

Dealing with human rights in international organizations*

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Abstract

Over time human rights have gained prominence in international organizations. At the same time, dealing with them has proved difficult and contentious. The present paper focuses on the way in which the United Nations have addressed human rights issues, especially through the Commission on Human Rights (UNCHR) and its successor the Human Rights Council (UNHRC). By analyzing in detail in a comparative fashion the votes in these two bodies, the paper shows that despite the high hopes expressed with the creation of the UNHRC this latter institutional innovation faces some of the same challenges as its predecessor.

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1 Introduction

The international arena has experienced a considerable development in human rights issues, expanding in terms of issues covered by treaties, but also on the institutional side. Specific courts have been set up, and within the United Nations (UN) system the major development these last ten years was certainly the creation of the UN Human Rights Council (UNHRC) in 2006, replacing the UN Commission on Human Rights (UNCHR). The latter had attracted considerable criticism regarding its functioning but several reform efforts came to nil (see for instance Chetail, 2010). The newly formed UNHRC was supposed to address these shortcomings and lead to an improvement of the UN's involvement in human rights issues. The first assessments paint, however, a rather disappointing picture (see for instance Chetail, 2007; Rajagopal, 2007; Besant and Malo, 2009; Chetail, 2010; Hug and Lukács, 2011; Seligman, 2011). The politicization of the UNHRC appears to be as extensive as it was in the UNCHR (see Hug and Lukács, 2011; Seligman, 2011) leading Chetail (2010, 234) to conclude that

[t]he Human Rights Council is not significantly different from the preceding Commission. Like the Commission, it remains a political body because of its intergovernmental composition.

Most of these assessments are based, however, either on casual observation or an indirect comparison drawing on systematic studies of the UNHRC. The only exception I am aware of is Seligman's (2011) study assessing whether resolutions targeting specific countries have changed from the UNCHR to the UNHRC. Systematic studies looking more broadly at the decisions reached in these two organs of the UN are, however, missing.

This is what I propose to do in this paper. Drawing on data on resolutions debated and (largely) adopted in the UNCHR and the UNHRC in the last 16 years (1996-2005 for the UNCHR, 2006-2012 for the UNHRC) I offer a comparison of the voting record in these two periods and find that the conflict lines have largely remained the same in these two organs. In the next section I discuss the literature which is relevant for the study presented here. It thus focuses on the broader human rights literature before moving to studies more specifically on international organisations and their bodies dealing with human rights issues. In

section three I offer a description of the data employed in this study. Section four presents the results of the empirical analyses, while section five concludes.

2 Human rights and international organizations

The literature on human rights, and how they are dealt with in international organizations has developed considerably over the last decades (for an excellent introductory survey, see Carey, Gibney and Poe, 2010). As Hafner-Burton and Ron (2009) nicely and convincingly argue the literature has split in two quite distinct traditions, one following a more constructivist approach, the other drawing on a rational choice perspective. The former, relying strongly on case studies (largely on Latin American countries, e.g., Sikkink, 1993; Risse, Ropp and Sikkink, 1999), find a largely positive picture of human rights norms diffusing with the help of international institutions and non-governmental organizations (NGOs). A more sanguine picture appeared in the literature drawing on rational choice explanations and using quantitative approaches. Hathaway (2002), for instance, alerted scholars that signing human rights treaties did not necessarily improve a country's human rights record (see also Vreeland, 2008; Hollyer and Rosendorff, 2011; Hug and Wegmann, 2012*a*). Relatedly Hafner-Burton and Ron (2009) show that despite an increasing number of treaties and signatories, the overall human rights record has hardly if at all improved over time around the globe (see also Simmons, 2009).

As both Simmons (2009) and Carey, Gibney and Poe (2010) demonstrate, international organizations have assumed an ever increasing role in human rights. Organs of the UN played in this context a considerable role, most notably the UNCHR and the UNHRC, but also the General Assembly (UNGA) that debates frequently human rights issues. Studies of these organs paint a rather pessimistic picture. For instance the studies by Donnelly (1988) and Wheeler (1999) highlight how resolutions targeting particular countries appear to show political biases. Similar results are found by Lebovic and Voeten (2006) in their study on the UNCHR.¹ Relatedly, Edwards, Scott, Allen and Irvin (2008) show that human

¹In a related study Lebovic and Voeten (2009) show that condemnations in the UNCHR affect multilateral aid decisions but not bilateral ones. Smith (2006) studies the voting of European Union (EU) member countries in various UN organs, among them also the UNCHR, while Senger (2004) focuses on the latter. Garský and Spolander (2012) ask the broader question why the EU was successful in the negotiations leading to the creation of the International

rights offending countries found easily access to the UNCHR.²

Studies on the UNGA also focused on human rights issues (see, for instance the policy specific analyses in Hovet, 1960). Most recently, Boockmann and Dreher (2011) offer an analysis of recorded votes in the UNGA on human rights resolutions. They suggest that it is less a country's human rights record that influences its voting behavior, but the records of the countries belonging to the same group (as defined by the World Bank.³ Similarly, Hillman and Potrafke (2011) propose a model suggesting that countries use scape-goats to deflect attention from their own, mostly poor, human rights record and engage in vote trading.

With the replacement of the UNCHR by the UNHRC a series of studies have tried to assess its performance.⁴ More general studies have highlighted some minor changes and some continuities (see for instance Chetail, 2007; Miller, 2007; Besant and Malo, 2009; Reber, 2009; Chetail, 2010). Hug and Lukács (2011), based on Lukács's (2010, 2011) work assess the voting patterns in the UNHRC in the first 13 sessions and find that human rights records influence considerably these patterns. In addition they can demonstrate that the identity of a resolution's author affects these patterns as well, with, for instance, resolutions introduced by Pakistan or Cuba, being much more devisive.⁵ As the EU, certainly since the adoption of the Lisbon treaty, aims at occupying a more forceful position especially in the area of human rights, several studies have focused on the EU's action in the UNHRC (e.g., Wouters, Basu and Bernaz, 2008; Macaj and Koops, 2010; Macaj and Koops, 2012; Macaj, 2012).

These studies on the voting behavior in the various UN organs offer, however,

Criminal Court (ICC) but often fails in the UNGA's third committee. They argue that these differences are difficult to explain based on norms, but seem more related to more or less successful coalition building.

²Incidentally it was the non-election of the US in 2001, the election of Libya to the presidency in 2003 and the election to the Commission of Sudan in 2004 that precipitated the replacement of the UNCHR with the UNHRC (Chetail, 2010, 205f).

³In a related study, trying to account for the incomplete nature of the data, i.e., only a quarter of all votes on resolutions are recorded votes, Hug (2012) considers considerable effects of a country's human rights record.

⁴While most studies focus the discussion on general observations McMahon (2012) offers a systematic study of the so-called periodic review, to which UNHRC member countries have to submit.

⁵Hug and Wegmann (2012b) use a broader database on the first 20 UNHRC sessions and ten years of voting in the UNGA to compare Switzerland's position with those of other countries. Senger (2011) proceeds similarly by assessing Switzerland's position in the UNHRC, compared to China and some EU countries.

no comparisons, especially between the UNCHR and its successor the UNHRC. The only study I am aware of that engages in such a comparison is Seligman's (2011) study that focuses on resolutions adopted in these two bodies that target specific countries. His assessment, based on voting information, suggests that only few things have changed between the two institutions.

3 Votes in the UNCHR and the UNHRC

Consequently, the present paper wishes to contribute to fill this gap, but also to highlight a problem that is often eschewed in studies based on voting in UN bodies. Namely, as Hug and Lukács (2011) and Hug (2012) demonstrate for the UNHRC, respectively the UNGA, only around a quarter of all votes on resolution related matters are roll call votes.⁶

To fill this gap and highlight this potential selection bias problem I rely on newly collected data on voting in the UNCHR and the UNHRC.⁷ This data covers the last ten sessions of the UNCHR (last ten years: 1996-2005) and the first 20 sessions of the UNHRC (first seven years (as the UNHRC meets at least three times a year): 2006-2012). In its last 10 sessions the UNCHR adopted 1217 resolutions and took decisions in 446 recorded votes. But only 272 of these concerned final votes on resolutions. In the first 20 sessions of the UNHRC 188 recorded votes took place and 114 were final votes on resolutions. Overall 426 resolutions were adopted in these 20 sessions.

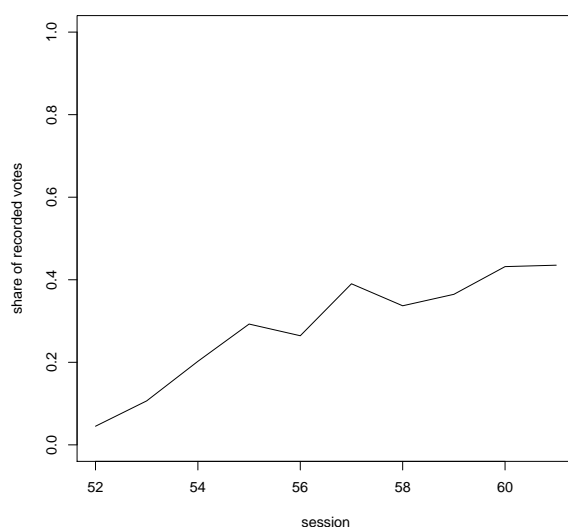
While these aggregate numbers suggest that in both organs roll call votes were about equally frequent, looking at the time trends suggests otherwise. Figures 1 and 2 depict the share of recorded votes per session for the UNCHR and the UNHRC. As figure 1 shows, recorded votes were much less frequent at the beginning of the last ten years of the UNCHR's existence. The share increased,

⁶Most resolution-related matter is adopted without a vote, while in the UNGA until the 1980s recorded votes also took place without them being roll calls. Blake and Lockwood Payton (2009) and Lockwood Payton (2010) offer innovative studies of what explains the adoption of particular decisions rules in international organizations, respectively what type of consensus rules are present.

⁷For both organs the minutes were downloaded and automatically parsed to extract all roll call votes (UNCHR: http://www2.ohchr.org/english/bodies/hrcouncil/annual_reports.htm, UNHRC: <http://www2.ohchr.org/english/bodies/hrcouncil/>). In addition, I created based on the information on the websites a list of all resolutions and decisions subject to a decision in the UNCHR and the UNHRC.

however, systematically and considerably to reach approximately two-fifths. One might take this as an indication for an increase politization. The trend for the UNHRC is much less clear. While the first few sessions saw on average almost equally high shares of recorded votes, after a blip to zero in the fifth session this share started to oscillate around the value of one fifth.

Figure 1: Share of recorded votes in the UNCHR



As recorded votes occur if a member state requests such a vote, knowing the identity of the requester might give additional evidence of a possible politization. Unfortunately, only the minutes of the UNCHR provide for almost all recorded votes the information who requested it. For the UNHRC this information is missing for a large share of the recorded votes, hence the comparison has to be taken with large grain of salt. Figure 3 shows, however that among the 440 recorded votes for which the requester could be identified, almost a quarter of all cases, namely 104, were requested by the United States.⁸ Almost as frequent are recorded vote requests by Cuba, namely in 73. With much lower numbers follow the Russian Federation, Pakistan etc.⁹

⁸Impressionistically this seems mostly related to a heavy increase of such roll call votes requests in the last sessions of the UNCHR.

⁹For simplicity's sake I do not separate out requests for recorded votes by several countries.

Figure 2: Share of recorded votes in the UNHRC

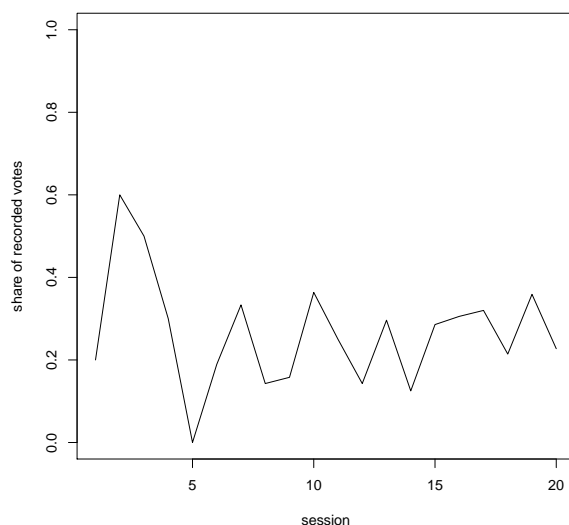


Figure 4 depicts the same information for the few recorded votes for which it was possible to identify the requester. As the figure shows, the US is again in a league of its own, followed, however, by several European countries having requested recorded votes on behalf of the EU. If these were taken together the EU would appear at the top of the list, underlining its wishes to be more active and unified in the human rights area. Instead of being followed by Cuba and Russia, however, another country, namely Canada, inserts itself. Hence, this figure, based on very sparse data, suggests at least a small change in terms of who requests recorded votes in the UNHRC.¹⁰

¹⁰Hug and Lukács (2011) find, however, that in terms of authorship of resolutions in the UNHRC, countries like Cuba, Egypt and Pakistan are very active.

Figure 3: Requesters for roll-call votes in the UNCHR

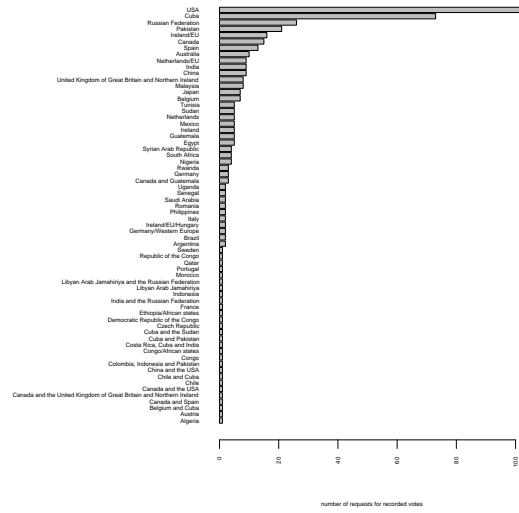
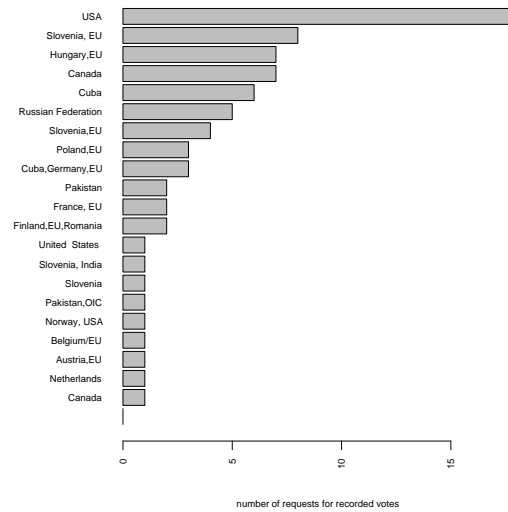


Figure 4: Requesters for roll-call votes in the UNHRC



4 Opposing views in the UN bodies for human rights

To assess whether the UNCHR and the UNHRC differ I assume that the way in which their respective members voted on resolution-related matters relates to ideal-points in a policy space. In addition, I assume that countries cast their vote based on how far (or close) a proposal lies (compared to its alternative, most often the status quo) compared to their ideal point. Based on these assumptions, several estimation strategies have been devised to uncover the latent ideal-points and information on the alternatives voted upon (for excellent summaries, see Poole, 2005; Clinton, 2012; Carroll and Poole, 2013 (forthcoming)). I employ, as suggested by Clinton, Jackman and Rivers (2004) (see also Martin and Quinn, 2002) an item-response theory (IRT) model. This model is specified in the following equation:

$$\begin{aligned}\pi_{ij} &= Pr(y_{ij}|\theta_i, \beta_j, \alpha_j) \\ &= F(\theta_i\beta_j - \alpha_j)\end{aligned}\tag{1}$$

π_{ij} corresponds to the probability of a yes-vote (y_{ij}) by individual i on proposal j . θ_i corresponds to individual i 's ideal-point, while β_j and α_j reflect the discrimination and difficulty of proposal j . With adequate additional assumptions all these parameters can be estimated in a bayesian framework.

The problem with this model as specified in equation 1 is that it requires binary observable voting data. In the two UN bodies that I propose to study, abstentions are, however, quite numerous. In the context of their study on voting in the UNGA Boockmann and Dreher (2011) argue that abstentions are largely reflecting indifference. Thus in their empirical analysis they consider abstentions an intermediary position between the yes and no camp. In their framework, this results in an ordered probit model. I follow this suggestion and complement equation 1 with a second one, which models the distinction between abstention and a yes vote:

$$\begin{aligned}\pi_{ij} &= Pr(y_{ij}|\theta_i, \beta_j, \alpha_j, \gamma_j) \\ &= F(\theta_i\beta_j - \alpha_j + \gamma_j)\end{aligned}\tag{2}$$

$+\gamma_j$ reflects the shift parameter from the first to the second logit-curve. If γ_j is zero then abstentions do not form a distinct category.¹¹ I implemented this model and estimated it with Plummer’s (2010) JAGS-program.¹²

Figures 5 and 6 depict the estimated ideal-points. The similarities between these two figures are considerable. In both cases the countries with the extreme ideal points are the Libya and the US. In the case of the UNCHR¹³ Cuba finds itself very close to Libya, and Canada and Australia are the next extremest cases on the other side of the scale. In the UNHRC¹⁴ Congo and Russia find themselves very close to Libya, while close to the US one finds again Canada and the Netherlands.

These preliminary analyses suggest that in terms of conflict lines barely anything has changed between the UNCHR and the UNHRC.¹⁵ Conflicts still seem to focus on the same underlying dimension, anchored by the positions of Libya and the US.

On a methodological note it is interesting to note that the proposed ordered logit IRT model suggests that ignoring abstentions pulls more strongly apart the main groups and dividing more in opposite camps. The estimates based on the ordered logit model, however, accentuate the differences of the most extreme members by pulling them further apart.¹⁶

¹¹In the estimates (not reported in this paper) it appears that only for a very small number of votes γ cannot be distinguished from zero. It has to be noted, however, that this setup presumes an ordered choice. If an abstention takes on another significance, tests on the value of $+\gamma_j$ will not be appropriate. See Rosas and Shomer (2008) for detailed discussion of this problem and another way to deal with abstentions.

¹²Note that this estimation requires that all yes- and no-votes have the same relationship with the underlying policy space. To ensure this I inverted the values of the voting variables for those cases where this is not the case. I identified these cases on the basis of China’s and the US’ voting record.

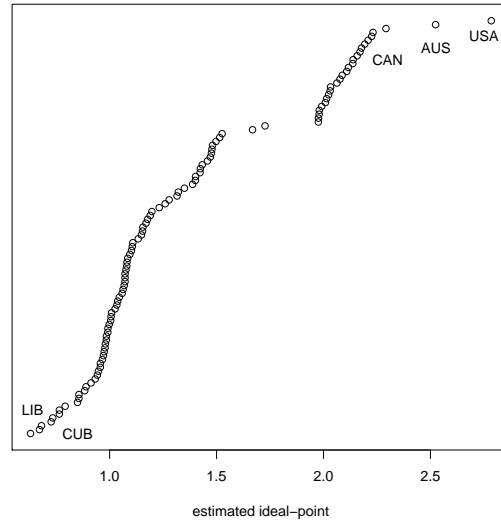
¹³I resort to a one-dimensional analysis as APREs derived from `wnominate` suggest that a second dimension hardly adds to the reduction in errors: 0.837, respectively 0.898.

¹⁴I resort to a one-dimensional analysis as APREs derived from `wnominate` suggest that a second dimension hardly adds to the reduction in errors: 0.938, respectively 0.977.

¹⁵Obviously, strictly speaking the two scales that were estimated with the IRT-models are not directly comparable.

¹⁶Figures ?? and ?? report the estimates from a binary IRT model as implemented by Jackman (2004).

Figure 5: Ideal-points UNCHR based on ordered logit



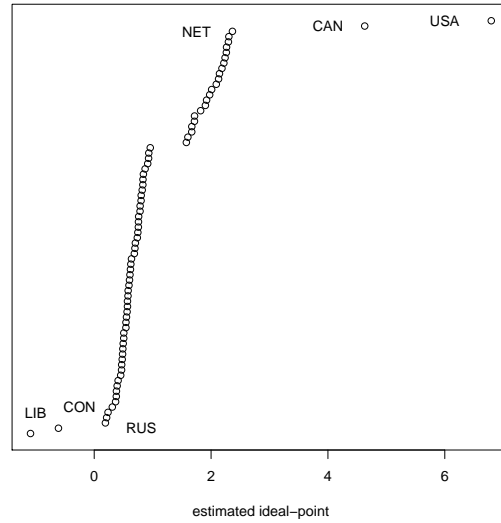
5 Conclusion

Human rights, as well as the scholarly attention that this topic attracts, have experienced a considerable development. More and more treaties deal explicitly with the protection of rights of citizens from their government. Similarly, more and more organs have been setup to deal with this important topic, and existing ones strengthened. Thus, considerable hope was put into the newly created UNHRC in 2006 that replaced the UNCHR. The latter had fallen in disrepute because of its strong politization and several unfortunate election of members.

So far, apart some casual observations, we know very little how the new Council performs compared to the old Commission. A single study has so far highlighted striking similarities when it comes to voting behavior on resolutions targeting specific countries (Seligman, 2011). In this paper I demonstrate similarly strong similarities between the two UN organs regarding the ideal-points that were estimated based on the voting behavior of its members. Strikingly, the same pair of countries defines the end-points of the one-dimensional policy space, namely Libya and the US.

Both these initial comparisons have, however, to be taken with a grain of salt,

Figure 6: Ideal-points UNHRC based on ordered logit



as very few resolutions make it to a final recorded vote. Not taking this into consideration may well bias our results (Hug, 2012). (Hug and Lukács, 2011), covering a slightly shorter period for the UNHRC can show that the identity of the resolution proposer affects considerably the voting behavior of UNHRC member countries. As resolutions proposed by a set of very specific countries (i.e. Cuba Egypt, Pakistan) are almost systematically decided by recorded votes, one might conclude that these differing results relate in part to the different nature of recorded votes. Hence future analysis should also consider these complications to provide a more accurate comparison of the two main institutions having dealt, respectively dealing with human rights issues in the UN system.

Appendix

Figures 7 and 8 report summaries of a WNominate (Poole and Rosenthal, 1985; Poole, 2005) analyses of the UNCHR, respectively UNHRC data. In both cases two dimensions were estimated and in addition to the information provided in the main text, the large share of vertical dividing lines suggests that a one-dimensional policy space reflects well voting in these two UN bodies.

Figure 7: WNominate summary UNCHR

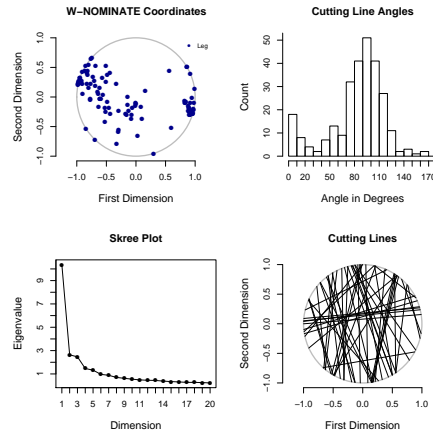
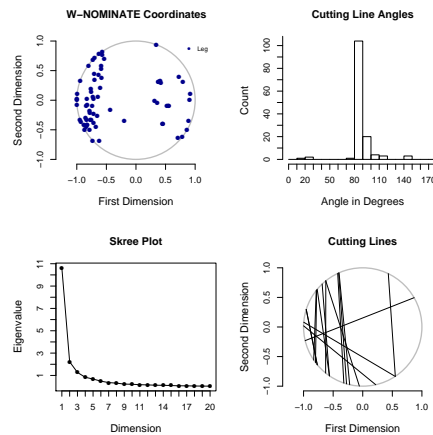


Figure 8: WNominate summary UNHRC



Figures 9 and 10 depict the estimates of an ideal-point estimation as suggested by Clinton, Jackman and Rivers (2004) (see also Martin and Quinn, 2002), which considers abstentions as missing data.

Figure 9: Ideal-points UNCHR

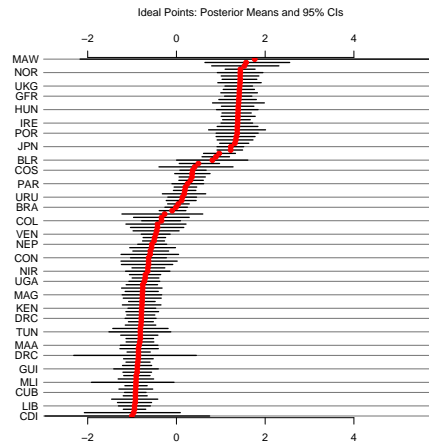
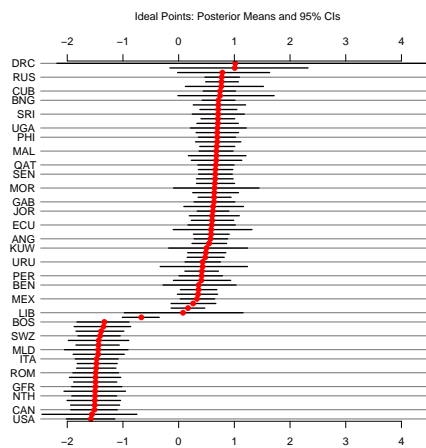


Figure 10: Ideal-points UNCHR



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