
International Nongovernmental Organizations and the Global Diffusion of National Human Rights Institutions

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Abstract During the past three decades national human rights institutions (NHRIs) have spread to more than one hundred United Nations (UN) member states and become key to human rights enforcement and democratic accountability. Given that NHRIs can take on a life of their own even under adverse conditions, why do governments in the developing world create permanent, independent national bodies with statutory powers to promote and protect human rights? Human rights international nongovernmental organizations (INGOs) are crucial for global diffusion. They empower local actors and influence governments in favor of NHRI adoption by mediating the human rights and NHRI discourses and mobilizing shame internationally. An event history analysis offers robust evidence that controlling for the UN, regional organizations, and other rival factors, human rights INGOs have systematic positive effects on diffusion. The case studies of South Korea and Malaysia provide process-tracing evidence that the hypothesized causal mechanisms are operative.

National human rights institutions (NHRIs) lie at the core of the international human rights regime's recent development. As United Nations (UN) Secretary General Kofi Annan emphasized, "building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner."¹ Indeed, the number of NHRIs increased sixteenfold from seven in 1978 to 110 in 2004. Yet this global diffusion is counter-intuitive: Why should governments have independent and permanent institutions

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1. United Nations General Assembly 2002, 12.

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to impose costs on themselves when they violate human rights?² Developing UN member states' overall enthusiasm is especially puzzling given that even under adverse conditions, NHRIs can take on a life of their own and produce unintended consequences in favor of human rights. Why and through what processes do governments come under pressure to adopt the UN idea of NHRIs in the developing world?

This article argues that human rights international nongovernmental organizations (international NGOs or INGOs) are crucial for the global diffusion of NHRIs. Human rights INGOs promote diffusion in two ways. First, by mediating the human rights and NHRI discourses between the UN and local actors, human rights INGOs make governments more likely to establish an NHRI to meet social demands and maintain political legitimacy. Second, by mobilizing shame internationally and increasing the backlash risk, human rights INGOs make the target governments more likely to adopt the UN idea of NHRIs as a political concession and in order to deal with their human rights and public relations problems. In the human rights issue area, the UN needs human rights INGOs as key partners for successful norm diffusion among sovereign states.

To test the argument, this article integrates statistical analysis and case studies. First, I conduct an event history analysis of 149 developing UN member states and eighty-five NHRI founding acts for the period from 1979 to 2004, based on the new data directly supplied by the Office of the UN High Commissioner for Human Rights (OHCHR). I find that controlling for the UN, regional organizations, and other rival factors, human rights INGOs have significant and robust positive effects on the enactment of NHRI founding legislation. One important contribution of this article is to construct the most accurate new measures of human rights INGOs' local ties and shaming activities and to test their effects on the diffusion process. Second, as a complement to the statistical analysis, this article shows the theory's real-life plausibility by tracing the actual causal processes of establishing NHRIs in South Korea and Malaysia.

The research is significant for several reasons. First, my analysis uncovers the human rights INGO dimension in the global diffusion of UN policy instruments that is omitted and unexplained by the existing literature on international organizations (IOs). My finding that human rights INGOs are key partners for diffusion generates new insights into how human rights INGOs can be an important pathway for the UN effects on the domestic politics of sovereign states, even without explicit "orchestration" by the UN. Second, my research contributes to the literatures on human rights and transnational activism by answering the important but understudied question of how human rights INGOs underwrite domestic institutional change for human rights. By specifying how human rights INGOs influence local actors, national governments, and domestic politics in favor of NHRI creation, I demonstrate that human rights INGOs go beyond stopping human rights

2. I thank an anonymous reviewer for helping me make this point.

violations in the short term and catalyze domestic institution building for sustainable human rights development in the long term. In doing so, I also construct plausible and replicable new data on human rights INGOs and conduct a systematic and rigorous analysis of their effects. Last but not least, my work contributes to the literature on democratic accountability institutions.³ I focus on NHRIs, which have become crucial for government accountability and democratic consolidation, but have received little attention within the literature. In doing so, I also shed new light on the transnational dimension in the process of building accountability institutions that is omitted by democracy scholars.

The article proceeds as follows. I begin by explaining what NHRIs are and how they operate. The next section justifies my analytic focus on human rights INGOs. Then, I theorize two possible causal mechanisms linking human rights INGOs to the global diffusion of NHRIs. The following section presents the findings and robustness checks of an event history analysis. Finally, I show the theory's real-life plausibility by tracing the actual processes of NHRI establishment in South Korea and Malaysia.

What Are National Human Rights Institutions?

The UN defines an NHRI as “a body which is established by a Government under the constitution, or by law or decree, the functions of which are specifically defined in terms of the promotion and protection of human rights.”⁴ NHRIs can take three forms. A national human rights commission is a government-created but independent national institution with the plural representation of civil society and a broad mandate to mainstream and defend international human rights domestically through advisory, educational, and investigative functions. A national human rights ombudsman is the office of ombudsperson(s) mandated to protect individuals from human rights abuses by the government in public administration and to receive and investigate individual complaints. A specialized national institution protects the rights of a particular vulnerable group from all forms of discrimination.⁵ However, NHRIs in practice combine various aspects of the three types and defy simple classification. Thus, whatever it is called, the core idea is a permanent, independent national body with statutory powers to deal with human rights. NHRIs perform numerous specific functions to promote and protect human rights in a sustainable way. Among other things, NHRIs advise governments on legislation and policies and their human rights compatibility; offer human rights education and training for the public and target groups like the police and the military; monitor the domestic implementa-

3. Schedler, Diamond, and Plattner 1999.

4. United Nations Center for Human Rights 1995, 6.

5. United Nations 1993.

tion of international human rights treaties; and receive, *suo motu* investigate, and resolve individual complaints of human rights violations.⁶

NHRIs represent a new phase in the development of the international human rights regime. The origin of NHRIs dates back to 1946, when the Economic and Social Council proposed “information groups or local human rights committees” to help states participate in international human rights forums and cooperate with the UN Commission on Human Rights.⁷ However, NHRIs remained low on the agenda during the third quarter of the twentieth century, when the UN focused on setting international human rights standards starting with the Universal Declaration of Human Rights (UDHR). A new momentum came in 1976 with the entry into force of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). NHRIs gained a renewed interest for their role in the domestic implementation of international human rights treaties. This led the UN to lay out the first broad international guidelines for the structure and functioning of NHRIs in 1978.⁸ The decisive impetus came in 1987, when the UN began to build national capacities and systems for promoting and protecting human rights and preventing their violations.⁹ NHRIs lay at the core of this shift. In 1991, the UN created the new, detailed international guidelines on the legal status, mandate, and composition of NHRIs, that is, the so-called Paris Principles.¹⁰ NHRIs and these principles have become globally legitimized since their endorsement at the World Conference on Human Rights in 1993.¹¹

Why do domestic constituencies in developing UN member states want NHRIs? First, the traditional guarantors of human rights—domestic courts and the legislature—are not effective in developing countries because of political subordination, democratic deficit, corruption, and inaccessibility to ordinary people.¹² Second, governments lack an official channel for redressing wrongs and mediating state-society relationships on human rights issues. In developing countries, police officers, soldiers, and civil servants routinely abuse citizens’ human rights even after democratization. Furthermore, national security, economic growth, and cultural relativism trump human rights. In the absence of credible alternative remedies, NHRIs fill these institutional gaps.

Specifically, NHRIs can be key to sustainable human rights development by creating an official human rights space, redressing social grievances, and increasing government accountability. For example, on its very first day of operation in November 2001, South Korea’s national human rights commission tackled the com-

6. See *ibid.*; and United Nations Center for Human Rights 1995, 18–36.

7. Pohjola 2006, 119.

8. United Nations Center for Human Rights 1995, 4.

9. Ramcharan 1989, 515–18.

10. United Nations Center for Human Rights 1995, 37–38.

11. *Ibid.*, 4.

12. Dodson and Jackson 2004.

plaint filed by Ghanaian migrant workers and Korean and German pastors against the government's using the term "flesh color" as the Korean Industrial Standard for color classification. South Koreans used to call apricot color "flesh color" because ethnic nationalism naturalized and normalized Mongolian skin color. This collective unconsciousness manifested itself in the official color classification system and everyday forms of real discrimination against foreigners whose skin was not "flesh-colored." The next year, the national human rights commission's investigation and recommendation did not only stop the color classification, but also jump-started public awareness campaigns against racial discrimination and for multiculturalism. Without the national human rights commission, what other state institutions would have been attentive and accessible especially given the absence of anti-discrimination law in South Korea? The police, the court, the Ministry of Justice, the National Assembly or the President's Blue House? Only the national human rights commission took the issue seriously. Thus, by giving positive institutional response to ordinary people's human rights claims and grievances, NHRIs build human rights consciousness at the grassroots level and increase governments' democratic accountability.¹³

Even under adverse political conditions, NHRIs take on a life of their own and serve as a focal point for human rights advocacy because governments frequently overestimate their ability to control and coopt NHRIs. For instance, when Malaysia's national human rights commission began operating in April 2000, the government hoped that it would serve as a shield from international public criticism. However, on the contrary, the national human rights commission has created a new leverage point for transnational human rights pressure. In 2001 alone, it received 4,434 complaints from foreign human rights groups, 93.5 percent of the year's total.¹⁴

Given NHRIs' statutory powers to promote and protect human rights, why do the governments of developing UN member states create these institutions in the first place? Unfortunately, the chronology of the UN's norm making cannot explain actual norm diffusion, not least because UN international guidelines themselves cannot "cow" governments into adoption. The next two sections answer the question by first justifying this article's analytic focus on human rights INGOs and then specifying two possible causal mechanisms linking them to the global diffusion of NHRIs.

Beyond Teachers of Norms and World Culture: Why Focus on Human Rights International NGOs?

In answering why governments adopt NHRIs in the developing world, this article focuses on the role of human rights INGOs omitted or unexplained by the existing

13. Merry 2006, 179–92.

14. Keng 2001.

constructivist and sociological theories. Finnemore's constructivist IO theory posits that as "teachers of norms," universal IOs socialize government officials to adopt policies and institutional models as appropriate standards of state behavior.¹⁵ For instance, her work claims that elite socialization via the United Nations Educational, Scientific and Cultural Organization has caused the global diffusion of state science bureaucracies, even among less-developed countries with no such functional demand.¹⁶

However, if and when applied to the human rights issue area, the theory has the problem of omitted variable bias and distorts the actual diffusion process by ignoring the role of human rights INGOs. As the recent IO literature shows, different issue areas are endowed and configured with different densities of INGOs, and this configuration of issue areas conditions the modalities of IO activities.¹⁷ Unfortunately, constructivist IO theory has yet to systematically incorporate the INGO endowment of issue areas into its framework. This theoretical omission is especially problematic for the study of global human rights norm diffusion because it is in the human rights issue area where the greatest number of INGOs exists.¹⁸ Human rights INGOs serve as the organizational platforms for transnational contacts and networks among local actors, who directly bear the costs of government repression or irresponsiveness at home. In addition, human rights INGOs are more "sovereignty free" and more strongly and consistently committed to promoting and protecting human rights than their IO and governmental counterparts.¹⁹ Thus, by privileging a single universal IO and excluding human rights INGOs, constructivist IO theory ultimately gets the diffusion story wrong in the human rights issue area.

Meyer and his colleagues' world society theory asserts that world-cultural immersion leads dissimilar national states to adopt similar policy models as global scripts for legitimate statehood, even without domestic functional needs.²⁰ In particular, the theory often views INGOs as embodying national states' world-cultural immersion, and as such, it has been conventionally perceived as a theory of INGOs.²¹

However, apart from the conceptual wooliness of world culture, there are several reasons why world society theory is too indeterminate to effectively explain the role of human rights INGOs as norm diffusers. First, world society theory questionably assumes the functional equivalence of INGOs, IOs, intergovernmental peer emulation, and domestic treaty ratification as "carriers and enactors of world culture" without recognizing their differences or incorporating them into its theoret-

15. Finnemore 1993.

16. *Ibid.*

17. See Botcheva and Martin 2001; Dai 2007; and Simmons 2009.

18. Between 1973 and 2000, human rights INGOs constituted the largest part of the INGO population, specifically, a consistent 25 percent of all INGOs. Smith 2002, 4.

19. See Thakur 1994; and Wiseberg 2003.

20. Meyer et al. 1997.

21. Boli and Thomas 1999.

ical framework. For instance, Amnesty International is unrealistically lumped together with the Organization of the Petroleum Exporting Countries and Muammar Gaddafi's Libyan government's ICCPR ratification as the same and equivalent world-society variables. Second, as a strong cultural-structural explanation of global norm diffusion, world society theory does not permit INGOs to have ontological autonomy vis-à-vis world culture. INGOs are virtually relegated to being the umbilical cord from the world-cultural mother to the national-state babies. As such, world society theory minimizes the possibility that INGOs can be a "cause" of political phenomena.²² Third, world society theory leaves national states as black boxes by failing to specify the causal mechanisms through which INGOs influence local actors, national governments, and domestic politics. Finally, by fixating on INGO homology and ubiquity across issue areas from Esperanto to science to women's rights,²³ world society theory misses the distinctive features of human rights INGOs, such as their strategic use of the shaming methodology. Thus, the specific role of human rights INGOs in global norm diffusion remains indeterminate and unexplained within world society theory.

The recent literature on transnational activism offers useful starting points for approaching human rights INGOs. First, human rights INGOs are strategic actors who have relative autonomy from national governments, IOs, and local activists. As nongovernmental and transnational actors, human rights INGOs have distinct identities, interests, and priorities from national-security-seeking governments, "sovereignty-bound" IOs, and parochial grassroots activists in promoting and protecting human rights.²⁴ Furthermore, given their resources, organizational structures, and political opportunities, human rights INGOs develop and calibrate advocacy strategies to maximize their effectiveness vis-à-vis other categories of actors in the same issue area.²⁵ Thus, I focus on agentic change by human rights INGOs as a distinct category of political actors.

Second, human rights INGOs can cause domestic political change. Previous studies have convincingly demonstrated that human rights INGOs influence domestic human rights situations directly, such as government respect for physical integrity rights, domestic antigovernment protest, and human rights treaty ratification.²⁶ However, the existing literature has yet to recognize long-term institution building as a distinct political phenomenon by either concentrating on short-term outcomes or lumping ad hoc and institutional changes together. A major contribution of this article is to specify how human rights INGOs go beyond stopping human rights violations in the short term and catalyze domestic institution building in the long term, which is key to sustainable human rights development.

22. I thank John W. Meyer for this point.

23. Boli and Thomas 1999.

24. See Bob 2005; Carpenter 2007; Ron, Ramos, and Rodgers 2005; Thakur 1994; and Wiseberg 2003.

25. See Joachim 2003; Lecy, Mitchell, and Schmitz 2010; and Wong 2012.

26. See Franklin 2008; Murdie and Bhasin 2011; and Risse, Ropp, and Sikkink 1999.

Human Rights International NGOs and Diffusion Mechanisms

This article argues that human rights INGOs create incentives for governments to adopt the UN idea of NHRIs in the developing world. This section theorizes two possible causal mechanisms linking human rights INGOs to the diffusion of NHRIs among governments. First, by mediating the human rights and NHRI discourses between the UN and local actors, human rights INGOs make governments more likely to establish an NHRI to meet social demands and maintain political legitimacy. Second, by mobilizing shame internationally and increasing the backlash risk, human rights INGOs make the target governments more likely to adopt the UN idea of NHRIs as a political concession and in order to deal with their human rights and public relations problems. In the human rights issue area, the UN needs human rights INGOs as key partners for successful norm diffusion among sovereign states. In promoting diffusion, human rights INGOs operate in a decentralized and rhizomatic manner without explicit “orchestration” by the UN.

Mediation of Discourse

The first diffusion mechanism is the mediation of the human rights and NHRI discourses by human rights INGOs. This mechanism operates in three ways. First, human rights INGOs teach local activists and citizens about the human rights discourse, which in turn makes them receptive to UN policy instruments like NHRIs. For the UN idea of NHRIs to gain traction domestically, local actors need to accept the human rights discourse in the first place as universally applicable and instrumentally useful for their own situations. However, capabilities for framing sociopolitical grievances and claims in human rights terms are not natural but acquired.²⁷ For instance, without learning the human rights discourse, local actors may rely on Marxism or religions for social problem definition and solution. It may even be unthinkable for them to problematize issues like the death penalty and discrimination against lesbian, gay, bisexual, and transgender people as human rights grievances.

Human rights INGOs can cultivate local actors’ human rights capabilities and sensibilities through education, capacity building, and information exchange. Here, membership-based populist human rights INGOs (for example, Amnesty International) have a comparative advantage over their elitist, postpopulist peers (for example, Human Rights Watch) because, unlike the latter, membership-based INGOs can activate their grassroots membership networks to create and spread human rights norms of their choice.²⁸ Figure 1 illustrates the activities of human

27. See Bob 2009; and Merry 2006.

28. See Lake and Wong 2009; and Wong 2012.

rights INGOs as of 2003. (What percentage of human rights INGOs focused on which activity category in 2003?)²⁹

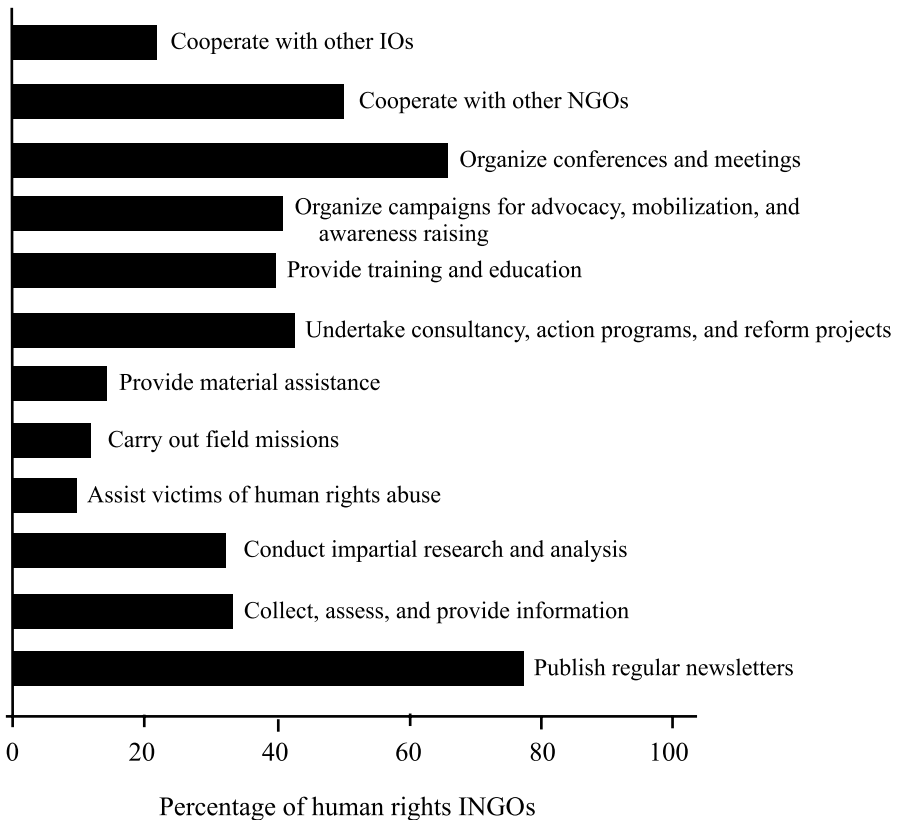


FIGURE 1. *Activities of human rights international nongovernmental organizations in 2003*

Among other things, human rights INGOs help local activists and ordinary citizens learn about human rights by, for example, organizing conferences (65.7 per-

29. Human rights INGOs are INGOs pursuing the internationally recognized human rights as their organizational aim with a local membership base in at least three different states. Figure 1 codes the activities of 373 human rights INGOs out of the total 412 that were active in 2003, based on the *Yearbook of International Organizations* published by the Union of International Associations. Union of International Associations various years. It generally includes membership-based human rights INGOs, but not elitist ones lacking a grassroots base. See the section that begins on page 519 for more details on my human rights INGO data.

cent), offering training and education (39.9 percent), and undertaking action programs (42.6 percent). In helping local actors recognize their situations as human rights problems, human rights INGOs can further predispose them to view the UN idea of NHRIs as relevant for their specific situations and needs. This will likely increase social demands for NHRI establishment. Thus, human rights INGOs expand pro-NHRI constituencies at the domestic level by teaching local actors about the human rights discourse and expanding pro-human rights constituencies in the first place.

Second, human rights INGOs help local human rights activists and victims leverage the UN idea of NHRIs as a social movement frame by teaching them about the policy innovation. Unlike local activists, human rights INGOs can follow UN norm making closely and in real time. In particular, through their consultative status with the Economic and Social Council, human rights INGOs have the advantage and privilege of accessing the UN human rights bodies and tracking the development of the NHRI discourse.³⁰ In addition, they enrich the discourse by going beyond UN international standards and formulating the INGO perspective on NHRIs. For instance, unlike the UN, human rights INGOs like Amnesty International view the right to handle individual complaints and the power of *suo motu* investigation into human rights violations as not optional for NHRIs.³¹

Human rights INGOs communicate the thus constructed NHRI discourse with their national sections, affiliate organizations, and individual members, as well as with other INGOs.³² As such, human rights INGOs—especially, membership-based ones—help local human rights activists and victims imagine themselves as the potential beneficiaries of an NHRI and value the UN policy innovation as a focal point for domestic contention. Subsequently, local actors use the UN idea of NHRIs to orient and frame their human rights claims by singling out the lack of an independent and effective NHRI and collectively defining it as the major source of domestic human rights grievances that are attributable to their government.³³ Thus, human rights INGOs expand domestic movement repertoire by mediating the diffusion of the NHRI discourse between the UN and local actors.

Third, human rights INGOs influence governments' process of institutional creation directly by becoming *de facto* agenda setters and endorsers based on the

30. For example, in 1991, ten leading human rights INGOs, including Amnesty International and the International Federation for Human Rights, participated in the international workshop where the UN Paris Principles on NHRIs were formulated. See United Nations Economic and Social Council 1992, 5–6; and Merry 2006, 52–55.

31. See United Nations Center for Human Rights 1995, 38, and Amnesty International 1993 for the UN's and Amnesty International's contrasting views on the "quasi-jurisdictional competence" of NHRIs.

32. According to Smith, more than half of all human rights INGOs have at least monthly contacts with other NGOs in the human rights issue area. In addition, 90 percent of them communicate with members at least on a quarterly basis by issuing background papers or action alerts or through other contacts. Seventy-nine percent of them go beyond quarterly communications. See Smith, Pagnucco, and Lopez 1998, 400, 403; and Smith 2002, 11.

33. For the role of "global framing" in domestic contention, see Tarrow 2005, 59–76.

NHRI discourse. In both democracies and nondemocracies, NHRI establishment is highly politically contested between governments and local activists because, unlike local activists, governments frequently are cynical or half-hearted. For instance, some governments draft a founding act that will create a toothless NHRI controlled by the Ministry of Justice or Interior while others pigeonhole an NHRI bill in the legislature indefinitely. Human rights INGOs can defuse government resistance and tip the domestic political balance in favor of local activists' needs. Membership-based human rights INGOs are especially important here because they will likely pursue NHRI creation as a future-oriented, affirmative strategy to help their grassroots members address the root causes of human rights violations in complex local contexts.³⁴ Specifically, human rights INGOs put the UN idea of NHRIs on the national political agenda by urging governments to embark on institutional creation. While local activists are at the forefront of demanding an NHRI, human rights INGOs make it more costly for governments to simply do nothing because the same issue is now brought up as a third-party and international opinion. Membership-based human rights INGOs can be more effective for agenda-setting than their elitist peers because their grassroots membership base and transnational consensus-building make them highly credible to governments.³⁵

In addition, human rights INGOs become *de facto* endorsers of governments' institution-building process by leveraging the NHRI discourse as the benchmark for assessing the adequacy of a draft NHRI bill and the procedural legitimacy of implementation. To nongovernmental actors, establishing an NHRI itself is inseparable from establishing an independent and effective NHRI with transparency and public consultation. Human rights INGOs can impose high international legitimacy and reputation costs on government deficiencies in NHRI creation because they are sovereignty-free and committed actors willing to confront governments politically. Given that even nondemocratic governments depend on consent—not just coercion—for political survival,³⁶ the more human rights INGOs become endorsers, the more damaging governments' flawed implementation becomes to their political legitimacy. As such, human rights INGOs probabilistically increase the likelihood that “human rights imperatives are incorporated into implementation strategies to meet social needs.”³⁷ It should be noted that human rights INGOs' endorsement differs from their typical shaming methodology because, unlike the latter, endorsement has institution-building in mind and makes specific policy prescriptions for NHRI creation.³⁸ Thus, human rights INGOs engage in the domestic political struggles for institution-building by leveraging the NHRI discourse for

34. See Rodio and Schmitz 2010; and Rubenstein 2004.

35. Wong 2012.

36. Bueno de Mesquita et al. 2003.

37. Rubenstein 2004, 854.

38. I thank a reviewer for helping me clarify this point.

agenda-setting and endorsement and shifting the burden of justification for no or deficient NHRI adoption to governments.

In sum, human rights INGOs should have strong positive effects on the global diffusion of NHRIs by mediating the human rights and NHRI discourses between the UN and local actors. Thus, this leads to my first hypothesis:

H1: Dense networks with human rights INGOs are positively correlated with the passing of NHRI founding legislation in the subsequent period, all else equal.

Mobilization of Shame

The second diffusion mechanism is the international mobilization of shame by human rights INGOs. It is worth emphasizing how this differs from prior research on human rights and transnational activism. The recent literature on international human rights treaties rightly shows that governments can pursue human rights policy changes (for example, treaty ratification) as political concessions.³⁹ Yet this literature pays little explicit attention to human rights INGOs' "naming and shaming" as a possible cause of government concessions. Although Sikkink and her colleagues' work on transnational advocacy networks provides a useful starting point for filling this gap, their theory is indeterminate about why the target governments select a particular policy option in response over other alternatives.⁴⁰ In contrast, my argument offers a clear theoretical logic for why human rights INGOs' public criticism makes governments more likely to choose institution building based on the UN idea of NHRIs.

This mechanism works in two steps. As the first step, human rights INGOs publicize and criticize a broad spectrum of a government's human rights problems, and increase the risk of domestic and international backlash against the target government. In particular, elitist, postpopulist human rights INGOs tend to prioritize the shaming methodology due to their organizational structures resulting from the lack of a local membership base.⁴¹ Unlike their populist peers, they do not rely on grassroots membership for advocacy and fundraising, but instead lobby political elites and the mass media for "third-party influence" and operate on philanthropic foundation support.⁴² In addition, elitist human rights INGOs are free from the slowness and democratic constraints of their populist counterparts, so that they have decision-making agility and political focus. As such, they

39. See Hafner-Burton, Tsutsui, and Meyer 2008; Simmons 2009, 57–111; and Vreeland 2008. I thank a reviewer for suggesting the affinity between my theory and this literature.

40. Risse, Ropp, and Sikkink 1999.

41. Wong 2012. It is telling that Kenneth Roth, Executive Director of Human Rights Watch, essentially argued that the shaming methodology is virtually the only social change tool for human rights INGOs. See Roth 2004.

42. Cmiel 1999.

are as effective or even more effective than their populist peers in mobilizing shame internationally.⁴³ Human rights INGOs' public criticism amplifies the domestic backlash risk against the target government by validating local actors' domestic grievances and claims internationally and undermining the government's political legitimacy.⁴⁴ Moreover, human rights INGOs increase the international backlash risk by lobbying Western governments, IOs, and the mass media to take positions and actions against the target government.⁴⁵ Thus, human rights INGOs' public criticism raises the costs of the government's human rights violations at home and abroad. This heightened backlash risk influences the target government's cost-benefit calculus and reinforces the perception that it needs to change policies and regain public trust on human rights issues.

The next step is that facing this international criticism, the target government chooses to create an NHRI among policy options as a political concession. Why choose the UN idea of NHRIs as the response to international criticism? There are three reasons for this. First, human rights INGOs often diagnose the government's human rights violations as structural problems that require an institutional remedy.⁴⁶ Second, human rights INGOs usually do not stop public criticism until and unless the target government deals with its entrenched human rights problems in a sustained way, thereby making institutional reform preferable. Indeed, as Kenneth Roth, Executive Director of Human Rights Watch, emphasized, "a single investigation and report is rarely enough to make a difference. Often governments will decide simply to ride out a wave of bad publicity, unless a second, third, or fourth report is issued and the government realizes that its public relations problem will not go away until it addresses the human rights problem at its core."⁴⁷ Human rights INGOs' perseverance creates a strong incentive for the target government to choose long-term institutional reform over ad hoc, short-term solutions like the release of political prisoners. Last but not least, the UN idea of NHRIs gives the target government a cognitive shortcut to deal with its human rights and public relations problems. The global mainstreaming of NHRIs reinforces the government's perception that NHRI establishment is an attractive response to public criticism. Failed judicial reform efforts around the world add to its appeal.⁴⁸ As such, the target government will likely pass NHRI founding legislation as a clear and publicly visible signal of its human rights credibility.

43. For instance, while based only in the United States and lacking grassroots membership, Human Rights Watch issued 1,349 special country reports for 119 states between 1978 and 2003. The figures come from my new data directly supplied by the organization.

44. Wiseberg 2003.

45. See Risse, Ropp, and Sikkink 1999; and Franklin 2008.

46. For example, when targeting the Mexican government in 1990, Americas Watch (the precursor to Human Rights Watch) issued a comprehensive report that publicized and condemned "an array of abuses that have become an institutionalized part of Mexican society," and urged "real reforms" to curb these abuses. See Human Rights Watch 1990, 1.

47. Roth 2000, 236.

48. Dodson and Jackson 2004.

In sum, human rights INGOs should have strong positive effects on the global diffusion of NHRIs by mobilizing shame internationally. Thus, this leads to my second hypothesis:

H2: Recent public criticism by high-profile human rights INGOs is positively associated with the subsequent enactment of NHRI founding legislation, all else equal.

Statistical Analysis

This section uses an event history framework to test the effects of human rights INGOs on the passing of NHRI enabling legislation. My analysis begins in 1979, the first year after the UN set broad international guidelines on NHRIs for the first time in 1978, and ends in 2004, the last year for which accurate data are available. The unit of analysis is the country-year, and the data set includes 149 developing UN member states and 2,800 country-year observations, excluding all advanced capitalist democracies and those states with population less than 250,000.⁴⁹ Even so, missing data cut the sample to 141 developing UN members and 2,555 observations in the main model.

The Method

Event history analysis is “the whether and when test.” It examines the effects of independent variables on whether a developing UN member state passed NHRI founding legislation and, if so, when. I employ the Weibull parametric regression model, where the hazard rate⁵⁰ is modeled as a function of the baseline hazard,⁵¹ which is monotonically increasing, decreasing, or constant over time, as well as a set of independent variables, the effects of which shift the baseline hazard up or down. The Weibull distribution function nicely captures the time dependence exhibited in my data, so that, combined with full maximum likelihood, it improves the precision of estimates.⁵² Initially, I estimated Royston and Parmar’s flexible parametric model that uses natural cubic splines to determine the shape of time dependence empirically and reduces to the Weibull model as its special case if splines

49. A UN member state is an advanced capitalist democracy if it belongs to Arend Lijphart’s list of thirty old democracies and is a member of the Organisation for Economic Co-operation and Development. See Landman 2005, 90, for Lijphart’s list of old democracies.

50. The hazard rate is the (directly unobservable) instantaneous rate at which a developing UN member state passes NHRI founding legislation during a particular year, given that it has not done so until that year.

51. The baseline hazard is the hazard for an observation when the values of all independent variables are 0.

52. Box-Steffensmeier and Jones 2004, 21.

are not used.⁵³ The Weibull distribution fitted the data as well as splines while capturing the actual time dependence more parsimoniously.⁵⁴ In the following analysis, the values of all independent variables are lagged by one year to reduce endogeneity bias, that is, to ensure that changes in the independent variables temporally precede changes in the dependent variable.⁵⁵

The Data

The dependent variable is measured as years since 1978 or the year of joining the UN until the passing of NHRI founding legislation, based on the new data directly supplied by the OHCHR. It measures the year of legislation—not the year of operation—because legal enactment not only captures the moment during which a government deliberates and debates over an NHRI, but is also crucial for guaranteeing its independence and effectiveness.⁵⁶ If a government did not pass NHRI-enabling legislation by the end of the observation period, the observation is right censored.

The first independent variable of interest, NETWORK DENSITY, represents human rights INGOs' mediation of discourse. It is the natural log of the number of human rights INGOs having national sections, individual members, or affiliate organizations in a state in a given year. As such, it generally captures membership-based, populist human rights INGOs. The log specification corrects skewedness and allows for decreasing marginal effects. To compute this variable, I construct original data from the *Yearbook of International Organizations* published by the Union of International Associations from 1978 to 2003.⁵⁷ I include only those INGOs that have a local membership base in at least three different states and pursue the human rights recognized in the UDHR, the ICCPR, and the ICESCR as their organizational aim.

The second independent variable of interest, SHAMING, captures human rights INGOs' mobilization of shame. It measures the number of the special country reports issued by three postpopulist human rights INGOs, namely, Human Rights Watch, the International Commission of Jurists, and the Lawyers Committee for Human Rights (currently, Human Rights First), for a state in a given year.⁵⁸ I compute this variable from the new data directly supplied by Human Rights Watch as well as the complete lists of publications of the other two organizations.

53. *Ibid.*, 89–90. For model building, I also estimated Cox's semi-parametric model that assumes time independence.

54. The results of both the Royston-Parmer and the Cox models are reported in the online appendix.

55. Box-Steffensmeier and Jones 2004, 111.

56. "Whatever their types, NHRIs should be established by law; preferably their existence should be entrenched in the Constitution, thus ensuring their long-term existence. This statutory basis is the most secure way to guarantee the institution's independence, as well as defend its legal powers if these are challenged." International Council on Human Rights Policy and Office of the United Nations High Commissioner for Human Rights 2005, 13.

57. Union of International Associations various years.

58. This variable excludes Human Rights Watch's annual country reports.

Figures 2 and 3 graphically summarize my new data on human rights INGOs. Figure 2 shows the number of human rights INGOs and IOs active in each year from 1978 to 2003 based on the *Yearbook of International Organizations*. The population of human rights INGOs increased dramatically from 126 in 1978 to 412 in 2003. This dwarfs the growth of human rights IOs from fourteen in 1978 to fifty-eight in 2003. Figure 3 captures the total number of special country reports and target UN member states covered by Human Rights Watch, the International Commission of Jurists, and the Lawyers Committee for Human Rights in each year from 1978 to 2003. The number of the UN member states targeted by the three postpopulist human rights INGOs increased from two (with two special country reports) in 1978 to sixty (with 139 reports) in 1992 to thirty-seven (with sixty-five reports) in 2003. In the figures, the ubiquity and salience of human rights INGOs is unmistakable. If one excludes these actors from the diffusion analysis, one will ultimately get the story wrong in the human rights issue area.

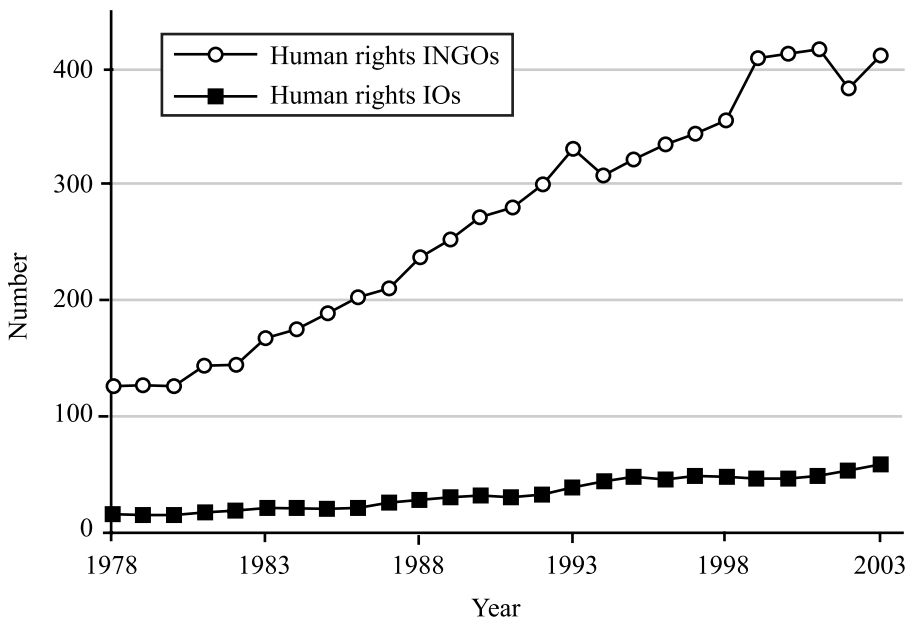


FIGURE 2. Number of human rights international nongovernmental, and international organizations active in each year, 1978–2003

A number of control variables are included to account for rival factors in the diffusion process. GLOBAL NHRI DENSITY controls for global norm cascades,⁵⁹

59. Finnemore and Sikkink 1998.

that is, the global mainstreaming of the UN idea of NHRIs. It measures the percentage of all UN members that have passed NHRI-enabling legislation up to a given year.

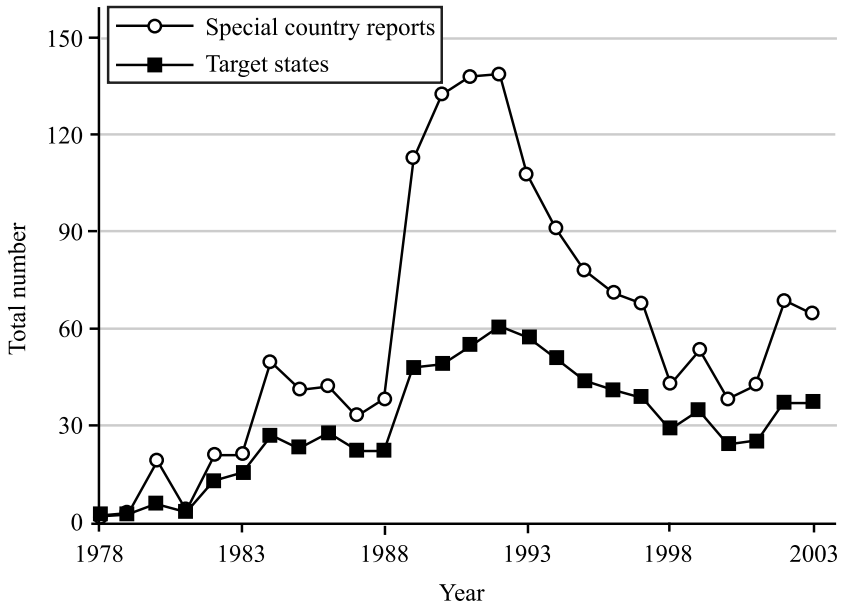


FIGURE 3. Total number of special country reports and target UN member states covered by Human Rights Watch, the International Commission of Jurists, and the Lawyers Committee for Human Rights in each year, 1978–2003

The next three variables, UN ADVICE, REGIONAL IO SCORE, and EU PTA, control for the effects of the UN and regional IOs on governments. UN ADVICE represents the role of universal IOs as teachers of norms.⁶⁰ It equals 1 if the OHCHR (or the UN Centre for Human Rights before 1997) gives the government of a state expert advice and technical assistance regarding NHRIs at the preenactment stage in a given year, and 0 otherwise.⁶¹ REGIONAL IO SCORE controls for the

60. See Finnemore 1993; and Pohjolainen 2006.

61. Data come from the UN's annual reports on advisory services in the field of human rights. United Nations General Assembly various years. The Centre for Human Rights was consolidated into the OHCHR in 1997. In 1995, the UN appointed Brian Burdekin, former Federal Human Rights Commissioner of Australia, as the Special Adviser to the High Commissioner for Human Rights on National Institutions, Regional Arrangements and Preventive Strategies to influence governments to enact NHRI enabling legislation in line with UN standards. Pohjolainen 2006, 65–77.

democratizing effects of regional IOs that have explicitly promoted NHRIs for their member states, namely, the Council of Europe, the Organization for Security and Cooperation in Europe, the Organization of American States, and the African Union. For a state in a given year, the average democracy score of all members in each regional IO except that state is computed on a 0 (membership in no regional IO) to 21 (membership in the most democratically dense regional IO) scale, using Pevehouse's operationalization.⁶² EU PTA equals 1 if a preferential trade agreement (PTA) with human rights conditionality is in force between a state and the European Union (EU) in a given year, and 0 otherwise.⁶³

The next three variables, POLITY IV, POLITICAL TERROR, and RATIFIED TREATIES, control for domestic political factors that may influence governments' human rights preferences and needs. POLITY IV measures regime types on a -10 (full autocracy) to +10 (full democracy) scale, using the Polity IV data.⁶⁴ The Modified Polity P4 and P4D data are also used to include those states whose population is above 250,000 but below the one million cut-point of the Polity IV data.⁶⁵ POLITICAL TERROR measures state-sanctioned human rights violations on a 1 (least repressive) to 5 (most repressive) scale, using the Political Terror Scale data.⁶⁶ The data offer two sets of the Political Terror scores based on the US State Department and Amnesty International annual reports. The US State Department-based scores are employed for greater data availability while the Amnesty International-based scores are additionally used to impute missing data. RATIFIED TREATIES measures the total number of the core international human rights treaties ratified by a state up to a given year to see if treaty ratification creates functional demands for an NHRI as an implementation infrastructure. It counts only those that entered into force before 1978, namely, the International Convention on the Elimination of All Forms of Racial Discrimination, the ICCPR and its First Optional Protocol, and the ICESCR.

The last variable, GDP PER CAPITA, controls for economic factors that may influence the diffusion process, especially whether "slack resources" make governments more likely to experiment with policy innovations.⁶⁷ It measures the natural log of purchasing-power-parity-converted real gross domestic product (GDP) per capita in constant 2005 US dollars, using Penn World Table 6.3.⁶⁸ Table 1 reports the hypotheses and summary statistics for all independent variables.

62. See Pevehouse 2005, 70–73. If a state belongs to more than one regional IO, this variable takes the highest average.

63. Data are mainly taken from Bartels 2005. I consider only the PTAs with the EU (or the European Community for early years) since they are expected to be the most effective. Hafner-Burton 2005.

64. Marshall and Jaggers 2010.

65. Gleditsch 2008.

66. Gibney, Cornett, and Wood 2010.

67. Berry and Berry 1999, 182–83.

68. Heston, Summers, and Aten 2009.

TABLE 1. *Hypotheses and summary statistics*

<i>Variables</i>	<i>Hypothesis</i>	<i>Number</i>	<i>Mean</i>	<i>Standard deviation</i>	<i>Minimum</i>	<i>Maximum</i>
NETWORK DENSITY	+	2,781	3.48	0.90	0	5.25
SHAMING	+	2,800	0.38	1.06	0	16
GLOBAL NHRI DENSITY	+	2,800	19.65	16.60	4.83	60.92
UN ADVICE	+	2,800	0.03	0.16	0	1
REGIONAL IO SCORE	+	2,800	7.49	7.05	0	20.95
EU PTA	+	2,800	0.21	0.41	0	1
POLITY IV	+	2,762	-1.59	6.90	-10	10
POLITICAL TERROR	-	2,723	2.60	1.12	1	5
RATIFIED TREATIES	+	2,800	2.06	1.48	0	4
GDP PER CAPITA	+	2,669	8.22	1.11	5.03	11.30

The Results

Table 2 presents the statistical results. Model 1 is the main model in the analysis while Models 2 and 3 are estimated as part of robustness checks.⁶⁹ A positive coefficient means that a government is more likely to pass NHRI founding legislation as the function of that independent variable. It indicates simultaneously that the government will do so earlier during the observation period. This section focuses on Model 1 while the next section will discuss the other models.

In Model 1, NETWORK DENSITY and SHAMING all are positively associated with the hazard rate of enacting NHRI founding legislation. Moreover, they are highly statistically significant. Thus, human rights INGOs, while controlling for the UN, regional IOs, and other rival factors, have significant positive effects on the passing of NHRI-enabling legislation by mediating the human rights and NHRI discourses and mobilizing shame internationally.

To illustrate the substantive effects of human rights INGOs on the prospect of passing NHRI founding legislation, Table 3 shows the predicted hazard rates of legal enactment based on Model 1 in Table 2.

The baseline prediction is the hazard rate of legal enactment for the “baseline” state in the data set, for which all continuous and categorical variables are held constant at their mean value and modal category. The first line shows the change in the baseline prediction when NETWORK DENSITY increases by one standard deviation from its mean value (that is, from 32.5 to 79.6 human rights INGOs).

69. In all the models, the baseline hazard rate exhibits positive time dependence since SHAPE PARAMETER > 1, meaning that the longer a developing country’s UN membership is, the more likely it is to enact NHRI-founding legislation regardless of the predictors. However, in no model is SHAPE PARAMETER statistically significant, indicating that the positive time dependence exhibited in the data is explained by the variables included in the model. The Akaike Information Criterion (AIC) compares the goodness of fit among the models. The smaller AIC indicates the better model fit.

TABLE 2. *Determinants of the enactment of national human rights institution founding legislation*

	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>
<i>Human rights INGOs</i>			
NETWORK DENSITY	0.608** (0.245)	0.594** (0.244)	0.641*** (0.245)
SHAMING	0.180*** (0.062)	0.165*** (0.063)	0.175*** (0.062)
<i>Global norm cascades</i>			
GLOBAL NHRI DENSITY	0.018** (0.008)	0.021*** (0.008)	0.023*** (0.008)
<i>International organizations</i>			
UN ADVICE	1.358*** (0.314)	—	—
REGIONAL IO SCORE	0.051** (0.021)	0.048** (0.023)	—
EU PTA	0.142 (0.242)	0.118 (0.245)	—
<i>Domestic political factors</i>			
POLITY IV	0.007 (0.022)	0.013 (0.022)	0.028 (0.021)
POLITICAL TERROR	-0.140 (0.126)	-0.101 (0.124)	-0.109 (0.120)
RATIFIED TREATIES	0.142 (0.101)	0.141 (0.105)	0.216** (0.097)
<i>Economic factors</i>			
GDP PER CAPITA	-0.169 (0.137)	-0.209 (0.134)	-0.172 (0.119)
Constant	-6.136*** (1.444)	-5.755*** (1.443)	-5.855*** (1.389)
SHAPE PARAMETER	1.157 (0.198)	1.147 (0.203)	1.115 (0.199)
<i>Number of states</i>	141	141	141
<i>Number of NHRI laws</i>	82	82	82
<i>Number of observations</i>	2,555	2,555	2,555
<i>Log likelihood</i>	-100.20	-106.76	-109.89
<i>Wald χ^2</i>	60.60***	47.28***	49.18***
<i>Degrees of freedom</i>	12	11	9
<i>Akaike information criterion</i>	224.40	235.51	237.78

Notes: Coefficients are reported. Numbers in parentheses are robust standard errors clustered on state. All independent variables use a one-year lag. *** $p \leq .01$; ** $p \leq .05$; * $p \leq .10$, in two-tailed tests.

The hazard rate of passing NHRI enabling legislation increases by 72.4 percent. Note what happens if individuals or domestic NGOs in a state are a member of only one human rights INGO.⁷⁰ As seen in the second line, the result is

70. In other words, NETWORK DENSITY is set equal to 0. In the data, local actors such as in Bhutan, Cape Verde, Djibouti, Equatorial Guinea, Maldives, and Qatar had membership in one or no human rights INGO over some periods.

quite striking. The government of that state is 87.9 percent less likely to enact NHRI-founding legislation than that of another state whose people are tied to human rights INGOs with the mean level of NETWORK DENSITY. The third line of Table 3 displays the change in the baseline prediction when human rights INGOs intensify public criticism by one standard deviation from its mean value (that is, from 0.4 to 1.4 reports) vis-à-vis a government in a year. The target government becomes 20.9 percent more likely to pass an NHRI-founding act in the next year. As the fourth line shows, if SHAMING increases from 0 to its mean value for a government in a year, that government becomes 6.6 percent more likely to pursue legal enactment in the following year. Therefore, human rights INGOs' mediation and mobilization all have strong positive impacts on the diffusion of NHRIs among governments, even while controlling for other rival factors.

TABLE 3. *Prospect of the enactment of national human rights institution founding legislation*

<i>Changes in independent variables</i>		<i>Percentage changes in predicted hazard rate</i>
NETWORK DENSITY	Increase by one standard deviation from mean	+72.4%**
NETWORK DENSITY	Decrease to 0 from mean	-87.9%**
SHAMING	Increase by one standard deviation from mean	+20.9%***
SHAMING	Decrease to 0 from mean	-6.6%***

Notes: Changes in the baseline predicted hazard rate of legal enactment are computed by shifting one independent variable at a time while holding all the other variables constant at mean level and modal category. *** $p \leq .01$; ** $p \leq .05$, in two-tailed tests.

Most of the control variables are of the expected sign, but not all of them are statistically significant. First of all, global norm cascades influence the diffusion process. GLOBAL NHRI DENSITY is positive and statistically significant.⁷¹

IOs have mixed effects. UN ADVICE is positive and statistically significant. This agrees with the assertion that universal IOs promote domestic institution building as normative teachers for governments.⁷² However, one should caution against reading too much into the result for UN ADVICE. The UN's teaching covers only a few cases of NHRI adoption. Among the total 149 in the data, only forty developing UN members (26.8 percent) ever received technical assistance from the UN between

71. When I reestimated Model 1 by replacing GLOBAL NHRI DENSITY with REGIONAL NHRI DENSITY based on the World Bank's regional classification, REGIONAL NHRI DENSITY was positive but not significant. (Its coefficient was 0.009 and p -value 0.161.)

72. Finnemore 1993.

1978 and 2003, and merely thirteen of those forty actually established an NHRI. REGIONAL IO SCORE is also significantly positive. This supports the claim that regional IOs facilitate democratic and human rights development.⁷³ Yet EU PTA is positive but insignificant. This lack of statistical significance shows that the EU's human rights PTAs have little direct impact on institutional creation.

POLITY IV, POLITICAL TERROR, and RATIFIED TREATIES do not determine the passing of NHRI-founding legislation directly once controlling for transnational actors. Although all their coefficients are of the expected sign, none of them is statistically significant. The result for POLITY IV shows that although receptive to international human rights norms,⁷⁴ democratic governments do not automatically have the necessary political will for NHRI creation.

Finally, GDP PER CAPITA is consistently opposite of the expected positive sign. It is because many high-income states in the Middle East and Europe either never passed any NHRI-founding act or did very late in the observation period whereas their low-income counterparts like in Africa did throughout the 1990s. The sign and insignificance of this variable show that slack resources are not a prerequisite for NHRI adoption.

Robustness Checks

I check the robustness of the statistical results in several ways.⁷⁵ First, as previously discussed, NETWORK DENSITY, SHAMING, and all control variables are lagged by one year to reduce endogeneity bias. Thus, the causal process must begin with increases in NETWORK DENSITY and SHAMING in the previous year, and then end with an NHRI-founding act in the current year.

Second, Models 2 and 3 in Table 2 exclude UN ADVICE and all three IO variables from the main model to ensure that the effects of human rights INGOs are not an artifact of the included control variables.⁷⁶ In essence, the main findings about human rights INGOs remain unchanged regardless of the exclusion of UN ADVICE, REGIONAL IO SCORE, and EU PTA. This strongly supports my argument that human rights INGOs promote diffusion in ways that cannot be reduced to the UN and regional IOs.

Overall, the statistical analysis provides compelling evidence that human rights INGOs have systematic and irreducible positive effects on governments' NHRI establishment. This is strong support for my theory because the statistical tests explicitly control for the UN, regional IOs, and other rival factors and demonstrate the robustness of the main findings about human rights INGOs.

73. Pevehouse 2005.

74. Simmons 2009.

75. To economize space, robustness checks against omitted variable bias, model dependence, and influential observations are reported in the online appendix.

76. Achen 2005.

Case Studies

This section illustrates my theory's real-life plausibility by tracing the actual causal processes of NHRI establishment in South Korea and Malaysia. The event history analysis established the big picture that human rights INGOs systematically and probabilistically promote the global diffusion of NHRIs, even while controlling for other rival factors. The case studies here complement the statistical analysis by showing that human rights INGOs actually influence governments' NHRI adoption in concrete cases as specified by the theory, based on NGO reports, news accounts, and official government statements. I choose South Korea and Malaysia for two reasons. First, because the statistical tests strongly supported my theory, two cases that agree well with the statistical predictions are chosen.⁷⁷ Second, they are the interesting but understudied cases of human rights INGO activism and global norm diffusion. The existing transnational activism literature has concentrated on Latin America and Eastern Europe. Also, the extant human rights literature on Asia has privileged the Asian values debate on universal human rights versus cultural relativism over other aspects of the region. Thus, the South Korea and Malaysia cases fill these gaps by generating novel facts about the causal significance of human rights INGOs as norm diffusers.

South Korea

The establishment of the National Human Rights Commission of Korea (NHRCK) in 2001 illustrates the significance of human rights INGOs' mediation of the human rights and NHRI discourses as the first diffusion mechanism. Originally, the idea of establishing NHRCK was first proposed to the government by domestic NGOs in June 1993. It was right after their participation in the UN World Conference on Human Rights in 1993, where the Vienna Declaration and Programme of Action recommended NHRIs. However, the South Korean government did not embark on NHRCK's establishment until 1998. Moreover, it finished the task only in 2001 after three years of domestic contention over the legal status of NHRCK. What explains both the timing and steps of NHRCK's creation? By putting the UN idea of NHRIs on the national agenda during the presidential election in 1997, Amnesty International created a strong incentive for presidential candidate Kim Dae-jung's commitment to NHRCK's establishment. Moreover, by becoming *de facto* endorsers of the institution-building process in 1998–99, Amnesty International and other human rights INGOs influenced the Kim Dae-jung government's motives to create NHRCK as an independent national institution.

Although South Korean human rights NGOs argued for NHRI adoption after the 1993 World Conference on Human Rights, they were not successful. The Kim

77. The mean deviance residuals for South Korea and Malaysia from Model 1 in Table 2 are 0.002 and -0.020 at the observation level.

Young-sam government remained deaf to their call. As the first civilian leader after military dictatorships, President Kim Young-sam simply equated the return to civilian rule with human rights progress. Like its military predecessors, the Kim Young-sam government used the anti-communist National Security Law to justify human rights violations. It also prioritized neoliberal economic reform—epitomized by South Korea’s joining of the Organisation for Economic Co-operation and Development (OECD) in 1996—at the neglect of human rights issues.

A window of opportunity for creating NHRCK opened with the presidential election in late 1997. It was Amnesty International as a *de facto* agenda setter that put the UN idea of NHRIs on the national agenda. On 16 October 1997, in an open letter to all presidential candidates, Amnesty International’s Secretary General Pierre Sané urged them to respond publicly on each of eighteen human rights issues raised in the letter and commit themselves to following the letter’s specific recommendations, including NHRI creation, if they were elected to the presidency.⁷⁸ In response, presidential candidate Kim Dae-jung included NHRCK’s creation in his campaign promises in November 1997. Why? First, Amnesty International’s agenda-setting carved out a space for human rights issues to be discussed during the presidential election when the Asian financial crisis increasingly affected South Korea and trumped all other issues. It gave political opportunities for presidential candidate Kim Dae-jung to capitalize on his human rights credential as “the Nelson Mandela of Korea.” Second, Amnesty International’s open letter was instrumentally useful for presidential candidate Kim Dae-jung’s political positioning. While he could have embraced the UN idea of NHRIs earlier because his campaign-promise maker, Congressman Chun Jung-bae, had known about it since 1993, Kim Dae-jung remained silent on it and other human rights issues until his receipt of the open letter. Only after Amnesty International brought up the same issue as an international and high-profile opinion did Kim Dae-jung commit himself to NHRCK’s creation because associating himself with the organization’s “brand name” helped him look progressive in the eyes of South Korean voters and the international human rights community. Once Kim Dae-jung was elected president, his government included NHRCK’s creation in the list of “100 priority tasks for the new government” in February 1998.

The UN Paris Principles provide that an NHRI should be independent *de jure*, *de facto*, and financially from all government branches and be given as broad a mandate as possible, preferably, with jurisdiction to hear complaints and investigate human rights violations.⁷⁹ However, as it turned out that the Ministry of Justice took charge of drafting the human rights act (that is, NHRCK founding legislation), South Korean human rights NGOs worried about the contradiction between the vision of a “good” NHRI in the Paris Principles and the self-interests of the Ministry of Justice. Indeed, under the ministry’s draft legislation released

78. Amnesty International 1997.

79. United Nations Center for Human Rights 1995, 5.

on 25 September 1998, NHRCK would not be an independent and effective national institution, but a special private corporation controlled by the Ministry of Justice without any investigative powers. The ministry was determined to enact the law and create NHRCK by 10 December 1998 for the fiftieth anniversary of the UDHR.⁸⁰ The ministry's proposal triggered strong opposition from domestic human rights NGOs. On 17 September 1998, thirty South Korean NGOs already formed the National NGO Coalition for the Establishment of an Independent National Human Rights Commission (the National NGO Coalition) to counter the ministry's proposal and push for their own alternative. The National NGO Coalition criticized that "the government first has to give up its authoritarian attitude and invite civic groups to put forward their views."⁸¹ Unfortunately, the Kim Dae-jung government did not listen to local activists' criticism.

It was Amnesty International that tipped the balance in local activists' favor by becoming a de facto endorser of the process of NHRCK's establishment and creating an incentive for the Kim Dae-jung government to reconsider the ministry's draft legislation. Notably, Amnesty International leveraged the UN Paris Principles specifically and purposefully as the benchmark for endorsement. On 23 October 1998, in the first open letter to President Kim Dae-jung, Amnesty International's Secretary General Pierre Sané noted the following:

The draft legislation prepared by your Ministry of Justice does not in its present form conform to international human rights standards. It would result in a commission which lacks independence and investigative powers and does not have the authority to enforce its recommendations. It will also have a very limited mandate. If the legislation is adopted in this form, there is a serious risk not only of establishing a poor human rights commission but also of undermining the credibility of your human rights reform program . . . My final point concerns the consultation process for the establishment of this commission, which has been neither open nor public. The draft law was drawn up by the Ministry of Justice in secret, without any consultation with human rights experts in South Korea.⁸²

Amnesty International influenced President Kim Dae-jung to discard the ministry's proposal and accommodate the National NGO Coalition's needs. Only six days after receiving the letter, the president met domestic NGOs and promised to redraft a proper human rights act in compliance with the UN Paris Principles. Why did President Kim Dae-jung care about Amnesty International's message?⁸³ First, given that he had presented himself as "the Human Rights President," Amnesty International shifted the burden of proof to the Kim Dae-jung govern-

80. Sarangbang Group for Human Rights, "A 'Straw-Man' National Human Rights Commission Created Behind Closed Doors," *Human Rights Daily News*, 26 September 1998 (in Korean).

81. "Civic Groups Oppose Human Rights Commission," *Korea Herald*, 19 September 1998.

82. Amnesty International 1998, 1–2.

83. I thank a reviewer for this question.

ment that the ministry's flawed proposal could fit his self-image and actually create an effective NHRCK. Second, his government's motives were not economically driven by Western donor countries and IOs. South Korea had stopped receiving foreign aid since it had joined the OECD in 1996. There was neither a PTA with human rights conditionality in force nor a trade negotiation between South Korea and the EU. Thus, by imposing high international reputation and legitimacy costs through disendorsement, Amnesty International changed the Kim Dae-jung government's political calculus in favor of upgrading the legal status of NHRCK. The ruling party's new draft legislation on 3 November 1998 reflected what the National NGO Coalition and Amnesty International had argued for: NHRCK would be an independent national institution with a broad mandate, investigative powers, and be free from the Ministry of Justice's control.⁸⁴

Unfortunately, the Ministry of Justice resisted. The ministry amended its original draft legislation without major changes, and insisted on it in government-ruling party consultation meetings. The ministry was so adamant that the government postponed submitting the ruling party's draft bill to the National Assembly until February 1999. Eventually, the ruling party capitulated to the ministry. They agreed on the ministry's amended proposal in March 1999 and submitted it to the National Assembly as the government bill on 7 April 1999.⁸⁵

Between April 1999 and mid-October 2000, Amnesty International and other human rights INGOs discouraged the Kim Dae-jung government from enacting the Ministry of Justice's version of NHRCK-enabling legislation by empowering the National NGO Coalition and disendorsing the government's institution-building process. To protest the government-ruling party agreement, thirty-four South Korean activists staged a week-long hunger strike at Myeongdong Cathedral in Seoul. Notably, on 6 April 1999, the very day they went on the hunger strike, eleven human rights INGOs issued a joint statement to empower local activists and condemn the government for failing to meet the Paris Principles in NHRCK's creation. Pax Romana-ICMICA, the Robert F. Kennedy Memorial Center for Human Rights, the South Asia Human Rights Documentation Centre, the World Organisation Against Torture, and seven others urged that "the government withdraw the draft human rights law and make full consultation with human rights NGOs concerned."⁸⁶ On 9 April 1999, Amnesty International criticized the president by saying that "we believe that South Korea's national human rights commission will not be able to function effectively without the support and cooperation of civil society . . . A weak commission which lacks independence and does not have the confidence of the human rights community will be ineffective and will not command the respect

84. "Ruling Party Submits Bill on Human Rights," *Korea Herald*, 4 November 1998.

85. Kim Kyung-ho, "Civic Groups Oppose Status of Human Rights Commission," *Korea Herald*, 24 March 1999.

86. Statement on the Establishment of the National Human Rights Commission in the Republic of Korea. Available at (<http://go.jinbo.net/commune/view.php?board=hurights-5&id=35&page=1>). Accessed 22 June 2008.

of the international community.”⁸⁷ In late April, the National NGO Coalition expanded itself to include seventy-one NGOs and intensified the political struggle against enacting the law.

Human rights INGOs and the National NGO Coalition made it too costly for the Kim Dae-jung government to pass the government bill unilaterally, especially as more human rights INGOs engaged the government and imposed international reputation costs. Furthermore, the president cared more about his pro-human rights image after receiving the Philadelphia Liberty Medal on 4 July 1999.⁸⁸ As such, in December 1999, the government and the ruling party postponed enactment until the next year, saying that “we are not about to press for the passage of the human rights law in a way opposed by the very organizations calling for the legislation.”⁸⁹ Empowered by human rights INGOs, the National NGO Coalition could block enactment until mid-October 2000.

Notably, the UN played a minor role in the politically contested process of establishing NHRCK. Finnemore’s constructive IO theory emphasizes universal IOs’ “on-site teaching activities in member states”⁹⁰ as the key diffusion mechanism. IO bureaucrats spoon-feed new policy instruments to government officials and/or impose their views on governments’ draft legislation for institutional reform through country visits.⁹¹ However, the theory underestimates the sovereign limits of the UN as a teacher of norms if and when applied to the human rights issue area. UN Special Adviser on NHRIs Brian Burdekin visited South Korea on 16–19 October 1998 to attend a public forum hosted by the Ministry of Justice on the draft legislation and to meet local activists and ministry officials. Yet South Korean activists were disappointed by the UN special adviser’s “restrained attitude” toward the problems of the ministry’s draft legislation.⁹² Also, although Burdekin wanted to review the draft legislation closely, the Ministry of Justice rejected his request outright.⁹³ Moreover, this was his only visit to South Korea during the entire process. Thus, the UN’s on-site teaching in South Korea neither reconstructed the government’s policy preferences nor effectively empowered domestic NGOs.

A breakthrough came on 13 October 2000, when President Kim Dae-jung was selected as the winner of the Nobel Peace Prize “for his work for democracy and human rights in South Korea and in East Asia in general, and for peace and rec-

87. Amnesty International’s third open letter to President Kim Dae-jung. Available at (<http://go.jinbo.net/commune/view.php?board=hurights-5&id=33&page=1&SESSIONID=83ea4f30ac788032ca7aa256a6379a98>). Accessed 22 June 2008.

88. Mark Davis, “A President Tells of Prison Ordeal: S. Korea’s Kim Dae Jung Was Awarded the Medal,” *Philadelphia Inquirer*, 5 July 1999.

89. Jae-yun Shim, “Human Rights Law Shelved Indefinitely,” *Korea Times*, 20 December 1999.

90. Finnemore 1993, 587.

91. *Ibid.*, 587–91.

92. Sarangbang Group for Human Rights, “Report on the Meeting with Brian Burdekin on the National Human Rights Institution,” *Human Rights Daily News*, 21 October 1998 (in Korean).

93. Sarangbang Group for Human Rights, “The Human Rights Act of Korea May Establish a Bad Precedent,” *Human Rights Daily News*, 14 April 1999 (in Korean).

conciliation with North Korea in particular.”⁹⁴ It put South Korea’s human rights situation in the eyes of the world overnight and imposed high international reputation costs on his government. In consequence, the Kim Dae-jung government and the ruling party pledged to create NHRCK in the way advocated by the National NGO Coalition and Amnesty International. Eventually, the National Human Rights Commission Act was passed by the National Assembly on 30 April 2001. It established NHRCK as a national institution having *de jure*, *de facto*, and financial independence from the Ministry of Justice and having the right to handle individual complaints and investigate human rights violations. NHRCK became operational on 25 November 2001.

Malaysia

The establishment of the Human Rights Commission of Malaysia (SUHAKAM) in 1999 illustrates the significance of human rights INGOs’ mobilization of shame as the second diffusion mechanism. Originally, the idea of Malaysia having its own NHRI surfaced first in 1994 when Malaysia was a member of the UN Commission on Human Rights. It was the initiative of Musa Hitam, who led the Malaysian delegation to that UN body. It was also one year after the Vienna Declaration and Programme of Action recognized the importance of NHRIs.⁹⁵ However, although the Malaysian government came to know the UN idea of NHRIs in 1993–94, it did not create SUHAKAM until 1999. Why? Timing is everything. Only after Amnesty International and Human Rights Watch criticized the arrest and unfair trial of Anwar Ibrahim and other opposition activists under the notorious Internal Security Act and amplified the domestic and international backlash risk against Malaysia from September 1998 on did the government act on the UN idea.

In May–June 1998, in the aftermath of the Asian financial crisis, Deputy Prime Minister Anwar Ibrahim and his followers criticized Prime Minister Mahathir Mohamad and his administration for crony capitalism and corruption. In response, the government brought the alleged charges of corruption and sodomy against Anwar. This persecution of Anwar was politically motivated because, although Anwar and Mahathir had been political allies, Mahathir’s faction believed that now Anwar attempted to supplant Mahathir as prime minister. This suspicion was aroused in part by the ousting of President Mohammed Suharto in neighboring Indonesia in May the same year.

It was the arrest and unfair trial of Anwar and other opposition activists under the notorious Internal Security Act—symbolized by a photo of Anwar with a black eye from a beating by the Inspector General of Police—that triggered public crit-

94. Press Release—Nobel Peace Prize 2000. Available at (http://www.nobelprize.org/nobel_prizes/peace/laureates/2000/press.html). Accessed 17 June 2009.

95. See the “official” history of the origin of SUHAKAM. Available at (<http://www.suhakam.org.my/info/profil>). Accessed 13 May 2009.

icism from Amnesty International and Human Rights Watch in September 1998. On 23 September, only three days after Anwar's arrest, Amnesty International activated the Urgent Action Network—a rapid- and mass-response technique to rescue individuals from human rights emergencies—for the release and better treatment of Anwar and other detainees.⁹⁶ Human Rights Watch, too, intervened into the Anwar case from the very beginning by channeling information for Malaysian activists and undermining the Mahathir government's legitimacy. As Roth recalled, "in September 1998 Human Rights Watch put a bulletin on its Web site about the political crackdown in Malaysia, including information that was not widely available in the Malaysian press. In the next two weeks 28,000 people visited the page, mostly from Malaysia itself."⁹⁷ Amnesty International, Human Rights Watch, and Justice International sent five lawyers to observe Anwar's trial.⁹⁸ Notably, these human rights INGOs did not only monitor the Anwar case, but also scrutinized and criticized a broad spectrum of human rights violations in Malaysia. As Sidney Jones, Asia Director of Human Rights Watch, emphasized, "we're obviously deeply concerned about aspects of Mr. Anwar's arrest, detention, and trial. But we're equally concerned about the government's reliance on the Internal Security Act and what appear to be growing restrictions on freedom of expression and assembly that affect a much larger number of people."⁹⁹

Public criticism by Amnesty International and Human Rights Watch amplified the domestic and international backlash risk against the Mahathir government and ultimately changed the government's political calculus in favor of NHRI establishment. By putting Malaysia in the international spotlight, those human rights INGOs opened up the domestic political space for the formation of two broad-based coalitions to push for political reform and Mahathir's resignation, namely, the Coalition of People's Democracy and the People's Justice Movement. This was unusual in Malaysia given that ethnic cleavages had traditionally divided the opposition movement and the government had routinely repressed political dissent.¹⁰⁰ In addition, the United States, Australia, Britain, and the European Union followed human rights INGOs' lead by condemning Anwar's trial and the political crackdown in Malaysia. Even some of Malaysia's regional allies in the Association of Southeast Asian Nations (ASEAN)—traditionally the guardians of the principle of noninterference—followed suit.¹⁰¹

Under this mounting criticism at home and abroad, it was not coincidental that the Malaysian government made a political concession in response by picking up

96. Amnesty International n.d.

97. Roth 2000, 231.

98. Mazlan Nordin, "Brown Sahibs, Take Note: Justice Can Be Served Not in English Only," *New Straits Times*, 6 November 1998.

99. Human Rights Watch 1998.

100. Alice Donald, "Opposition Emboldened by Anwar Saga," *BBC News* (Internet ed.), 30 September 1998.

101. Alice Donald, "Anwar Case Puts Malaysia in Spotlight," *BBC News* (Internet ed.), 30 September 1998.

the UN idea of NHRIs that had been circulating since 1994. On 26 March 1999, the government announced the setting up of SUHAKAM. Subsequently, the Human Rights Commission of Malaysia Act was passed by the Parliament in August 1999 with little public consultation, and SUHAKAM became operational on 24 April 2000. Why did the Mahathir government choose NHRI creation as the response? What were the government's motives?

First, human rights INGOs' public criticism made government repression too costly to sustain and created a strong incentive for the Mahathir government to redress its entrenched human rights problems in a durable way. Malaysia had been constantly under a state of emergency since 1964, and the government had ruthlessly used the Internal Security Act to crush political opposition. Now human rights INGOs disclosed and condemned that the Anwar case was just the tip of the iceberg of Malaysia's structural problems and made the government recognize the need for a long-term solution.

Second, the global mainstreaming of NHRIs reinforced the Mahathir government's perception that NHRI establishment could solve its human rights and public relations problems and appeal to the domestic and international audiences. Globally, the UN World Conference on Human Rights in 1993 legitimized and popularized the idea of NHRIs. Indeed, the percentage of the NHRI-adopting UN members increased from 21.6 in 1993 to 43.3 in 1998.¹⁰² Malaysia's three regional peers in the ASEAN were also influential. By early 1999, Indonesia and the Philippines had already set up NHRIs, and Thailand was in the middle of creating its own. Within the government, Musa Hitam had advocated NHRI adoption since his first proposal in 1994. Given that he had been Mahathir's deputy prime minister in 1981–86, Musa Hitam could use his personal influence with the prime minister. Thus, when the Mahathir government was facing public criticism, the UN idea of NHRIs served as a cognitive shortcut to restore and signal its human rights credibility.

Third, the Mahathir government miscalculated its ability to control and coopt SUHAKAM. Certainly, part of the government's motives for creating SUHAKAM was to deflect international criticism. As Foreign Minister Syed Hamid Albar said, SUHAKAM's establishment was "in line with the government's objective to ensure that human rights issues do not continue to be played up by groups providing a cynical or inaccurate picture."¹⁰³ To the government's surprise, however, SUHAKAM brought more international criticism and became a focal point for domestic contentious politics. Thus, SUHAKAM's establishment was facilitated in part because the Mahathir government underestimated that once created, SUHAKAM could take on a life of its own over time.

Last but not least, contrary to what Finnemore's constructivist IO theory predicts, the Mahathir government's choice did not result from the UN's on-site teach-

102. The figures come from my data.

103. Anil Netto, "Skepticism Greets Malaysia's New Human Rights Body," *Asia Times OnLine* (Internet ed.), 6 April 1999.

ing in Malaysia.¹⁰⁴ The UN did not dispatch Special Adviser on NHRIs Brian Burdekin to Malaysia for consultation until SUHAKAM's founding act was passed by the Parliament.

Conclusion

NHRIs represent a new phase in the evolution of the international human rights regime. Thus far, however, why governments choose to adopt the UN idea of NHRIs in the developing world has received curiously little scholarly attention. This article, in contrast, offers some clear answers to this question. I argue that human rights INGOs are key to the global diffusion of NHRIs. Domestic human rights NGOs are not sufficient for NHRI adoption. Moreover, in most developing UN member states, NHRI creation is not driven by the UN's elite socialization via country visits. Instead, human rights INGOs create strong incentives for governments' NHRI adoption by mediating the human rights and NHRI discourses and mobilizing shame internationally. The statistical tests offer compelling evidence that the UN idea of NHRIs gains special traction in those national states densely networked with, and targeted by, human rights INGOs. The case studies of South Korea and Malaysia provide real-life examples that the hypothesized diffusion mechanisms are actually operative in concrete cases.

The article's findings have broad implications for political science. First, they uncover the causal significance of human rights INGOs for the global diffusion of UN policy instruments that is omitted and unexplained by the existing IO literature. I emphasize the need to systematically incorporate the INGO endowment of issue areas and the interactions between IOs and INGOs into thinking about how IOs work. In particular, human rights are one such issue area that requires theorizing human rights INGOs as an integral part of the working of the UN human rights regime. Just because the UN is important for norm making does not mean that it is equally important for norm diffusion. Human rights INGOs are key players and partners in the diffusion process for the UN idea of NHRIs. Moreover, human rights INGOs promote diffusion in a decentralized and rhizomatic manner without formal delegation and/or coordination by the UN. The causal mechanisms linking human rights INGOs and global norm diffusion in this article may play a role for other UN human rights instruments. Future research should examine the generalizability of those diffusion mechanisms across a variety of UN policy innovations in the human rights issue area.

Second, the findings contribute significantly to the literatures on human rights and transnational activism. This article underscores the need to focus on domestic institution building, especially NHRIs, as the very basis of promoting and protect-

104. Finnemore 1993, 587–91.

ing human rights in a sustainable manner. This is why the process of NHRI establishment has been so politically contested between pro- and anti-human rights constituencies in developing countries. By explicitly theorizing a variety of ways that human rights INGOs—both membership-based and elitist ones—empower local actors and influence governments' motives in favor of NHRI adoption, this article demonstrates that human rights INGOs catalyze domestic institutional and legislative changes for human rights in the long term.

Finally, the findings add much to the literature on democratic accountability institutions. This article focuses on NHRIs, which have become key to government accountability, democratic consolidation, and postconflict social integration, but have remained an unexplained theoretical gap and an empirical anomaly within the literature. In doing so, I demonstrate that the domestic process of building accountability institutions is not self-contained but informed and influenced by transnational actors and ideas.

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