Domestic Politics and the Effectiveness of Regional Human Rights Courts

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Under what conditions are regional human rights courts effective? I argue that in order for regional human rights courts to be effective, they should deter future human rights abuses and this is more likely when the executive adopts and implements rights-respecting policy in response to adverse regional court decisions. When the executive expects the domestic judiciary to implement regional human rights court orders, the executive also expects to face domestic pressure for failing to make policy changes despite domestic judicial implementation of regional court orders. However, the domestic judiciary does not implement regional court orders with equal probability. Domestic judicial power (independence and effectiveness) increases the ability and willingness of the domestic judiciary to implement regional court orders, and subsequently increases the likelihood that the executive adopts and implements comprehensive human rights policy. Using data on adverse judgments from the European and Inter-American Courts of Human Rights, I find that regional human rights courts are more likely to be effective in the presence of a strong domestic judiciary.

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International human rights law is proliferating globally, including growth in the number of international human rights treaties, the scope of rights issues covered, and the breadth of membership in international legal bodies. Regional human rights courts represent an important piece of the international human rights legal regime and have become particularly active in the past two decades. The European Court of Human Rights (ECtHR) received 63,350 applications and delivered judgments in 1,068 cases in 2017, while 35 cases were pending a decision by the Inter-American Court of Human Rights (IACtHR) in the same year. Scholars and practitioners interested in human rights protection may infer that the growing activity of regional human rights courts is associated with a corresponding increase in human rights protections. However, relatively little is known about the effectiveness of regional human rights courts, or the extent to which they deter future human rights abuses.

International human rights law suffers from an enforcement problem in that no central authority enforces human rights legal commitments made by states. Other mechanisms, such as reciprocity and retaliation, do not ensure enforcement either because international human rights law largely governs state-society relations rather than interstate relations and it does not generate many of the positive externalities associated with cooperation in other issue areas, such as the material benefits associated with international trade agreements. As a result, the effectiveness of international human rights law has been met by scholars with skepticism (e.g. Posner 2014). However, recent work finds that indirect enforcement occurs at the domestic level, whereby international human rights law provides domestic actors with incentives to ensure that the state abides by international legal commitments (Simmons 2009:125-55).

Drawing on research focusing on the importance of indirect enforcement of international human rights law, this article presents a theory of regional human rights court effectiveness that explicitly incorporates domestic interests in upholding international human rights law (Hillebrecht 2012; Huneeus 2012). This article makes a number of important contributions to scholarship on international human rights law. First, by focusing on regional human rights court *effectiveness*, or the extent to which regional courts deter future human rights abuses, the argument presented

here diverges from prior work focused on compliance with regional court orders (e.g. Hawkins and Jacoby 2010; Hillebrecht 2014).

Second, regional human rights courts are less systematically studied institutions, despite the fact that they are uniquely designed to influence state human rights behavior post-ratification by rendering adverse *judgments* against states. Most work on the international human rights regime focuses on the role of treaty ratification on state behavior. However, adverse judgments likely provide greater legal leverage for domestic actors than treaty ratification, increasing the likelihood of human rights policy changes. Given their unique design, further study of regional human rights courts is warranted.

Third, this article contributes to our understanding of the domestic political process at work in response to adverse regional court judgments by focusing on the interactions of domestic actors within the state.[1] While regional human rights courts treat the state as a unitary actor, charging the "state" with taking steps to remedy a rights violation, the theory developed in this article incorporates the interests of multiple domestic actors (e.g. executive, judiciary) to engage in human rights policy change following adverse regional court judgments. Finally, using data on hundreds of adverse physical integrity rights judgments from the European and Inter-American Courts of Human Rights, the findings of this article provide evidence that under certain conditions, regional human rights courts deter future human rights abuses. More specifically, I show that adverse regional court judgments are associated with greater respect for rights post-judgment as judicial power grows, an important implication for policymakers skeptical of the influence of international human rights institutions and reluctant to ensure the provision of resources necessary for the operation and function of regional human rights courts.

[1] An adverse decision is a regional court judgment that finds the state in violation of the relevant international human rights treaty.

Explaining Regional Court *Effectiveness*

Regional human rights court effectiveness highlights the degree to which a legal rule or standard induces the desired change in behavior (Hawkins and Jacoby 2010:39). Focusing on the concept of effectiveness captures the extent to which regional courts deter future human rights abuses, a key mandate of regional courts. In addition to finding a violation of rights guaranteed in the American Convention on Human Rights (ACHR), the IACtHR is also charged with ruling that the consequences or measures that lead to breach of the right be remedied (Article 63). The European Convention on Human Rights (ECHR) requires states to take individual and general measures to not only remedy the violation, but also to prevent future similar violations. As a result, regional human rights courts are charged with deterrence of future rights abuses.

Several existing studies on regional human rights courts focus on explaining the extent of *compliance* with court orders, rather than *effectiveness*. While effectiveness captures the extent to which regional courts deter future human rights abuses, *compliance* is conceptualized as conformity between behavior and a legal standard (Raustalia 2000:391). Neyer and Wolf (2005) note the difference between concepts, stating:

> Compliance focuses neither on the effort to administer authoritatively public policy directives and the changes they undergo during this administrative process (implementation) nor on the efficacy of a given regulation to solve the political problem that preceded its formulation (effectiveness)...Assessing compliance is restricted to the description of the discrepancy between the (legal) text of the regulation and the actions and behaviors of its addressees. Perfect compliance, imperfect implementation and zero effectiveness therefore are not necessarily mutually exclusive (41-42).

Although each compliance order is designed to remedy a human rights abuse, individual orders, and even the combination of individual orders, may not ensure that the necessary policy changes are undertaken to ensure effectiveness. Shany (2012) notes that "high levels of compliance may be found in the records of both effective and ineffective international courts, compliance is not a reliable indicator of effectiveness" (261). Notably, some scholars find that the modal category of compliance constitutes "partial" compliance (Hawkins and Jacoby 2010), with the ECtHR

exhibiting a forty-nine percent compliance rate, and the IACtHR a thirty-four percent compliance rate (Hillebrecht 2014:13). Using a dataset on ECtHR judgments rendered through 2015, von Staden (2018) shows that states had not sufficiently complied with 43.3 percent of the ECtHR's compliance-relevant judgments (5). Though, aggregate compliance rates may be misleading for several reasons. First, states may comply with the "low-hanging fruit," or reparations orders that are easier to fulfill (for example, apologizing, paying costs), while at the same time, fail to comply with reparations orders that are more difficult to fulfill (such as, punishing violators or adopting domestic laws) (Hawkins and Jacoby 2010:58). Second, compliance is lower when less time has passed between the year in which judgments are rendered and the present, meaning compliance is more likely as time passes post-judgment (von Staden 2018). Third, compliance varies across states as a result of democratic consolidation, with established democracies like Denmark, Sweden, and Norway exhibiting perfect or near-perfect compliance, and other states exhibiting dismal levels of compliance (such as Turkey) (von Staden 2018).

In the absence of compliance, regional courts are unlikely to be effective. Huneeus (2014) claims that "effective courts would be alarmed if they had a genuinely low compliance level" (441). However, compliance with some orders are likely to be more important for an effective court (Shany 2014). Although scholars debate about how to best conceptualize international court effectiveness (Shany 2014), I argue that absent human rights policy changes, including executive adoption, administration, monitoring, and enforcement of human rights policy, even compliance with orders to punish violations or adopt legislation may be limited to providing remedy for a specific abuse, rather than deterrence of future rights abuses (Haglund 2020). Descriptive empirical evidence of the distinction between the concepts of compliance and effectiveness is presented in the Online Appendix.

Although a growing research program focuses on compliance with regional human rights courts, a great deal of research addresses compliance with international human rights treaties. Scholars focusing on international or interstate enforcement to explain compliance with international human rights law often pessimistically conclude that international human rights law has little

influence on state behavior (Posner 2014). However, international human rights law can have an important indirect influence on state behavior, particularly when domestic politics ensure enforcement (e.g. Conrad and Moore 2010; Conrad and Ritter 2013; Lupu 2015; Powell and Staton 2009; Simmons 2009).

Arguably, domestic politics plays an even larger role in the effectiveness of regional human rights courts than in compliance with international human rights treaties. Regional human rights courts examine cases of alleged violations of the relevant regional human rights convention and render judgments against a state, often giving the state direct orders to engage in actions in order to bring itself into compliance. International treaties rarely provide orders with a similar level of clarity and precision as those emerging from an adverse regional human rights court decision. As a result of the increased clarity in adverse regional court decisions, responsibility for behavioral changes is more easily attributed to particular domestic actors in the state. As such, understanding the effectiveness of regional human rights courts requires examining the translation of adverse court decisions into the domestic system, specifically, the way regional courts inform the decisions and behavior of political actors.

A Domestic Politics Theory of Regional Human Rights Court Effectiveness

I argue that regional human rights court effectiveness is conditional on the executive instituting a policy of human rights protection in response to an adverse judgment. Because implementation of human rights policy is costly, the executive must find the benefits of policy changes in line with the adverse regional court judgment to outweigh the costs. The executive is more likely to undertake such policy changes when the domestic judiciary is powerful (Haglund 2020). As I argue below, powerful domestic judiciaries, or those that are independent and effective, are more likely to implement regional court orders than weak judiciaries, and subsequently shift post-judgment responsibility to the executive. As a result, in expectation of implementation by a powerful do-

mestic judiciary, executive incentives to make human rights policy changes in line with an adverse regional court judgment grow.

The executive plays a key role in ensuring human rights protection following adverse regional court judgments. The executive includes the leader and bureaucrats and state agents under executive authority. The chief executive has substantial authority to regulate the level of repressive effort through (1) the adoption of human rights policy, (2) the administration of policy, (3) monitoring implementation of the policy, and (4) enforcing the policy (Haglund 2020). First, the executive adopts policy designed to ensure rights protection and backs the policy with sufficient resources. Once human rights policy is in place, the executive is responsible for policy administration, including disseminating (publicizing) policy objectives, goals, and strategies to bureaucrats and state agents under the executive branch. For example, training programs help state agents identify appropriate interrogation techniques and inform law enforcement of human rights standards.[2]

Following the administration of policy, the executive must monitor policy implementation, including implementing programs designed to ensure that policy is being carried out appropriately.[3] For example, on-site inspections of detention centers by independent third parties discourage violations. Finally, the executive must enforce policy by ensuring that there are legal repercussions in place when agents engage in continued abuse. Given the importance of executive policy change, under what conditions will adverse regional court judgments generate executive incentives to adopt, administer, monitor, and enforce human rights policy?

Executive (Dis)incentives

Although the adoption of policy may not be inherently costly, administration, monitoring, and enforcement entail significant material costs (Haglund 2020). For example, programs designed to train law enforcement in human rights require access to material resources (Conrad and Moore

[2]Conrad and Moore (2010) call these types of actions *ex ante controls* on the behavior of state agents.

[3]Conrad and Moore (2010) call these types of actions *ex post controls* on the behavior of state agents.

2010:461). Moreover, policies designed to protect human rights may generate political costs. Adopting and instituting a policy of respect for rights removes the ability to utilize some of the repressive tactics in the executive's arsenal and may require changes to long-held repressive policies, including repressive tactics that are more cost effective. The executive often engages in repression in response to domestic threats, particularly internal dissent (e.g. Davenport 1995). Once human rights policy is in place, it is more difficult for the executive to resort to repression due to the presence of monitoring programs, for example.

Given the aforementioned costs, *why would the executive adopt, administer, monitor, and enforce human rights policy in response to an adverse regional human rights court decision?* Adverse regional human rights court judgments represent a form of international shaming, whereby an international body (regional court) calls the state out for the failure to respect rights. The executive may be directly implicated in a human rights abuse and face punishment, particularly if abuses litigated by the regional court were a matter of state policy. The executive can also be indirectly implicated by an adverse judgment when human rights abuses occurred during an executive's time in office, giving the executive incentives to signal that future abuses are unlikely under his/her leadership in the future.

Despite being directly or indirectly implicated, regional human rights court litigation alone is not enough to generate executive incentives to adopt comprehensive human rights policy (Haglund 2020). For one, reputation is not of equal concern across all states (e.g. Keck and Sikkink 1998). Also, like most international law, regional human rights courts do not possess formal international enforcement mechanisms. As a result, for regional human rights courts to be effective, the executive must find the benefits of adopting comprehensive human rights policy to outweigh the extant costs, and as I argue below, this is more likely when the executive expects domestic judicial implementation.

Domestic Judicial Implementation

Because executive human rights policy change is conditional on an expectation of domestic judicial implementation, it is important to examine the conditions under which domestic judges are likely to implement regional court orders.(Huneeus 2012:155).[4] Domestic courts often confront procedural challenges in implementation of regional court orders. For example, all domestic remedies must be exhausted for a case to be admissible, which means that adverse regional court decisions often contradict a prior domestic ruling, threatening the legitimacy of the domestic judiciary (Haglund 2020). Domestic judicial implementation obstacles also include challenges to domestic criminal procedure, including statutes of limitations and double jeopardy laws.

Still, there are many examples of the domestic judiciary undertaking regional court orders. For example, following the judgment of *Bulacio v. Argentina*, the IACtHR ordered Argentina to prosecute a police chief, despite an earlier trial absolving the police chief of criminal responsibility. Even though Argentina faced the procedural challenge of re-opening a closed case, Argentina's Supreme Court implemented the IACtHR decision. Burgorgue-Larsen and de Torres (2011:189) argue that there are numerous cases of domestic "judicial empathy" with judgments of the regional court, however, the story is more complex as "the judiciary differs considerably from one State to another..." Domestic judicial power varies substantially across states and this variation explains differences in the probability of domestic judicial implementation of regional court orders (Haglund 2020).

Judicial power encompasses two characteristics: independence and effectiveness. Domestic judicial *independence* reflects domestic judicial decision-making free from external political influence, including governmental actors. Domestic judicial *effectiveness* captures whether domestic judicial decisions are implemented by governmental actors; that is, judicial decisions constrain the behavior of governmental actors. Judicial *independence* enhances the *ability* of the domestic judi-

[4]Although the focus of this article is the domestic judiciary, I account for the role of the legislature in generating executive incentives to engage in human rights policy change in the empirical analysis by including variables that make legislative changes more or less difficult.

ciary to implement regional court orders because in order to render decisions against the state, the domestic court must be free from the influence of political actors, particularly state agents (often under the umbrella of the executive branch) responsible for violations (Simmons 2009). Consider a 2000 adverse IACtHR ruling in Peru for the execution of prisoners at El Frontón prison. The IACtHR found that no statute of limitations applied to the crimes committed in El Frontón, but in December 2008, Peru's Constitutional Court upheld a lower court ruling that the statute of limitations had expired in this case. A lawyer for the Legal Defence Institute, argued that the four magistrates who voted against the motion that statutory limitations do not apply to crimes against humanity "may have been susceptible to political pressure...two of them - Javier Mesía and Fernando Calle - are known to be affiliated with the governing APRA party, while Ernesto Álvarez, whose view that no statute of limitations applied to the crime was already known, suddenly changed his vote" (Páez 2008:1).

In addition to judicial independence, effective domestic judiciaries are more likely to implement regional court orders (Haglund 2020). Domestic courts possess the formal power to rule against other governmental institutions, but the impact of domestic court judgments on the state generally depends on the way governmental actors implement the decision (Vanberg 2005:19-20). The domestic judiciary must be able to induce a response from national authorities, most notably the executive and the legislature, to implement its decisions (e.g. Carrubba 2005). As Vanberg (2005:6) argues, "implementation usually requires the cooperation of many other actors - on many occasions, even the cooperation of the very institutions whose acts the court has just struck down." When the domestic court is *independent* and *effective*, the public uses domestic courts as a cue for inappropriate governmental behavior and as a result, the public is more likely to hold elected officials accountable to implement domestic judicial decisions (which further enhances public support of the court). Moustafa and Ginsburg (2008) note that even in authoritarian regimes, courts provide an important cue for the public, they claim "the public nature of the judicial process and the paper trail that courts provide opens a point of access into internal regime dynamics and state-society contention (3)." Public support for the domestic judiciary then, increases political costs for elected

officials when they fail to implement domestic judicial decisions. In order to remain effective, the domestic judiciary is interested in ensuring continued public support for the institution and domestic judges are sensitive to the value citizens place on respect for rights. As a result, domestic judges have an interest in upholding the check that the regional court places on the state in terms of respect for rights.

A powerful domestic judiciary, then, is more likely to implement regional court orders. *Independent* domestic judiciaries, free from external political influence, have the *ability* to implement regional court orders. *Effective* domestic judiciaries are more *willing* to implement regional court orders in an effort to ensure continued public support for the court and the continued effectiveness of the court in the future. Importantly, the likelihood of executive adoption, administration, monitoring, and enforcement of rights-related policy increases in expectation of domestic judicial implementation. In other words, when the domestic judiciary is relatively powerful, the executive is more likely to expect domestic judicial implementation of regional courts orders and the executive is more likely to adopt and implement rights-respecting policy.

Although I argue that the executive anticipates the likelihood of domestic judicial implementation based on the strength of the domestic judiciary, the executive is unlikely to anticipate the likelihood of adverse judgments and make human rights policy changes preemptively. Helfer and Voeten (2014) find that European Court judgments involving LGBT rights influence the behavior of states not party to the dispute (suggesting preemptive behavior), but states are arguably less likely to preemptively respond to adverse judgments involving physical integrity rights abuses. First, the executive is uncertain of the likelihood of facing regional human rights court litigation involving physical integrity rights because evidentiary costs and standards of proof are high (Lupu 2013a). Evidence of physical integrity abuses is particularly difficult to obtain because abuses were often not committed in public and witnesses are often scarce, victims may fear coming forward, or victims may not be alive to testify (Lupu 2013a). The executive then, cannot easily determine the likelihood that victims will be able to meet the admissibility requirements of a regional human rights court. Moreover, even if the petitioner clears the admissibility stage, evidentiary problems

create uncertainty about the likelihood of a judgment against the state. Because human rights policy change is costly, adverse judgments in other states or even the presence of a petition are unlikely to generate changes in executive behavior.

Moreover, adverse regional human rights court judgments only represent a (relatively small) subset of rights abuses that have been committed by the government. There are many hurdles faced by victims in filing a petition (including legal costs, stigmatization, fear) and most petitions do not make it past the admissibility stage. For example, in 2017, 70,356 applications were declared inadmissible or struck out of the list of cases by the ECtHR. The likelihood of petitions becoming adverse judgments is relatively low. In addition, even after meeting admissibility requirements, the mere presence of a case before the court is unlikely to generate executive human rights policy changes. Evidence suggests that many rights abuses addressed in regional court judgments often remain prevalent at the time of the adverse judgment. Prior to an adverse judgment, the state has yet to be found in legally liable by a domestic or international judicial body, providing few incentives for executive policy change.

This suggests the following:

***Hypothesis**: As domestic judicial power rises, adverse regional human rights court judgments are associated with higher levels of respect for human rights.*

Research Design

Spatial-Temporal Domain

The two regional human rights courts examined in this article include the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR). The European Convention on Human Rights (ECHR) entered into force in 1953 and established the ECtHR in 1959. The ECtHR hears cases involving violations of the ECHR by contracting parties. Upon exhaustion of all domestic remedies, cases can be brought to the ECtHR by various actors against

states that have ratified the ECHR. Following an adverse ECtHR judgment, the state is charged with conceiving and executing steps to come into compliance with the Court. A Committee of Ministers, comprised of states parties' Ministers of Foreign Affairs is charged with a supervisory function, and ministers' deputies often monitor and supervise compliance with ECtHR rulings. The Committee asks states to report on measures taken to come into compliance and can offer suggestions to states to encourage implementation of the judgment (Hawkins and Jacoby 2010:44). The sample includes ECtHR judgments from 1980-2012 for all ECHR contracting parties.[5]

The Organization of American States (OAS) established the IACtHR in 1979 with the goal of enforcing and interpreting the provisions of the American Convention on Human Rights (ACHR). In contrast to the ECtHR, adverse IACtHR judgments result in "compliance orders," a list of specific steps the state must take to come into compliance with Court decisions, which are subsequently monitored by the Court and other actors (Hawkins and Jacoby 2010:44). The OAS consists of thirty-five members with 23 parties to the ACHR. Currently, twenty states recognize the contentious jurisdiction of the Inter-American Court.[6] I examine IACtHR judgments for those states under the jurisdiction of the IACtHR for the years 1989-2012.

Examining Evidence from the ECtHR and the IACtHR

Dependent Variable: Regional Court Effectiveness

To examine regional court effectiveness, I utilize a variable measuring respect for human rights, specifically physical integrity rights. Examining respect for physical integrity rights presents a

[5]The sample analyzed includes forty-six states. Montenegro became a member of the Council of Europe in 2007, but was not the recipient of an adverse ECtHR decision related to physical integrity rights (the focus of the empirical analysis) until 2014.

[6]Trinidad and Tobago denounced the ACHR and the IACtHR. Canada and the United States have not ratified the ACHR. All three are omitted from the analysis. Barbados and Suriname are also excluded from the analysis as both countries have small populations (less than 1 million). Poe and Tate (1994:861) find that countries with small populations are more likely to respect rights.

robust test of the hypothesis because although both the European and American Conventions on Human Rights address various forms of human rights abuses (such as civil and political rights), physical integrity rights are harder for an executive to guarantee. Arguably, physical integrity rights policy changes require greater capacity and willingness than civil and political rights policy changes. More specifically, actions taken by the executive to guarantee civil and political rights include strengthening the electoral system to ensure free and fair elections, removing barriers to freedom of assembly, removing obstacles for electoral registration, and ensuring the permission of peaceful protests, among other reforms. These actions may be more feasible for an executive than reining in physical integrity abuses committed by state agents (Haglund 2020). To reform policy related to physical integrity abuses, the executive must ensure that state agents (for example, law enforcement officials) are properly trained and educated on human rights standards and practices, as well as perform comprehensive post-hoc monitoring of agents. As a result, I expect that policy changes in response to adverse judgments related to physical integrity abuses require more material resources as well as political capital than policy change in response to adverse judgments related to other types of rights abuses (for example, civil and political rights).

The primary dependent variable is a measure of respect for physical integrity rights from Fariss (2014). Fariss (2014) creates a dynamic latent variable measurement model using 13 indicators of repression and accounting for changing standards of accountability (the increased stringency with which organizations assess government's human rights practices). The Fariss (2014) estimates are based on several excellent human rights datasets on human rights standards, including Cingranelli, Richards, and Clay (2014), Conrad, Haglund, and Moore (2013), Gibney, Cornett, Wood, Haschke, and Arnon (2016), Hathaway (2002), as well several events based datasets. This variable ranges -1.65 - +4.71, with a mean of 1.79 in the European sample and -2.13 - +2.65 with a mean of 0.174 in the Americas.

Independent Variables

I expect that the influence of adverse regional human rights court judgments is conditional on domestic judicial power. To test this moderating effect, the key independent variable is the interaction of adverse *ECtHR/IACtHR* decisions and domestic judicial power *(Judiciary)*. The primary variable of interest is a count of the number of adverse regional court judgments involving physical integrity violations in each state. A count of adverse decisions against the state is utilized because multiple adverse regional court decisions generate additional international shaming and domestic pressure on the executive as a result of multiple rights-related failures. Carneiro and Wegmann (2018) refer to this concept as decision density or the demand directed at states to address decisions and judgments from human rights bodies. Arguably, decision density places greater demand on states to address human rights policy failures.

Violations of physical integrity rights include violations of Article 2 (right to life), Article 3 (prohibition of torture), Article 4 (freedom from slavery), and Article 5 (right to liberty and security) of the European Convention on Human Rights (ECHR) and violations of Article 4 (right to life), Article 5 (right to humane treatment), and Article 7 (right to personal integrity) of the American Convention on Human Rights (ACHR). Data on ECtHR case conclusions related to physical integrity violations were gathered by visiting the HUDOC database and recording the articles violated in each case.

Notably, ECtHR judgments can involve substantive or procedural violations of the ECHR. A violation of the substantive aspect of Article 3, for example, stipulates that the state engaged in torture or degrading treatment. A violation of the procedural aspect of Article 3 of the ECHR may indicate that the state failed to promptly, effectively, and publicly carry out an investigation. The adverse judgment variable includes both substantive and procedural violations of the ECHR because although substantive violations of the ECHR directly shame the state for human rights abuses, procedural violations can *indirectly* call the state out for human rights abuses by noting the procedural problems that states face in properly ensuring respect for rights. Executive policy changes designed to curb future procedural violations are designed to effectively deter future

abuses. For example, powerful judiciaries will be more likely to try (or re-try) state officials or agents who failed to engage in proper procedures to investigate a case of torture following a procedural violation. In expectation of the domestic judiciary taking such action, I expect the executive to adopt, administer, monitor, and enforce policies designed to ensure the proper investigation of cases of torture in the future. Knowing that they will face proper investigations, state agents are likely to be deterred from engaging in torture and degrading practices in the future, which should lead to improvements in human rights. Moreover, if procedural ECtHR violations have little influence on state human rights practices, their inclusion should bias the findings toward the null hypothesis, as the independent variable would include a subset of judgments with little influence on state human rights practices. Below, I discuss an additional robustness test in which I examine differences in the influence of substantive and procedural ECHR violations.

Moreover, the adverse ECtHR judgment measure includes only judgments from case reports (key cases in the HUDOC database) and judgments of level one and two importance, omitting judgments of level three importance. Judgments published in case reports are selected for publication in the Court's Official Reports of Judgments and Decisions and are likely to receive significant attention by domestic actors. Level one judgments are those of high importance and make a significant contribution to the Court's case law, while level two judgments are considered of medium importance and significantly contribute to the development, clarification, or modification of the ECtHR's case law. Level three judgments are excluded from the analysis because according to the ECtHR, they are of little legal interest and generally only apply existing case-law. Although I do not expect the novelty of the judgment to impact effectiveness, there may be diminishing returns as the ECtHR renders a large number of level three judgments. The adverse ECtHR judgments variable ranges 0-47, with a mean of 1.02.

Data on the IACtHR for the years 1989-2010 come from Hawkins and Jacoby (2010), who collected information on IACtHR judgments. For this article, data have been expanded to include the years 2011-2012 by visiting the IACtHR website, examining case conclusions, and recording the ACHR articles violated for each case. The adverse IACtHR judgment variable ranges 0-4,

with a mean of 0.203. Because petitions of the IACtHR are processed through the Inter-American Commission prior to being submitted to the regional court, the IACtHR sees fewer cases than the ECtHR.

A measure of judicial power created by Linzer and Staton (2015) is used in the analyses. A judge is considered powerful if "her decisions reflect only her sincere evaluation of the legal record" (autonomous decision-making) and she expects her decisions "to be implemented properly, especially by sitting governments" (effective decision-making) (225). The judicial power variable ranges 0.099-0.995, with a mean of 0.803 in Europe and ranges 0.074-0.959 with a mean of 0.628 in the Americas.

Hawkins and Jacoby (2010:74) argue that it typically takes one to two years to come into compliance following the issuing of a reparations order (court judgment). As such, effectiveness is assessed one year following the decision on the merits of the case by lagging the independent variables one year.[7]

Control Variables

In order to account for the alternative explanations of respect for rights, as well as variables that influence the independent variables, I utilize several control variables in the models. First, I include measures of logged GDP per capita *(GDP)* and foreign direct investment *(FDI)*. Second, I include the number of *veto* players, the presence of free and fair *elections*, freedom of *speech*, the presence of a national human rights institution *(NHRI)*, and competitiveness of executive recruitment *(ExecutiveRecruit)* to account for democratic institutions.

Third, I include a variable measuring the size of involvement of people in civil society organizations *(CS)*. In addition, states may use regional court rulings across borders as a signal of future

[7]The theory elaborated above indicates the executive behaves in expectation of implementation by the domestic judiciary. Arguably, the executive does not wait for the domestic court to implement adverse regional court orders before adopting human rights policy. Rather, the executive has incentives to adopt, administer, monitor, and enforce human rights policy when there is an expectation of domestic judicial implementation.

regional court activity. I include a variable representing the presence of an adverse judgment found by the regional court across borders (related to physical integrity rights) (*ECtHR/IACtHR Region*). Moreover, I include the logged total *population* in millions and the presence of civil conflict (*Civil War*).

While many studies explaining state respect for human rights include a lagged dependent variable in their models, the inclusion of such a variable is not necessary in the models examined in this study. Fariss (2014) estimates are generated from a dynamic item-response model, which allows for changing standards of accountability or more stringent standards on the part of monitoring agencies. The estimates used in the empirical analysis in this article are generated from a model in which physical integrity rights scores for a country in a particular year are dependent on the value of the same country in the previous year (Fariss 2014:304). Further information, justification, data sources, and descriptive statistics for all variables in the models are included in the Online Appendix

Model and Estimation

Given the nature of the dependent variable, I estimate linear regression models with random intercepts and standard errors clustered on country. The unit of analysis is the country-year. I estimate separate models for each region because both regional human rights bodies differ in their practices and procedures. For example, the IACtHR operates under a dual commission-court structure, in which petitions are processed by the Commission before they are submitted to the Court, while the European Court does not have a commission structure. The mechanisms used for monitoring and securing state compliance with regional court judgments, and the political and social context in which the courts operate also differ.

Although such differences across regions exist, I engage in a comparative approach for several reasons. First, no regional legal bodies exist today that match the authority and activity of the ECtHR in Europe and the IACtHR in the Americas. The sheer number of petitions illustrate the

importance of regional human rights courts in both Europe and the Americas. Victims of human rights abuse are increasingly accessing these courts in pursuit of justice and this pattern holds in both developed and developing countries. Also, despite differences in the procedures and processes of the ECtHR and IACtHR, the broad mandate of the courts is similar - to provide legal remedy for rights abuses and ensure that similar violations do not occur in the future. Importantly, both courts also face the same enforcement challenges. That is, in order to ensure that similar violations do not occur in the future, both regional courts must rely on the state to implement their decisions (Hillebrecht 2014; Haglund 2020). As a result, the domestic political process is important for ensuring rights protection following adverse judgments from both the ECtHR and the IACtHR.

I do not expect that differences across regions will generate threats to inference. However, there are a few reasons the findings in Europe may be weaker than the findings in the Americas. First, because Europe has higher average levels of respect for rights, there is less room for improvement in human rights practices in Europe. Second, Europe represents a region characterized by high rule of law institutions that are particularly robust. Given the relative strength of the judiciary in Europe, the strength of the national judiciary may represent a weaker signal of the likelihood of national judicial implementation of adverse ECtHR judgments. These differences across regions suggest that the results may be biased toward the null in the European context. In order to control for contextual differences and variation in practice and procedure, I estimate separate models for the ECtHR and IACtHR. However, examining both the ECtHR and the IACtHR allows me to draw important comparisons across regions.

Within region, the heterogeneity across states indicates that each country's baseline probability of domestic adherence to adverse regional court decisions is likely not the same, even accounting for the influence of various control variables in the model. For example, the addition of new members in the ECtHR in the 1990s represented a departure from the initial consensual approach of the early years of the court. The institutional and contextual variation in new members is particularly high. In the last two decades, the ECtHR rendered adverse decisions against rights-respecting states like Norway and Sweden, as well as notorious violators, such as Turkey and Russia. In

rendering judgments, contextual differences produce substantial variation in state adherence to adverse regional court decisions. The models account for unobserved heterogeneity using multilevel modeling techniques (here, incorporating varying intercepts) (Gelman and Hill 2007:259). A multilevel model removes the restriction that the intercepts are constant across individual cases, and treats the cross-sectional deviations from the common intercept as random, rather than estimable.[8]

Results

Table 1 displays parameter estimates (and clustered standard errors) of the effects of the independent variables on respect for physical integrity rights. The first column of Table 1 displays the results for the ECtHR and the second column displays results for the IACtHR. A positive and significant interaction term lends support to the hypothesis, indicating that as domestic judicial power and the number of adverse regional court decisions grows, respect for physical integrity rights grows. However, substantive effects are more easily interpreted by examining marginal effects plots (Berry, Golder, and Milton 2012). As a result, I present plots of the marginal linear effect of adverse regional court judgments on physical integrity rights across values of judicial power below.

The constituent terms for the interaction variables in the ECtHR and IACtHR models are in the expected direction as well. Adverse ECtHR and IACtHR decisions are negatively associated with respect for rights when the domestic judiciary is at its weakest, though the parameter estimate only achieves statistical significance in the IACtHR model. This finding is consistent with the theoretical expectation that the executive lacks incentives to adhere to an adverse regional court decision absent the presence of a powerful domestic judiciary. This negative sign on this constituent variable suggests that regional court judges are likely not engaging in strategic behavior by rendering

[8]Conducting a Breusch and Pagan Lagrangian Multiplier test shows that I can reject the null hypothesis that there is no significant difference across units, and the random effects model is appropriate. Models estimated with fixed effects are included in the Online Appendix, the results remain robust to this specification.

judgments where they expect a high likelihood of human rights policy changes. Similarly, the finding suggests that litigants are not behaving strategically by filing more complaints where they expect a greater likelihood of human rights policy change either.

The domestic judiciary (absent an adverse regional court decision) is positively associated with respect for rights in both Europe and the Americas, though only achieves statistical significance in the IACtHR model. This finding is consistent with arguments that strong domestic judiciaries are positively associated with respect for rights (e.g. Powell and Staton 2009). Though, the insignificant results for Europe may indicate that the influence of judicial power varies across regions. This finding supports the challenge posed by Hill and Jones (2014) that scholarship examining the role of domestic courts largely focuses on the "interplay between domestic courts and international legal obligations," but scholars should focus on the relationship between domestic courts and respect for rights independent of international legal obligations. The results from this model also suggest that not only should scholars study the independent role of judicial power, but also the variations in its influence across regions.

The other control variables in the model behave mostly as expected. With respect to economic incentives to protect rights, FDI is not significantly related to respect for rights, while economic development (GDP per capita) is positively and significantly related to respect for rights. Several democratic institutions are positively related to respect for rights, including NRHI presence and freedom of speech (in the Americas). The legislative veto variable is negatively signed, but only achieves statistical significance in the Americas.

Civil society fails to achieve statistical significance in both models, perhaps providing an indication that the influence of civil society on respect for rights may be better modeled as an interactive relationship, conditional on domestic institutions. Population and civil war are negatively related to respect for rights in both models, but civil war only achieves statistical significance in the IACtHR model.

[Table 1 about here.]

Substantive Results

Given that the motivating research question in this article is whether an international human rights legal institution deters future rights abuses, I am interested in comparing differences in the level of respect for rights in the year following an adverse regional court decision for countries that *have been the recipients of adverse court decisions*, across values of judicial power. In order to better display the interaction terms of interest, Figure 1 displays the predicted marginal influence of an adverse ECtHR decision (on the left) and IACtHR decision (on the right) on respect for physical integrity rights under a likely observed scenario.[9] More specifically, Figure 1 shows the mean predicted value of respect for rights one year following a single adverse regional human rights court decision when all other variables are set at their mean (for continuous variables) or median (for binary or count variables). The shaded area represents the 90% confidence intervals. In the left panel, the ECtHR results show that at low levels of judicial power (.3), the mean predicted level of respect for rights is around 0.82 and at high levels of judicial power (0.9-1.0), the mean predicted level of respect for rights is around 1.7 in the presence of an adverse ECtHR judgment.[10] Because the plotted effect is relatively flatter in Europe (left panel), I estimate a disaggregated ECtHR model below.

Turning to the IACtHR (the right panel), at low levels of judicial power (0.0-0.4), the mean predicted level of respect for rights following a single adverse IACtHR decision is around -1.0. However, once judicial power grows to around 0.4-0.5, an adverse IACtHR decision is associated with higher levels of respect for rights in the year following an adverse IACtHR judgment. At the highest level of judicial power, the predicted level of respect for rights following an adverse IACtHR decision is around a 1.7 on the physical integrity rights variable. As noted above, in comparing the effect sizes across Europe and the Americas, baseline levels of respect for rights

[9]These figures are created using the *Margins* suite of commands in *Stata*.

[10]Judicial power is only plotted from 0.3-1.0 because there are few countries in the European sample with the lowest judicial power scores.

are higher in Europe than in the Americas, suggesting a greater potential for the IACtHR to deter future rights abuses. As additional evidence for the theoretical argument, I discuss two illustrative examples of adverse regional human rights court judgments and judicial power in Argentina and Italy in the Online Appendix.

[Figure 1 about here.]

Disaggregating Court Judgments and Physical Integrity Rights in Europe

The results in the aggregate models lend support to the hypothesis, that is, the results suggest a positive correlation between adverse regional court judgments and respect for rights conditional on judicial power. Because the results show a smaller substantive effect in Europe, I conduct an additional analysis in Europe as further evidence for the theoretical implications. I examine the influence of adverse ECtHR judgments related to torture (Article 3) on the right to be free from torture. There are two reasons to conduct an additional analysis in the European context. First, because there are more adverse ECtHR judgments in Europe than in the Americas, estimating the influence of adverse judgments involving physical integrity rights on respect for physical integrity rights broadly, risks muting the influence of an adverse court judgment on the specific set of rights it is intended to remedy. Second, examining the right to be free from torture more directly captures executive decision-making regarding human rights policy. Principal-agent problems are a common explanation for torture violations, as state agents have an informational advantage regarding their use of torture as well as incentives to shirk on the job. When an executive adopts and administers rights-respecting policy, *and* implements monitoring and enforcement programs, torture violations should decline (e.g. Conrad and Moore 2010).

The dependent variable in the model captures respect for the right to be free from torture and comes from the Cingranelli et al. (2014) dataset, where a zero represents frequent torture, a one represents occasional torture, and a two indicates that torture is not practiced/unreported. The primary independent variable is a binary variable capturing whether a country received an adverse judgment from the ECtHR related to torture (Article 3). Because the hypothesis is conditional, I

include an interaction term (adverse judgment and judicial power). I utilize the Linzer and Staton (2015) latent measure of domestic judicial power. All control variables are the same as the aggregate analysis.[11]

Given the ordinal nature of the dependent variable, I estimate an ordered logistic regression model. I plot the marginal predicted probability of each category of the torture variable for a country in the year following the receipt of at least one adverse ECtHR judgment finding a violation of Article 3 of the ECHR, across values of judicial power in Figure 2.[12] The dots displayed in Figure 2 plot the predicted probability of frequent torture (left panel), some torture (center panel), and no torture (right panel). To create the plots, all other variables in Figure 2 are set to their mean or mode (for binary or ordinal variables). Coefficient estimates and standard errors from the model are displayed in the Online Appendix.

The predicted probability of frequently practicing torture is displayed in the left panel of Figure 2. The probability of frequent torture declines as judicial power grows, that is, when judicial power is at its highest, adverse ECtHR judgments are associated with around a 0.0 probability of frequent torture. Though, the confidence intervals at low levels of judicial power are particularly wide, which suggests uncertainty in the estimate of the influence of adverse ECtHR judgments on frequent torture at low levels of judicial power.[13] The center panel of Figure 2 displays the probability of occasional torture. At low levels of judicial power, the probability of practicing torture occasionally in the year following an adverse ECtHR Article 3 judgment is around 0.7, however, at high levels of domestic judicial power, the predicted probability of practicing torture occasionally in the year following a ECtHR violation of Article 3 is lower (around 0.2). Finally, the right panel of Figure 2 shows that at low levels of judicial power, the probability of not practicing torture in

[11] A lagged dependent variable is included as well.

[12] I only plot the predicted probability for values of judicial power ranging 0.3 - 1.0 because the mean in the sample is around 0.8, and there are few country-years at 0 - 0.29.

[13] The uncertainty in the estimates may also be due to the number of country-years in the frequent category of torture (190) relative to occasional torture (367) and no torture (417).

the year following an adverse ECtHR judgment related to Article 3 is around 0.0. However, at high levels of judicial power (0.9-1.0), the probability of not practicing torture in the year following the finding of a violation of Article 3 by the ECtHR is around 0.8.

[Figure 2 about here.]

Robustness Tests

I conduct a number of robustness tests, with full results reported in the Online Appendix. First, I examine whether differences in the type of ECtHR judgment influence the findings. Beginning with substantive and procedural ECtHR violations, to my knowledge, data indicating whether an adverse judgment involved a substantive or procedural violation have not yet been collected. As a result, I performed a robustness check by coding data from the HUDOC database on whether adverse judgments involving Article 3 of the ECHR involved substantive or procedural violations and estimating models using both procedural and substantive Article 3 violations as independent variables. I describe this process in more detail in the Appendix. The results (Table 16 in the Appendix) show that substantive Article 3 violations are positively and significantly related to respect for the right to be free from torture, while procedural Article 3 violations are positively, though insignificantly, associated with freedom from torture. This suggests that substantive violations may be more important than procedural violations for deterring future human rights abuses. Substantive results (Figure 9 in the Appendix) show that the predicted probability of no torture following a substantive violation of the ECHR is higher at high levels of judicial power (around 0.8) than following a procedural violation of the ECHR (around 0.6). Future research should collect more comprehensive data on these different types of violations (for other articles of the ECHR) and the impact they have on state behavior. In addition to substantive and procedural variation, I estimate two additional models. In the first, I utilize an independent variable that includes adverse ECtHR judgments of level 3 importance (as well as key cases and level 1 and 2 importance). In the second, I utilize an independent variable that includes only level 3 judgments. Although the

interaction terms are statistically significant (Table 15 in the Appendix), substantive results are not significant when such judgments are included (see Figure 8 in the Appendix).

Second, I conduct a number of robustness checks utilizing different dependent variables. I estimate models using the Cingranelli et al. (2014) physical integrity rights index as the dependent variable, including a lagged dependent variable in the model (Appendix, Table 7), and a model using changes in the Cingranelli et al. (2014) physical integrity rights index as a dependent variable (Appendix, Table 13). I also estimate Bayesian linear models, which allow for the incorporation of uncertainty (variance) in the latent physical integrity rights measure directly into the model (Appendix, Table 10). Full model results are displayed in the Appendix and the key variables of interest remain robust to alternative specifications.

Third, in order to ensure that the key results are not being driven by countries with the most powerful judiciaries in Europe, I estimated a model excluding countries with the most powerful judiciaries in the European sample. I also estimated a model excluding Turkey and Russia, the two countries with the largest volume of adverse decisions in the sample and a model excluding countries with near-perfect compliance (Denmark, Sweden, and Norway). Results are displayed in Table 8 of the Appendix and are robust to these alternative specifications.

Finally, as a result of selection concerns, I conduct several additional robustness tests. Research assessing the influence of international human rights law on state behavior takes seriously the selection problem associated with treaty commitment (e.g. Lupu 2013b). There are several potential selection problems associated with assessing the influence of adverse regional human rights court judgments on state behavior. States may self-select into treaties, regional court judges may behave strategically (e.g. Helmke 2002) by rendering judgments where they expect a greater likelihood of human rights policy change, or litigants may file more complaints where they expect a greater likelihood human rights policy change (Haglund 2020).

I address each of these possible selection concerns using descriptive analyses and propensity score matching techniques. First, I show that states under the jurisdiction of the ECtHR and IACtHR are not systematically better rights-protectors than states that have not submitted to the

jurisdiction of each court. Second, I use descriptive statistics to show that adverse judgments are often rendered in states where regional court judges or litigants may not expect a high likelihood of policy change. Both the ECtHR and IACtHR often render judgments against states with relatively weak rights protections, weak judiciaries, weak democratic institutions, and relatively low capacity. These robustness tests are described in more detail in the Online Appendix.

I also show that the results remain robust when I pre-process the data using matching techniques and then estimate the regression model. This exercise allows me to simulate a randomized experiment conditional on the observed covariates (Rubin 1974; Guo and Fraser 2010). To begin, I pre-process the data for the ECtHR and IACtHR. More specifically, I generate a dichotomous adverse judgment variable, in which an adverse ECtHR or IACtHR judgment takes on a value of one if the country received an adverse judgment in a given year (treatment) and zero otherwise (control). Then, I perform nearest neighbor propensity score matching with the observed covariates included in the main models, yielding a dataset with similar units across treatment and control groups. The matching procedure resulted in better balance between the treatment and control groups for both the ECtHR and IACtHR samples (see Table 5 in the Appendix for balance statistics)[14] After pre-processing, I estimate regression models (see Table 6 in the Appendix). The coefficient estimates remain largely the same. For both the ECtHR and IACtHR, the interaction term of interest remains positive (0.060 for the ECtHR and 0.665 for the IACtHR) and statistically significant at the $p < .10$ significance level. The adverse ECtHR and IACtHR judgment constituent terms are negative and statistically significant. The judicial power constituent term is positive and statistically significant in the ECtHR model and negative and statistically insignificant in the IACtHR model, suggesting that in the IACtHR matched sample, the influence of judicial power on respect for rights is conditional on the presence of an adverse judgment. Although this analysis does not match on unobserved covariates, the matching exercise lends further support to the hypothesis.

[14] Specifically, the ECtHR data showed 67.68 percent improvement in balance and the IACtHR, 97.59 percent improvement.

Conclusion

Both the European Convention on Human Rights and the American Convention on Human Rights charge states with not only providing remedy for individual violations of rights, but with ensuring the prevention of future similar violations. Following an adverse regional court decision, states are charged with protecting rights. Cavallaro and Brewer (2008:770) claim that regional human rights courts "should view individual cases that are emblematic of persistent or structural human rights problems as opportunities to stimulate broader change on the relevant issues." Absent a broad focus on rights protection, human rights courts function largely as a lottery in which only a small group of individuals whose cases reach the court actually obtain the benefit, while the larger majority of individuals suffering the same types of human rights violations do not (Cavallaro and Brewer 2008:770).

This article sought to illuminate whether regional human rights courts are effective in stimulating broader change on the relevant rights abuses by arguing that regional court effectiveness is largely conditional on domestic politics. More specifically, executive *expectation* of implementation of regional human rights court orders by the domestic judiciary generates executive incentives to adopt, administer, monitor, and enforce rights-respecting policy. When the domestic judiciary is relatively powerful, the executive is likely to expect domestic judicial implementation and subsequently adopt and implement rights-respecting policy. Empirical results show that adverse regional court decisions are positively associated with respect for rights when the domestic judiciary is relatively powerful. A variety of robustness tests provide additional support for the argument.

This study provides several important implications for scholarship on international human rights law, as well as for policymakers working to secure better rights protections. First, by focusing on the interests and incentives of domestic judges and the executive to respond to adverse regional human rights court decisions, this article demonstrates that existing explanations focusing on the state as a single actor responding to regional human rights courts provide incomplete explanations. Various domestic actors have incentives to respond (or not) to the regional human rights court and these actors interact with one another to produce human rights outcomes.

Second, while the ECtHR and the IACtHR are often studied independently, this article demonstrates that the domestic actors responding to adverse decisions by regional legal bodies face the same types of incentives to adhere (or not). While the ECtHR was largely founded by Western democracies intent on securing rights protection following the Second World War and the IACtHR faced substantial opposition in a region characterized by a legacy of authoritarian regimes and massive rights abuses, the evidence suggests that similar domestic processes are associated with deterrence of rights abuses.

Finally, this article has implications for policymakers and for future research on regional courts. The findings demonstrate that under certain conditions, regional human rights courts achieve the goal of securing rights protections. Because adverse regional court judgments are positively associated with respect for rights in the presence of a strong domestic court, the findings in this article suggest that continued financial and diplomatic support for these institutions is necessary in order to ensure rights protections domestically. With several new states accepting the jurisdiction of the ECtHR in the past two decades, many of which have a history of rights abuses (such as Ukraine and Serbia), the work of the ECtHR is particularly vital in the region. Further, the Inter-American human rights regime recently faced a significant financial crisis; in May 2016, the Inter-American Commission announced that it would be suspending hearings and laying off nearly half of its staff.[15] Given that international human rights legal bodies are important for securing rights protection, continued support for the work done by regional human rights courts is imperative to secure rights protections.

Further, the findings suggest that more work is needed on the impact of regional human rights courts domestically. Perhaps regional courts are influential under other domestic conditions, such as when an executive expects legislative implementation. Examining the extent to which the executive weighs an expectation of domestic judicial implementation and legislative implementation is important in gaining a better understanding of the influence of regional courts. Moreover, future work should consider the relative importance of regional human rights courts designed to influence

[15] See `http://www.oas.org/en/iachr/media_center/PReleases/2016/069.asp` for more on the crisis.

state behavior in the post-ratification period and ratification of international human rights treaties. Perhaps these bodies are mutually reinforcing and jointly important for human rights protection. Though, perhaps they play different roles in securing respect for rights or produce inconsistency and overlap in the international human rights regime. Such questions are vital for a better understanding of the role of the international human rights regime broadly.

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Table 1: Effect of Adverse Regional Court Decision and Domestic Judicial Power on Rights

	ECtHR	IACtHR
ECtHR*Judiciary (t-1)	**0.05***	
	(0.03)	
IACtHR*Judiciary (t-1)		**0.58*****
		(0.22)
ECtHR (t-1)	-0.02	
	(0.02)	
IACtHR (t-1)		**-0.22***
		(0.13)
ECtHR Region (t-1)	-0.01	
	(0.03)	
IACtHR Region (t-1)		**0.20*****
		(0.05)
Judiciary (t-1)	0.003	**2.13*****
	(0.51)	**(0.67)**
FDI (t-1)	-0.01	0.05
	(0.02)	(0.05)
Veto (t-1)	-0.08	**-0.56*****
	(0.18)	**(0.21)**
ExecutiveRecruit (t-1)	0.16	-0.03
	(0.15)	(0.08)
Speech (t-1)	0.03	**0.07****
	(0.06)	**(0.03)**
Elections	0.51	-0.35
	(0.36)	(0.54)
CS (t-1)	0.46	0.25
	(0.38)	(0.45)
NHRI (t-1)	**0.23**	**0.35****
	(0.07)	**(0.14)**
GDP (logged)	**0.21****	**0.29*****
	(0.07)	**(0.10)**
Population (logged)	**-0.25****	**-0.45*****
	(0.11)	**(0.08)**
Civil War	-0.06	**-0.70*****
	(0.12)	**(0.21)**
Constant	**-1.36****	**-2.23*****
	(0.64)	**(0.64)**
R^2	.64	.78
ρ	.79	.40
N	780	424

NOTES: Parameter estimate and clustered standard error reported. Statistical significance: ***$p < .01$, **$p < .05$, *$p < .10$. Bolded values represent statistically significant variables (at least $p < .10$). Models estimated with clustered standard errors on country. Two-tailed significance tests reported.

Figure 1: Predicted Marginal Influence of an Adverse Regional Human Rights Court Decision across Domestic Judicial Power (90% CIs)

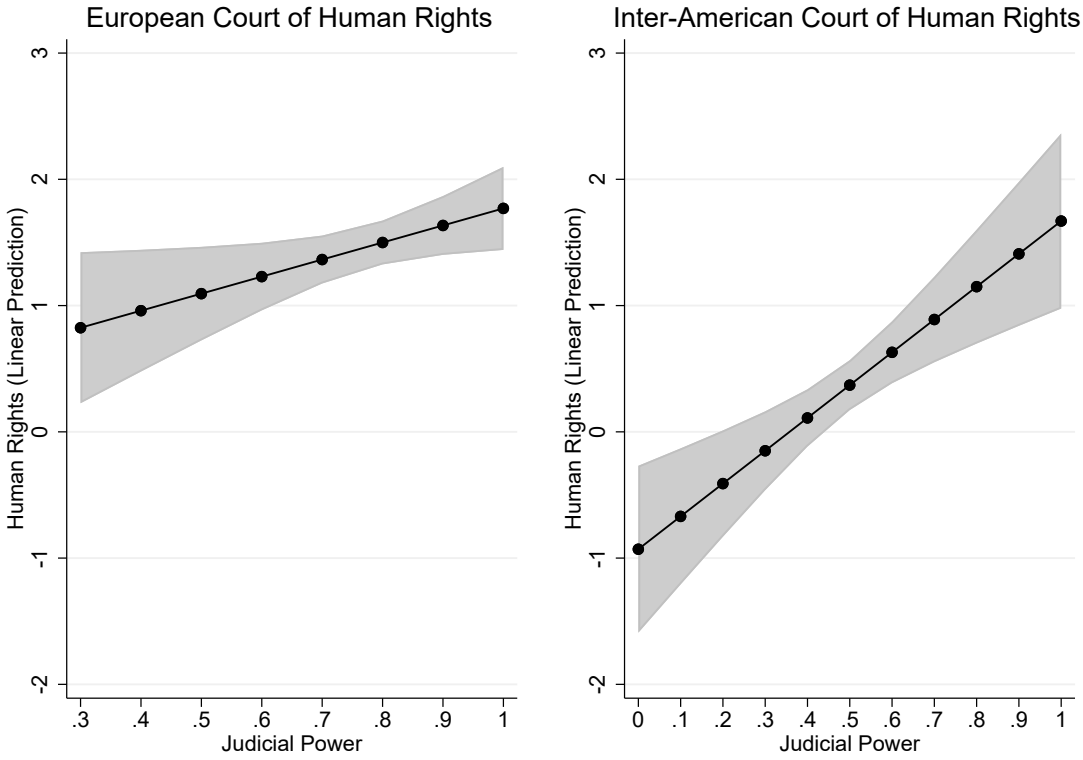

Figure 2: Predicted Probability of Torture across Adverse ECtHR Decision (Article 3 - Freedom from Torture) and Judicial Power (90% CIs)