (Marshall and Jaggers 2002) which ranges from -10 (full autocracy) to +10 (full democracy). The three key characteristics essential for this annually computed index are as follows: (1. routine procedures that enable citizens to express preferences for policies; 2. institutionalized constraints on executive power; and 3. guarantees of basic civil liberties. The presence of these three characteristics involves the full realization of democracy.

#### *Autocracy/Democracy Change*

To estimate the degree to which a national polity becomes more or less democratic, we calculate annual deviations in a country's institutionalized polity score. These are expressed by  $De_{ij} = [t - (t - .1)]$  where  $i$  denotes a country and  $j$  indicates its polity score. More specifically, positive values of the deviations indicate liberalization or democratization, whereas negative values imply retrenchment of democracy or increased autocracy. A score of 0 suggests regime stability from the previous year (Cole 2005).

#### *Human Rights Practices*

This variable was constructed from content analysis of annual human rights reports issued by the U.S. Department of State (Hafner-Burton and Tsutsui 2005). We use an ordinal scale of repression measured as murder, torture, forced disappearance and political imprisonment. Countries were

assigned a score of 1, indicating systematic repression to 5 meaning rare repression. A higher score indicates a better record of protection of human rights.

### *The West*

To examine whether Western countries took the lead for the adoption of NHRIs, we use a dummy for countries in the West that includes Australia, Canada, New Zealand, the United States and Western European countries. This indicator gauges the civilizational heritage of a country.

### ***World Polity Variables: World Level***

#### *International Organizations*

The political culture of the world is measured by the cumulative number of international organizations both IGOs and INGOs. IGOs involve global governance centered on sovereign states, whereas INGOs represent the voluntary and autonomous authority of global civil society. To simultaneously capture these two distinct structures and to consider each dimension's own weight, we standardize each dimension with z-scores, and sum the two z-scores to constitute an index. Data come from the *Yearbook of International Organizations* (Union of International Associations 1967-2005).

#### *International Human Rights Instruments*

The strength of the global human rights regime is measured by the number of international human rights instruments. We use the cumulative number of international human rights instruments recognized by the Office of the United Nations High Commissioner for Human Rights (OHCHR 1967-2005). Data come from the *World Polity Indicators I: Human Rights Treaty Ratification Data* (Elliott 2008).

#### *World and Regional Adoption Densities*

To capture the diffusion process, we use density of states' adoptions of NHRIs, the total number of adoptions of NHRIs in a given year, both at the world and at the regional level. World adoption density indicates the number of adoptions of NHRIs among all countries, and regional adoption density quantifies the number of adoptions of NHRIs in one specific region. We referred to the CIA World Factbook (CIA 2007) to determine the seven regional categories.

#### *International Conferences*

To understand the effect of the world polity on countries' adoptions of NHRIs, we consider a dummy for the period, 1991-1994, in which major international conferences on NHRIs took place. 1991 was the year when

the first NHRI promoting conference was held, and 1993 was the year when both the Vienna Human Rights and the second NHRI promoting conferences were held. To capture not only on-site socialization, but also subsequent socialization, we consider 1992 and 1994, the subsequent years of the three major conferences. A cross-national analysis of the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, for example, demonstrated the significance of the timing of international conferences (Wotipka and Ramirez 2008).

### ***World Polity Variables: National Level***

#### *International Organization Memberships*

To determine the extent to which countries are connected to the world polity, we use countries' memberships in international organizations both IGOs and INGOs. To simultaneously consider these two memberships, we standardize each membership data with their z-scores, and sum these into an index. Data also come from the *Yearbook of International Organizations* (Union of International Associations 1967-2005).

#### *Human Rights Instruments Ratifications*

Countries' linkage to the world polity is also measured by their ratifications of human rights instruments. We use the number of each country's ratification of the aforementioned human rights instruments recognized by the Office of the United Nations High Commissioner for Human Rights (Elliott 2008).

### ***Control***

#### *Human Rights Commissions/Ombudsmen Adoption*

To see if countries' adoptions of human rights commissions/ombudsmen affect those of classical ombudsman offices, we control for a dummy variable for the years after a country adopted a human rights commission or a human rights ombudsman office in the analysis of classical ombudsman offices.

#### *Classical Ombudsmen Adoption*

To see if countries' adoptions of classical ombudsman offices trigger countries' adoptions of human rights commissions/ombudsmen, we include a dummy variable for the years after a country adopted a classical ombudsman office in the analysis of human rights commissions/ombudsmen.

### ***Methods***

We use event history analysis for estimating models of adoption rates of a NHRI in each country. The unit of analysis is countries, which may or may not experience the event of an adoption after their achievement of independence at a given year from 1966 through 2004. In other words,

countries are treated as one set at risk of experiencing the focal event either from the start of the observation period or from the point where countries become independent (Tuma and Hannan 1984). Yet, each country is treated as right-censored if the country does not adopt a NHRI. The adoption (or hazard) rates of event occurrence is defined as

$$\lambda_{ij}(t) = \lim_{\Delta t \rightarrow 0} \frac{\Pr_{ij}(t, t + \Delta t \mid T \geq t)}{\Delta t} \quad (1)$$

where we consider the probability that an event occurs in the interval  $(t, t + \Delta t)$ , given that a country had not adopted a NHRI at time  $t$  or was at risk of the adoption at time  $t$  and denote this probability by  $\Pr_{ij}(t, t + \Delta t \mid T \geq t)$ . Then, we divide the probability by  $\Delta t$ , the length of the interval, and allow this interval to become smaller and smaller until the ratio reaches its limit (Allison 1984).

In the analyses of two different forms of NHRIs, we examine the single event, i.e., the adoption of either a classical ombudsman or a human rights commission. Each year of the historical period, 1966-2004, is seen as an episode in which a focal event is likely to occur. Past studies demonstrate that the adoption or hazard rates associated with the behavior of countries are a function of the effects of covariates, rather than of historical time (Frank et al 2000; Schofer 2003). Thus, we employ the exponential model, which assumes the occurrence of an event is a function of other independent variables, rather than of time:

$$\lambda_{ij}(t) = \exp(\beta \mathbf{x}_{it} + \epsilon) \quad (2)$$

Where  $\epsilon$  denotes a constant associated with the  $i$  th time period,  $\mathbf{x}_{it}$  indicates a vector of covariates measured for each country  $i$  that may or may not vary with time  $t$ , and  $\beta$  is a corresponding vector of regression coefficients regarding each variable's estimated effect on the likelihood that a country  $i$  experiences the adoption of a NHRI  $j$  during a given year. The exponential model has been fruitfully employed in a number of recent cross-national studies, including research that focuses on human rights developments (Cole 2005; Wotipka and Ramirez 2008).

## Results

We report estimates of the adoption rates that each country is likely to establish a NHRI from 1966 to 2004. In models 1-4 of Table 3 we report estimates of classical ombudsman offices. To avoid high collinearity among the four indicators of the world polity, we enter separately each of these into the equations in models 1-4. The same strategy is followed when we report estimates of human rights commissions/ombudsmen in



Table 2: Variable Descriptions and Descriptive Statistics

Theory	Variable	Description	Min	Max	Mean
<b>Dependent Variable A</b>					
Adoptions of Classical Ombudsmen		Coded 1 for the year when a classical ombudsman was adopted.	0	1	.32
<b>Dependent Variable B</b>					
Adoptions of HRs Commissions/Ombudsmen		Coded 1 for the year when a commission or human rights ombudsman was adopted.	0	1	.42
<b>Neo-Realist Theory</b>					
GDP per Capita (logged)		Gross domestic product per capita, 1995 US \$	0	10.9	7.46
Democracy/Autocracy		Polity IV composite policy score	-10	10	.08
Democracy/Autocracy Change		Annual deviations in a country's institutionalized polity score	-18	16	.09
Human Rights Practices Western Countries		Ordinal scales of human rights practices scores. Dummy variable coded 1 for western countries.	1	5	3.77
<b>World Polity Theory</b>					
International Organizations		Indicator constructed from the sum of the z-scores of the cumulative numbers of IGOs and INGOs.	-1.60	4.33	.97
International Human Rights Instruments		Cumulative number of international human rights instruments.	34	146	85
World Density A		Cumulative number of world adoptions of classical ombudsman offices.	0	72	27.56
Regional Density A		Cumulative number of regional adoptions of classical ombudsman offices.	0	26	4.76
World Density B		Cumulative number of world adoptions of human rights commissions/ombudsmen.	0	91	23.53
Regional Density B		Cumulative number of regional adoptions of human rights commissions/ombudsmen.	0	25	3.85
World Conference		Dummy variable coded 1 for the years of 1991-1994.	0	1	.31

Index of World Polity A	A single world polity composite index constructed from the sum of the z-scores of the cumulative numbers of IOs, human rights instruments, world/regional densities A and world conference dummy. Used for classical ombudsmen analysis.	-5.32	10.1	1.22
Index of World Polity B	A single world polity composite index constructed from the sum of the z-scores of the cumulative numbers of IOs, human rights instruments, world/regional densities B and world conference dummy. Used for human rights commissions/ombudsman analysis.	-4.75	13.1	1.20
Linkage to International Organizations	Indicator constructed from the sum of the z-scores of the numbers of countries' memberships in IOs and INGOs.	-2.9	6.6	.07
Ratifications of International Human Rights Instruments	The number of countries' ratifications of International human rights instruments	0	11	210
Index of National Linkage to World Polity	A single composite index of the extent of countries' linkage to world polity constructed from the sum of the z-scores of the numbers of memberships in IOs and INGOs, and the number of ratifications of human rights treaties.	-4.17	7.42	.14
<b>Control</b>				
Human Rights Commission/ Ombudsman Adoption Dummy	Dummy variable coded 1 for the years after a country adopted a commission or a human rights ombudsman.	0	1	.12
Classical Ombudsman Adoption Dummy	Dummy variable coded 1 for the years after a country adopted a classical ombudsman.	0	1	.14

models 5-8. In all of these analyses we control for the influence of one type of NHRIs on the adoption of the other, as it is reasonable to expect reciprocal influences in these similar organizational foundings.

### *Classical Ombudsmen Adoptions*

Neo-realist perspective postulates that classical ombudsman offices are more likely to be established when their adoptions are more consistent with national structures and practices and, thus, less costly to undertake. We find, however, no support for any of the predictions motivated by the neo-realist perspective in models 1 to 4 of Table 3.

Contrary to Hypothesis 1, the GDP per capita effects, though modest, are actually negative. As predicted in hypotheses 2 and 3, the level of democracy and the transition to democracy variables positively influence the adoption rates. But in both cases the effects are not statistically significant. Contrary to hypotheses 4 and 5, a country's human rights record and its Western heritage status appear to be irrelevant to the formation of the classical ombudsman office.

We turn now to consider the effects of the indicators derived from world polity institutionalism on the adoption rates of classical ombudsmen offices. From this perspective, these offices are more likely to be established as the world polity and its human rights regime grow stronger, as world and regional adoption densities increase and during periods of international conferences fostering human rights developments. Greater links to the world polity should also increase the adoption rates.

In Model 1, the standardized indicator of the cumulative number of IOs (IGOs and INGOs) has an expected positive and significant effect (Hypothesis 6) at the  $p < .1$  threshold. A world more saturated by IOs is more conducive to the formation of the classical ombudsman office. In models 1 to 4, as predicted in Hypothesis 9, the timing of international conferences consistently shows a positively significant effect. Based on estimates obtained from Model 3, the predicted likelihood of adopting an ombudsman office increases more than 2.4 times ( $\exp[.889] = 2.432$ ) during the period, 1991-1994.

In line with Hypothesis 7, the cumulative number of international human rights instruments shows a positive and significant effect in Model 2; increases in the strength of the international human rights regime positively influence the adoption rates. In models 3 and 4, we find that world and regional adoption densities positively influence the adoption rates. These findings are also in line with the conventional diffusion imagery found in Hypothesis 8. We, however, do not find support for Hypothesis 10. Neither the national linkage to the world polity nor countries' participation in the international human rights regime shows the expected effects. Contrary

to what we expected, the control variable of the adoption of human rights commissions/ombudsmen is irrelevant in explaining the formation of classical ombudsman offices.

### *Human Rights Commissions/Ombudsmen Adoptions*

Models 5 to 8 in Table 3 report estimates of the adoptions of human rights commissions/ombudsmen that are more explicitly focused on human rights. As in the analysis of classical ombudsman offices in models 1 to 4, the state of the economy, transition to democracy, and the Western status of the country are inconsequential. Again, hypotheses 1, 3, and 5 do not receive support. As predicted in hypotheses 2 and 4, however, more democratic and better human rights profiles positively influence the adoption rates of this newer form in all models considered.

In these models, we also find strong support for hypotheses 6 through 9. The adoption rates are very much influenced by the strength of the world polity, the strength of the international human rights regime, world and regional adoption densities and the timing of the rights promoting international conferences. All five indicators reflecting world level influences – the standardized indicator of the cumulative number of IOs, the cumulative number of international human rights instruments, the cumulative number of adopters at the world and regional levels, and the international conference dummy – are clearly consequential in explaining the formation of human rights commissions/ombudsmen.

Furthermore, memberships in international organizations, a measure of linkage to the world polity, produce a positive and significant effect in three out of four models. However, the other linkage indicator – ratification of human rights instruments – shows no effect in models 5-8. In these analyses, the classical ombudsmen adoption appears not to be a good predictor of the other form of NHRIs. These results suggest that the more human rights oriented organizations may differ more sharply from the good governance ones than anticipated in the practitioner literature (Owen 1990; Burdekin 2000; Maiorano 2001).

### **Further Analysis**

In Appendix A, we conduct further analyses that closely parallel the analyses in Table 3. We do so by constructing two indexes that collapse the indicators of the world polity and national linkage to this collective entity. This procedure permits us to simplify model construction and to ascertain whether the results are similar to those reported in Table 3. The index of the world polity combines five world polity indicators—international organizations, international human rights instruments, world adoption density, regional adoption density and international conferences—by

Table 3: Event History Analysis of Adoptions of NHRIs

Classical Ombudsmen (1966-2004)				Human Rights Commissions/Ombudsmen (1978-2004)				
Independent Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6	Model 7	Model 8
Neo-Realism								
GDP per capita (logged)	-.233† (.138)	-.238† (.137)	-.236† (.138)	-.117 (.142)	-.183 (.119)	-.180 (.119)	-.149 (.121)	-.091 (.124)
Democracy/Autocracy	.028 (.024)	.026 (.024)	.027 (.024)	.031 (.024)	.039† (.022)	.038† (.022)	.044* (.022)	.047* (.022)
Democracy/Autocracy Change	.008 (.064)	.008 (.064)	.011 (.064)	.008 (.063)	-.040 (.062)	-.040 (.062)	-.040 (.061)	-.038 (.059)
Human Rights Practices	-.092 (.140)	-.105 (.141)	-.096 (.141)	-.068 (.136)	.274* (.127)	.280* (.127)	.339** (.126)	.369** (.122)
West	.753 (.566)	.788 (.567)	.766 (.565)	.398 (.557)	.374 (.457)	.358 (.457)	.270 (.447)	-.091 (.445)
World Polity Institutionalism								
World Level Influence								
International Organizations	.179† (.104)				.631*** (.101)			
International Human Rights Instruments		.013* (.005)				.033*** (.005)		
World Adoption Density			.018† (.009)				.023*** (.005)	
Regional Adoption Density				.060* (.023)				.056* (.022)
International Conferences (1991-94)	.761* (.309)	.626* (.318)	.889** (.304)	.898** (.305)	.634* (.266)	.342 (.265)	.877** (.100)	.796** (.271)

National Linkage to World Polity							
International Organization Memberships	.029 (.115)	.037 (.115)	.002 (.116)	.232* (.104)	.237* (.104)	.189* (.09)	.147 (.100)
Human Rights Instrument Ratifications	.001 (.026)	-.002 (.026)	.007 (.022)	-.024 (.020)	-.024 (.020)	.006 (.02)	.035† (.019)
Control							
Human Rights Commissions/Ombudsmen Adoption	.174 (.363)	.136 (.367)	.253 (.355)				
Classical Ombudsmen Adoption				-.392 (.256)	.400 (.256)	.480 (.260)	.517† (.262)
Constant	-3.319*** (.954)	-4.172*** (1.016)	-4.230*** (1.028)	-2.968*** (.784)	-5.070*** (.874)	-2.899*** (.260)	-3.031*** (.815)
LRχ <sup>2</sup>	24***	26***	27***	117***	116***	92***	81***
Df	10	10	10	10	10	10	10
Log likelihood	-130	-129	-129	-80	-80	-92	-98
Number of adoptions	59	59	59	78	78	78	78
Number of countries	135	135	135	140	140	140	140
Yearly spells	3707	3707	3707	4053	4053	4053	4053

Note: †p < .10   \*p < .05   \*\*p < .01   \*\*\*p < .001 (two-tailed tests)

All independent variables except the Western dummy are lagged by one year

summing the z-score of each variable. The index of national linkage to the world polity estimates the overall extent of countries' linkage to this global environment by summing the z-scores of international organizations memberships and international human rights ratifications.

On the whole the results in Appendix A are very similar to the findings in Table 3. In the analysis of classical ombudsman offices in models 2 and 3 of Appendix A, we find strong support for the index of the world polity, but no support for the index of national linkage to the world polity. However, we find positively significant effects of both indexes in the analysis of human rights commissions/ombudsmen. Taken together, all sorts of NHRIs are more likely to be adopted in a world in which a human rights regime grows stronger. It appears, however, that embeddedness in the world of human rights matters more for the more human rights explicit organization than the less explicit one. Throughout the models in Appendix A, most economic, political, and human rights profiles of a country are irrelevant in the classical ombudsmen analysis, whereas the level of democracy and the human rights record of a country matter greatly in the human rights commissions/ombudsmen analysis. We find essentially the same results as reported in Table 3. These results add to our confidence in the robustness of the core findings presented in this article.

## Discussion

Recent sociological accounts have documented the expansion of the global human rights regime created and propelled by a significant increase in human rights organizations, conferences, treaties, scholarly publications, and mass media coverage. A wide spectrum of once local, civil, social and cultural debates, such as the issues of boundaries between citizens and non-citizens, linguistic and cultural diversity in schools, relations between the sexes, is increasingly reconfigured as human rights debates. These developments suggest that global and regional changes might have been closely compounded with the rise and expansion of the human rights discourse at the national level.

The formation of NHRIs comes closer to the *nationalization* of international human rights standards than the ratification of a human rights treaty or the increase in national membership in international human rights organizations. Though not organized at the level of national ministries, these NHRIs have the potential of becoming the sites or targets of human rights mobilization efforts. This potential stems not only from their mandate of receiving and investigating the allegations of human rights abuses, but also from their increasing connection with human rights NGOs.

In an effort to contribute to the "sociology of human rights," this article analyzes the formation of the two categories of NHRIs, classical



ombudsman offices and human rights commissions/ombudsmen. Following an increasingly common research strategy in this domain, we estimate the influence of variables motivated by both neo-realist and world polity institutionalist perspectives. What we find is that the political culture of the world is the only variable that consistently and positively influences both adoption rates. This finding suggests that a preoccupation both with good governance and with human rights proper is at least in part world driven. How well a country is linked to the world polity and its growing human rights regime matters, but more so if human rights commissions/ombudsmen are the outcome of interest. This is unsurprising, as these commissions and ombudsmen are more directly attuned to the current human rights regime than are the good governance oriented classical ombudsman offices. Though both of these organizations are described in the literature as NHRIs, the adoption of one does not facilitate the establishment of the other. This suggests that these organizations might really differ in their orientation, and thus, in the degree to which they are influenced by the same forces.

This article also offers support for some dynamics favored by the neo-realist orientation. Human rights commissions/ombudsmen rather than classical ombudsman offices are likely to be established by more democratic regimes and by countries with more favorable human rights records. Cole (2005) also finds that countries with favorable human rights records are more likely to ratify *more demanding* human rights protocols, whereas countries with worse human rights records are less likely to endorse the more demanding, and thus more costly optional protocols. The irrelevance of countries' democratic profile on their adoption of the less human rights demanding NHRIs, is also consistent with the research finding that autocratic and rights-violating countries are more enthusiastic than democratic and rights-advocating countries with ratifying – highly symbolic – international human rights treaties (Wotipka and Tsutsui 2008). This finding suggests that national democratic or human rights profiles matter a great deal when the outcome involves higher human rights demand or stronger compliance pressures.

Contrary to Fukuyama's thesis (1992) emphasizing the decline of the nation state, the era of this sovereign political unit is not over. More importantly, the thesis overlooks the extent to which the nation-state itself emerged as an enactment of a transnational model of progress and justice (Anderson 1983; Meyer et al. 1997). A country that ignores the global human rights regime, in fact, courts disgrace and illegitimacy. The formation of NHRIs further activates the global human rights regime and more directly links local issues to transnational standards. The development of the global human rights regime puts pressure on nation-states to manage a globally valid identity without surrendering national

sovereignty. We live in a world where more human rights violations are discovered annually. These enhanced discoveries reflect greater human rights consciousness and efforts to identify violations, but the discoveries are also propelled by the transformation of all sorts of once private troubles and local issues to the status of human rights violations. In this world the idealized nation-state is less likely to posture as a charismatic actor and be associated with unique victories for the motherland. The idealized nation-state enacts human rights standards and aspires to score high on some universalistic scale of "best practices" in human rights. Though universalistic in scope, the idealized nation-state model may more quickly affect more democratic regimes, at least with respect to the formation of national human rights institutions.

### Notes

1. The U.N. Commission for Human Rights adopted a resolution in 2005, inviting NHRIs to participate in all agenda items of the Commission (Resolution 2005/74; International Council on Human Rights Policy 2005).
2. The four freedoms include freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want (i.e., a right to economic security), and freedom from fear (i.e., a right to military security).
3. The South African Human Rights Commission received 627 complaints in 1998, and its number dramatically increased to 1,322 in 1999. The Canadian Human Rights Commission, one of the largest NHRIs in the world, receives about 50,000 complaints/inquiries annually.
4. In some countries such as Jamaica and Portugal, the existing classical ombudsman offices have transformed into human rights ombudsman offices by adding new jurisdictions regarding more explicit human rights mandates such as preventing general discrimination.
5. For example, the Parliamentary Ombudsman in Finland explicitly refers to the International Covenant on Civil and Political Rights in a number of its official documents (Burdekin 2000).
6. We thank an anonymous reviewer for bringing this issue to our attention.
7. In this respect, there exists an affinity between neo-realist perspective in international relations and modernization theory in sociology. Both theories highlight the importance of national structures and traditions and pay less attention to world developments and diffusion processes.
8. In the classical ombudsmen analysis, however, 135 countries were considered because five early adopters (Sweden 1809; Finland 1919; Denmark 1955; Norway 1962; New Zealand 1962) were left-censored.

9. For example, Sweden has established the Swedish Ombudsman against Ethnic Discrimination (DO 1986), Children's Ombudsman (BO 1993), and The Swedish Disability Ombudsman (HO 1994).
10. The International Ombudsman Institute, an umbrella organization for the ombudsman offices worldwide can be reached at <http://www.law.ualberta.ca/centres/ioi/>.
11. The National Human Rights Institutions Forum can be reached at <http://www.nhri.net/>.

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Appendix A. Event History Analysis of Adoptions of National Human Rights Institutions, Further Analysis, 1966-2004

Independent Variable	Classical Ombudsmen (1966-2004)			Human Rights Commissions/Ombudsmen (1978-2004)		
	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
<b>Neo-Realism</b>						
GDP per capita (logged)	-.199 (.129)		-.261† (.136)	-.023 (.111)		-.151 (.120)
Democracy/Autocracy	.045* (.023)		.026 (.024)	.083*** (.020)		.041† (.022)
Democracy/Autocracy Change	.021 (.066)		.022 (.066)	-.039 (.058)		-.033 (.065)
Human Rights Practices	-.008 (.135)		.096 (.142)	.527*** (.114)		.313* (.127)
West	.544 (.505)		.652 (.557)	.199 (.414)		.345 (.448)
<b>World Polity Institutionalism</b>						
Index of World Polity		.089** (.029)	.094** (.031)		.209*** (.025)	.193*** (.028)
Index of National Linkage to World Polity		.090 (.071)	.087 (.106)		.126* (.054)	.171* (.092)
<b>Control</b>						
Human Rights Commissions/ Ombudsmen Adoption	.587† (.328)	.104 (.359)	.044 (.361)			
Classical Ombudsmen Adoption				.875*** (.248)	.291 (.247)	.377 (.256)
Constant	-2.895*** (.910)	-4.343*** (.158)	-2.925*** (.922)	-2.267*** (.740)	-4.650*** (.185)	-2.548*** (.750)
LRχ <sup>2</sup>	12†	15***	20***	46***	88***	102***

Df	6	3	8	6	3	8
Log likelihood	-136	-134	-132	-115	-94	-87
Number of adoptions	59	59	59	78	78	78
Number of countries	135	135	135	140	140	140
Yearly spells	3707	3707	3707	4053	4053	4053

Note: †p < .10    \*p < .05    \*\*p < .01    \*\*\*p < .001 (two-tailed tests)  
All independent variables except the Western dummy are lagged by one year

Appendix B. National Human Rights Institutions, Adoption Years, 1966-2004

Adopting Country	CO	HRC	HRO	Adopting Country	CO	HRC	HRO	Adopting Country	CO	HRC	HRO
Afghanistan		2002		Ghana	1993	1993		New Zealand	1962*		1978
Albania			1999	Greece		2000		Niger	1975		1999
Algeria	1995	1992		Greenland	1998			Nigeria			1996
Andorra	1998			Guatemala			1996	Northern Mariana			1998
Antigua & Barbuda	1994	1994		Guyana	1966			Norway	1962*		1999
Argentina			1993	Haiti	1997			Pakistan	1983		1986
Armenia		1998		Honduras			1992	Panama			1997
Australia	1976	1986		Hong Kong	1989			Papua New Guinea	1975		
Austria	1977			Hungary	1993			Paraguay			1992
Azerbaijan		1994		Iceland	1987			Peru			1993
Barbados	1987			India		1993		Philippines	1979		1987
Belgium	1995	1993		Indonesia	2000	1993		Portugal			1991
Belize	1999	1994		Iraq		2004		Qatar			2002
Benin		1989		Ireland	1981	2001		Romania			1991
Bermuda	2004	1981		Israel	1971			Russian Federation			1999
Bolivia			1997	Jamaica			1999	Samoa	1989		
Bosnia, Herzegovina			2001	Jordan		2002		Saudi Arabia			2004
Botswana	1997			Kazakhstan			2001	Senegal	1991		1997
Bulgaria	2004			Kenya		1996		Seychelles	1994		
Burkina Faso	1995	2001		Korea, Rep.	1994	2001		Sierra Leone	2002		1996
Cameroon	1992	1991		Kosovo			2000	Slovenia			1994
Canada		1978		Kyrgyz Rep.	2002			Solomon Islands	1980		
Central African Rep.		1999		Latvia		1996		South Africa	1996		1995
Chad		1995		Lesotho	1995			Spain	1981		
Colombia			1992	Liberia		1997		Sri Lanka	1981		1997
Congo, Rep.	2002			Liechtenstein	2002			St. Lucia	1979		

