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Do Governments Mean Business When They Derogate?

Human Rights Violations During Declared States of Emergency

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Abstract

Whether international human rights treaties constrain the behavior of governments is a hotly contested issue that has drawn much scholarly attention. The possibility to derogate from some, but not all, of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) during declared and officially notified states of emergency provides a hitherto unexplored test case. If governments were increasingly violating non-derogable rights during derogation periods then this provides evidence that the ICCPR has no sufficient constraining effect on state parties. I analyze whether specific individual human rights as well as two aggregate rights measures are systematically more violated during derogation periods in a global sample over the period 1981 to 2008. I find that regime type matters: autocracies step up violation of both non-derogable and derogable rights, anocracies increasingly violate some derogable and some non-derogable rights, whereas democracies see no statistically significant change in their human rights behavior during derogation periods. This result suggests that the main general international human rights treaty fails to achieve its objective of shielding certain rights from derogation where, as in autocracies and anocracies, a constraining effect would be needed most.

> "The response of a state to a public emergency is an acid test of its commitment to the effective implementation of human rights" (McGoldrick 2004: 388)

1. Introduction

Whether international law commitments undertaken by states constrain their human rights behavior is a topic which has generated significant interest among international relations scholars. This is unsurprising: much time and effort is spent on designing and promoting international human rights treaties and persuading countries to ratify them, hence the quest for analyzing whether these treaties have a real impact on state behavior. Theoretical approaches strongly differ in the expectations they generate on any potential behavior-constraining effect of international human rights treaties (Neumayer 2005). Empirical results also differ, with some studies finding positive effects under some conditions, while other studies come to the conclusion that treaties have no positive effect on human rights at best and possibly even negative effects (Hathaway 2002; Goldsmith and Posner 2005; Hafner-Burton and Tsutsui 2007; Hafner-Burton 2008; Morrow 2007; Simmons 2009; Gilligan and Nesbitt 2009; Powell and Staton 2009; Hill 2010; Hollyer and Rosendorff 2011). There is thus no clear picture emerging on this important topic.

Human rights violations during officially declared and notified states of emergency can bring an important additional piece of new evidence to this question. Ironically, even if governments were to increase human rights violations during such periods, this is not necessarily inconsistent with a behavior-constraining effect of international human rights treaties. Article 4 of the International Covenant on Civil and Political Rights (ICCPR) allows states to derogate from observing most of the rights enshrined in this treaty if they declare a state of emergency and officially

inform other state parties via the United Nations General Secretary (UNGS).[1] However, Article 4 also lists a range of human rights that states cannot derogate from even in public emergencies. If one were to find that governments indiscriminately step up human rights violations during declared states of emergencies, including those that they cannot derogate from, then this demonstrates that the ICCPR does not sufficiently constrain state behavior as it should under these circumstances. To be sure, such evidence would not provide conclusive proof that the ICCPR has no effect at all as one could argue counter-factually that states would violate the non-derogable human rights even more if there were no such international human rights treaty in place. However, if states were to ignore the fact that they simply cannot derogate from the protection of certain human rights, then this demonstrates that the ICCPR does not achieve its stated objective of shielding certain rights from derogation.

In this study, I will investigate whether state parties to the ICCPR that derogate from their obligations have systematically worse human rights during officially declared and notified states of emergency than during other times, allowing for this effect to differ across autocracies, anocracies and democracies. Moreover, I distinguish among different human rights and thus analyze whether the effect of derogations depends on whether rights are derogable or not.

I find that democracies do not systematically step up violation of any human rights during derogation periods, with the possible exception of electoral self-determination. Anocracies and autocracies, in contrast, increasingly violate derogable rights and step up violation of rights that should be non-derogable under the ICCPR derogation provisions as well. This holds for all non-derogable rights bar freedom of

[1] A derogation is the complete or partial elimination of an international obligation (McGoldrick 2004: 383).

religion in the case of autocracies and holds for torture and restrictions to religious freedom in the case of anocracies. The ICCPR thus fails to exert a sufficient behavior-constraining effect where, as in autocracies and anocracies, such an effect would be needed most (Hafner-Burton and Tsutsui 2007).

The next section discusses the derogation provisions in international human rights treaties. Section 3 reviews existing studies, section 4 develops theoretical expectations on how the human rights situation during derogation periods depends on political regime type, which leads to three testable hypotheses. Section 5 explains the empirical research design. Section 6 presents the main estimation results and accounts for the potential endogeneity of the derogation decision with a Heckman selection model, while section 7 reports results from a battery of robustness checks. Given that results point toward remarkable differences across regime types, section 8 further disaggregates the democracy and autocracy regime types.

2. Derogating from International Human Rights Treaty Obligations

From a human rights protection standpoint, at first sight it seems counter-productive that state parties are allowed to derogate from observing certain rights whose very protection is the purpose of the international treaty. Much like the hotly debated issue of reservations to human rights treaties (Neumayer 2007), which can be interpreted as a kind of permanent derogation, but typically for specific individual articles of the treaty only, temporary derogations during declared states of emergency from all obligations bar the ones specified as non-derogable seemingly detract from the value and integrity of international human rights treaties (McGoldrick 2004). In fact, because derogations have much broader reach than most reservations, any corrosive effect on the integrity of the human rights system is likely to be much stronger for

derogations than for reservations. The fact that three out of four universal or regional general human rights treaties include provisions for derogation suggests that state parties either agreed that governments should in fact have the right to derogate under specific circumstances as their sovereign right to defend legitimate interests (Hartman 1981: 22) or thought that allowing for derogations was the only way to gather widespread support for the treaty (University of Minnesota, n.d.).

Yet, due to the inherent tension between human rights protection on the one hand and allowance to derogate from the same on the other, unsurprisingly the treaty provisions allow derogation only under certain, specified and restrictive conditions. For example, Art. 4:1 of the ICCPR specifies derogations as follows:

> "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin."

Moreover, Art. 4:3 requires derogating state parties to immediately inform other state parties of the provisions they have derogated from and of the reasons for doing so.[2] They are also required to inform about the date of termination of the derogation.

[2] The Human Rights Committee to the ICCPR has criticized several states for failing to notify apparent declared or de facto states of emergency, some of which have subsequently officially derogated (Oraá 1992: 80).

Importantly, Art. 4:2 exempts a range of human rights from the remit of Art. 4:1, such that these rights simply cannot be derogated from. The most relevant of these are the right to life (Art. 6 of the ICCPR), the right not to be subjected to torture, cruel, inhuman and degrading treatment or punishment (Art. 7), the right not to be held in slavery or servitude (Art. 8, paras. 1 and 2), the right not to be held guilty of a criminal offence that did not constitute such an offence at the time of commission (Art. 15), and the rights to freedom of thought, conscience and religion (Art. 18). The Human Rights Committee to the ICCPR has attempted to extend this list of non-derogable rights by arguing that a breach of other rights not explicitly listed in Art. 4:2 might breach a state party's other obligations under customary or general international law, might breach rights considered as *jus cogens* (law which may not be violated by any state), might breach rights in a way that could never be considered proportionate as required by Art. 4:1, or that respect for non-derogable rights is impossible to achieve without respecting some other, formally derogable rights (Oraá 1992: chapter 4; Joseph, Schultz and Castan 2000: 829-831). Since such extensions are highly controversial, I restrict the use of the term non-derogable rights to the ones explicitly listed in Art 4:2 of the ICCPR.

The derogation clauses of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the American Convention on Human Rights (ACHR) vary in the specific wording used as well as in the list of non-derogable rights, which is more extensive in the case of the ACHR and less extensive in the case of the ECHR compared to the ICCPR, but are otherwise very similar in their purpose,

structure and specification.[3] The African Charter on Human and Peoples' Rights is the only general international human rights treaty containing no derogation provisions.

The Human Rights Committee to the ICCPR has suggested that civil and international war, but also natural and man-made disasters as well as violent mass demonstrations can trigger states of emergency, but that derogations must be officially declared, must be of an exceptional and temporary nature, and must also be terminated as soon as the life of the nation is no longer under threat (McGoldrick 2004: 394).

I focus on derogations to the ICCPR since this is the only universal of the three international human rights treaties with derogation provisions.[4] In fact, it is considered by some as "the primus inter pares of the universal international human rights treaties" (McGoldrick 2004: 381). Of note, I analyze the effect of derogations officially declared and notified to the UNGS, not the effect of undeclared *de facto* states of emergency, nor the effect of declared states of emergency in non-state parties to the ICCPR, nor the effect of declared states of emergency in state parties to the ICCPR, for which the government chose not to notify other state parties via the

[3] The more extensive list of non-derogable rights under the ACHR includes rights such as the right to marry and to build a family and the right to a name, which are very unlikely to be affected by a state of emergency.

[4] Moreover, as Fitzpatrick (1998: 376f.) points out, derogation notices to the ACHR are not officially published. Derogations to the ECHR are listed on its website at http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=005&CV=0&NA=&PO=999&CN=8&VL=1&CM=9&CL=ENG. There was only one instance of a derogation to the ECHR for country years relevant to my sample without a corresponding derogation to the ICCPR. In this instance Albania notified the withdrawal of a derogation to the ECHR without, however, mentioning when the derogation came into effect in the first place.

UNGS. The reason is that I wish to test for whether the ICCPR's non-derogability clause fulfills its stated purpose, so I need to test whether those governments which have chosen to benefit from the legal privilege that Art. 4:1 of the ICCPR affords state parties to derogate from all rights not listed in Art. 4:2 obey the requirement not to step up violations of the non-derogable rights listed therein.

3. Existing Studies and Their Shortcomings

To the best of my knowledge, Keith (1999) and Richards and Clay (2010) provide the only existing studies that go beyond anecdotal evidence and specifically address human rights violations during declared states of emergency.[5] In bivariate mean comparisons, Keith (1999) finds that if she groups countries officially derogating from their ICCPR obligations together with countries that have refused to ratify in the first place then the difference in mean personal integrity rights violations between state and non-state parties becomes larger and statistically significant. She interprets this finding as evidence that "the derogations have a significant impact on personal integrity abuse – which includes behavior such as torture, disappearances, and political killings – behavior that is *not* legally excused by derogations" (Keith 1999: 105, emphasis in original). Richards and Clay (2010) in a multivariate analysis similarly find that declared states of emergency – including, but not restricted to those officially notified to the ICCPR secretariat – are associated with higher levels of

[5] There is a related literature investigating the effect that explicit domestic constitutional provisions for, among others, emergency powers and restrictions on the exercise of such powers have on human rights (Davenport 1996; Keith 2002; Keith and Poe 2004). These studies are interesting in their own right, but do not address the specific question analyzed in this paper. Moreover, simply because a country's constitution does not explicitly mention the government's right to declare a state of emergency does not imply that they cannot officially declare such a state if they are party to the ICCPR.

political imprisonment and greater restrictions on freedom of assembly and association, on foreign movement and on electoral self-determination.

However, for three reasons this topic requires further analysis. First, Keith (1999) does not directly address derogations to the ICCPR as such, grouping derogators together with non-ratifiers instead, while Richards and Clay (2010) address all declared states of emergency, not just derogations to the ICCPR. Many observers suggest, based on anecdotal evidence, that states of emergency are bad times for human rights protection (Fitzpatrick 1998; Iyer 1999; Joseph, Schultz and Castan McGoldrick 2004). When governments feel under threat, as they do when they confront a state of emergency, they are unlikely to refrain from violating the human rights of their citizens, it is believed, and Richards and Clay's (2010) analysis partly corroborates this suspicion. Yet it is unclear whether this holds true for officially declared and notified derogations to the ICCPR as well. Such notification draws the attention of other state parties to the derogating state and allows the Human Rights Committee (HRC) to the ICCPR to monitor whether the derogating state complies with the restrictive conditions derogations are subject to and with the obligation to respect the non-derogability of certain rights. Joseph, Schultz and Castan (2000: 836), for example, state the hope "that the HRC adopts a vigilant supervisory role in assessing all derogation measures (…) in order to help guard against overly oppressive emergency measures". Oraá (1992: 78) suspects that some states refuse to officially declare what amounts to a *de facto* state of emergency exactly for "fear of international criticism". It is therefore worth investigating whether the evidence on deteriorating human rights during all states of emergency holds for officially declared and notified states of emergency, which automatically draw the attention of outside third-parties to the human rights behavior of derogating governments.

Second, Keith (1999) and Richards and Clay (2010) do not employ country fixed effects in their empirical analysis. Such fixed effects account for any unobserved heterogeneity in human rights behavior across countries. They take out all level effects between countries (all between-variation) and estimates are based on the within- or over-time variation in countries only. If level effects are not taken out of the estimations, then all the coefficients of emergency declarations can tell is that, on average, country years with such declarations were different from country years without such declarations, but across all countries and all times. With country fixed effects included, the coefficients of derogation periods will instead tell us whether, on average, country years with such declarations were different from country years without such declarations, but this time only across time within countries, not across countries. In other words, the coefficients in fixed effects models will tell us whether derogation periods are systematically different from non-derogation periods *within* countries, which is exactly what one wishes to know.

Third, while Richards and Clay (2010) control for the direct effect of regime type on human rights violations, they do not investigate whether declared states of emergency have differential effects in countries with different political regimes. As I argue in the next section, theory suggests that political regime type impacts on what happens to the human rights situation during derogation periods.

4. Theoretical Expectations

Political regime type is both theoretically conceptualized and empirically known to have a strong effect on human rights violations (Poe 2004; Davenport 2004, 2007a; Davenport and Armstrong 2004; Simmons 2009). To be sure, while there is near consensus that democracy has a positive effect and autocracy a negative effect on

human rights, there is controversy about whether the move from autocracy to democracy has a linear or non-linear effect and whether there is a threshold only above which democracy exerts its positive effect. Incoherent regime types – often called 'anocracies' as they are neither clearly autocratic nor fully democratic and combine self-contradictory elements of both autocracy and democracy – are sometimes considered the worst offenders (Fein 1995; Regan and Henderson 2002), but sometimes also the very regimes for which international human rights treaties are most likely to make a positive difference to state behavior (Simmons 2009).

In this section, I will argue that political regime type is also likely to condition the effect of derogations on human rights. To see why, it is important to recall what derogations do: they officially declare and notify states of emergency. They thus fulfill a signaling function: regimes that officially derogate want it to be known that they experience a state of emergency. But derogations are likely to fulfill different signaling functions in different regime types. As Neumayer (2007) and Hafner-Burton et al. (2011) argue, democracies take their international treaty obligations more seriously than autocracies and when they invoke flexibility or escape provisions such as the derogation provision of the ICCPR they do so because they take their commitment to respect human rights seriously. They derogate in order to "buy time and legal breathing space to confront crises, while, at the same time, signaling to concerned domestic audiences that rights suspensions are temporary and lawful" (Hafner-Burton et al. 2011: 675). In other words, in democracies derogations fulfill the purpose of signaling to relevant stakeholders – the parliamentary opposition, interest groups, civil society and the judiciary – that the country is undergoing a temporary state of emergency that will require temporary restrictions on some human rights as emergency measures, but that these rights restrictions do not go beyond what

is necessary and lawful, as specified by the ICCPR's derogation clause. Importantly, this will not include restrictions to non-derogable rights. As Hafner-Burton et al. (2011: 680) point out, exactly because of the officially declared and notified nature of derogations, which opens the emergency measures up to scrutiny to the international community and the Human Rights Committee to the ICCPR, those critical of the temporary human rights restrictions "are more likely to refrain, in the near term, from challenging rights-restrictive policies than if the government had adopted those same policies without derogating".

If derogations fulfill a signaling role in democracies, whose ultimate objective is the fostering of support and the dispersion of concern among domestic stakeholders for the government's temporary emergency measures, the signaling function is an entirely different one in autocracies. Hollyer and Rosendorff (2011) argue that autocracies ratify the UN Convention Against Torture in order to signal to domestic opposition groups that they do *not* intend to comply with the obligation to refrain from torture. Instead, they wish to signal a strong commitment to stay in power and use, if need comes, even more repressive tactics such as torture in order to fulfill this objective. The commitment is credible because the ratification decision increases the costs to the autocrat and his ruling elite from being removed from office as after ratification they are more likely to be prosecuted for their human rights violations than in the absence of ratification.

The same logic can be applied to derogations. By officially declaring and notifying states of emergency, autocratic governments open up their emergency measures to public scrutiny by international observers and the Human Rights Committee to the ICCPR. They thereby increase the attention paid to their actions and the potential costs of stepping up violation of human rights, particularly the non-

derogable ones. But this is exactly what they wish for in order to signal to their domestic audience their commitment to use whatever force and violence required to make it through the state of emergency and stay in power. Since autocrats have no intention to obey their international human rights treaty obligations and will take all necessary means to stay in power, they will not refrain from stepping up human rights violations during derogation periods, including violations of officially non-derogable rights. In fact, since autocrats wish to increase the costs of leaving office, it is likely that they will explicitly *not* refrain from increasingly violating non-derogable rights since violation of these rights increases these costs most.

Somewhat unclear and ambiguous are theoretical expectations about those countries with political regimes outside the two polar cases. Anocracies are neither democracies, which take their human rights obligations more seriously than autocracies and employ derogations to signal to domestic audiences that emergency measures are temporary, necessary, lawful and restricted to derogable rights; nor are they autocracies, which step up violations of human rights, including non-derogable ones, in order to increase the costs of leaving office and thereby signal to domestic audiences their strong commitment to stay in power. Anocracies are regimes in between with self-contradictory elements of both polar regime types. But because they lack the credibility of democracies for garnering support for their temporary emergency measures by signaling that these officially declared and notified measures are temporary, strictly necessary and lawful, they lack the incentive to refrain from stepping up human rights violations during states of emergency, when the incentives for doing so are strongest as they invariably are during states of emergencies (Fitzpatrick 1998; Iyer 1999; Joseph, Schultz and Castan McGoldrick 2004). States of emergency increase the perception of threat by members of the ruling elite, which is

one of the most important reasons identified by Poe (2004) why regimes employ human rights violations as part of their attempt to stay in office.

These theoretical considerations lead to the following set of hypotheses:

Hypothesis 1: Democracies may or may not step up violation of derogable human rights during derogation periods, but they do not step up violation of non-derogable rights.

Hypothesis 2: Autocracies step up violation of both derogable and non-derogable human rights during derogation periods.

Hypothesis 3: Anocracies have fewer incentives than autocracies to step up violation of human rights, but lack the self-restraining power of democracies and are therefore likely to step up violation of both derogable and non-derogable human rights during derogation periods.

5. Empirical Research Design

Information on the dependent variables comes from Cingranelli and Richards (2010a). One of the advantages of this dataset over the alternative Political Terror Scale measure is that Cingranelli and Richards provide information on specific human rights violations rather than merely one aggregate measure.[6] Specifically, I will analyze the following human rights and human rights violations:

- Extrajudicial killings: the killing of people without due process of law.
- Torture: the infliction of extreme pain or the use of physical and other force that is cruel, inhuman or degrading.

[6] See Cingranelli and Richards (2010b) and Wood and Gibney (2010) for an exchange of arguments on the relative merits and disadvantages of each measure.

- Freedom of Religion: the freedom to exercise and practice one's religious beliefs.
- Disappearances: the disappearing of people instigated for political motivation without knowledge of their whereabouts.
- Political imprisonment: the incarceration of people because of their religious, political, or other beliefs.
- Freedom of Assembly and Association: the freedom to assemble and associate with others in political parties, trade unions and other groups.
- Freedom of Movement: the freedom to travel within the country as well as to leave and return to the country.
- Freedom of Speech: the freedom of expression, speech and press freedom.
- Electoral Self-determination: the freedom of political choice and the right to elect the governing bodies.

In all cases, violation of rights must either come from government officials or be instigated by government officials. The rights not to be subjected to extrajudicial killings, torture and the freedom of religion are explicitly exempted from derogation under Art 4:3 of the ICCPR. Note, however, that it is somewhat debatable whether the way Cingranelli and Richards (2010a) code freedom of religion truly represents a non-derogable right as it refers to the freedom to exercise and practice one's religious beliefs, which may not be fully covered by the non-derogable right to freedom of thought, conscience and religion and might be partly derogable instead. Disappearances are implicitly covered by the list of exemptions from derogation since when victims are not found this will often be because they have been killed or have been subjected to torture and the government wishes to conceal this fact by detaining the victims at an unknown location without acknowledgement of detention.

Alternatively, it may actively employ uncertainty about the fate of disappeared people as a weapon of state terror against its citizens.

The disaggregated specific human rights are all coded as either zero, one or two with zero indicating that the exercise of the human right in question was severely restricted or denied to all citizens or that relevant human rights violations were practiced frequently; one indicating that the exercise of the right was limited for all citizens or severely restricted for selected groups or that rights violations occurred occasionally; while two indicates full enjoyment of the right by all and that violations did not occur. Cingranelli and Richards (2010a) report two measures of freedom of movement, one for freedom of domestic, the other for international movement. These two measures were combined to one single freedom of movement measure by taking the minimum of the two constituent measures. Coding is based principally on US State Department Country Reports on Human Rights Practices and for extrajudicial killings, torture, disappearances and political imprisonment also on *amnesty international*'s Annual Reports on the State of the World's Human Rights.

In addition to these dis-aggregated rights, I will also analyze the following two aggregations of specific non-derogable and derogable rights:

- Non-derogable rights index: an additive index (running from 0 to 6) constructed from the Torture, Extrajudicial Killings and Disappearance indicators.
- Derogable rights index: an additive index (running from 0 to 10) constructed from the Political Imprisonment, Freedom of Assembly and Association, Freedom of Movement, Freedom of Speech, and Electoral Self-determination indicators.

Aggregate measures have the advantage that they capture a more comprehensive picture of the state of human rights protection than individual rights do on their own. Whether human rights can and should be aggregated into indices is disputed, however. McCormick and Mitchell (1997: 513) make the case against aggregation, arguing that it confounds rights that are different "in type not just amount". Cingranelli and Richards (1999, 2010b) make the case for aggregation, arguing that their Mokken Scaling Analysis suggests they "can confidently sum the scores" (1999: 410) of the individual rights to their physical integrity rights and empowerment indices, which they regard as "empirically-verified unidimensional scales" (2010b: 411). Since the non-derogable rights index largely overlaps with the physical integrity rights index, while the derogable rights index largely overlaps with the empowerment index, Cingranelli and Richards's argument for the aggregation of individual rights should carry over to my aggregate indices as well. Given that aggregation is contested, however, it is prudent to analyze both rights individually and in aggregation, which is what I do.

The main explanatory variable measures the number of days during a given year that a state party to the ICCPR has derogated, if at all, with data taken from http://www.unhchr.ch.[7] However, results using a dummy variable indicating country years with one or more derogations in place instead are reported in the robustness section 7. Whilst some derogations are very short-lived, lasting no longer than a couple of days, others are much more extensive, lasting several weeks, months or even years. 29 countries have derogated at least once from their ICCPR obligations

[7] Since only a minority of derogating governments provided information on which rights they derogated from, at this stage no attempt was made to distinguish among different types of derogation. I leave this to future research.

according to my measure during the period of my study. For derogators, the average duration of one or more derogations occurring in one year is around 271 days, with little difference between democracies (266 days on average) and anocracies (242 days on average), while autocracies tend to take out longer derogations (311 days on average). Democracies are responsible for the majority of the 228 country years with one or more derogations in place, accounting for 170, 147 and 130 of these country years, depending on whether the threshold of democracy is set at a *polity2* value of 5, 6 or 7 – see the discussion on the definition of democracy below.

For a few instances a termination of the period of derogation could not be established since the relevant state party failed to inform other state parties about when, if so, the state of emergency has ended.[8] The main estimation results presume that the open-ended derogation has stayed in place until a new state of emergency was declared or until the end of the sample period, whichever is earlier. However, in robustness tests results are reported for estimations in which observations with open-ended derogations are set to missing on the basis that reliable information could not be established.

To test whether any changes to human rights during derogation periods systematically depend on the type of political regime, I condition the derogation measure on autocracy, anocracy and democracy dummy variables, such that one measures derogations in autocracies, one measures derogations in anocracies and the last measures derogations in democracies. Employing an exhaustive set of derogation

[8] This applies to the following: Chile 11/03/1976 to 07/09/1986, Ecuador 30/11/1999 to 04/01/2000 and 17/08/2005 to 20/03/2006, Georgia 07/11/2007 to 31/12/2008 (end of sample period), Guatemala 28/08/2006 to 16/11/2006, Russian Federation (Soviet Union) 21/09/1988 to 01/11/1991, Sri Lanka 01/09/1989 to 31/12/2002, Uruguay 30/07/1979 to 31/12/2008 (end of sample period). Note that because the sample starts in 1981, Uruguay has no within-variation on the derogation variable.

variables covering all regime types (all countries fall into one of these three regime type categories) represents an alternative, but exactly equivalent, model specification to an interaction effects model, in which the derogation variable would be interacted with two of the regime type dummy variables, leaving the third as omitted reference category.[9]

If my chosen model specification is the exact equivalent of a full interaction effect model, then why not estimate the latter? The reason is that my chosen model specification is more easily interpreted as it allows me to directly estimate the effect of derogations in all political regime types. Moreover, it allows an easy check on whether derogations have a systematic effect in a specific political regime type that is statistically significantly different from zero, even if the effect may not be statistically distinguishable from the effect in other regime types. If, for example, autocracies have systematically worse human rights during derogation periods, but anocracies and democracies do not react systematically as a group such that the confidence interval around their estimated effects are very wide, then the derogation variable will be statistically significantly different from zero in autocracies, it will be insignificant in anocracies and democracies and, for wide enough confidence intervals in these two regime types, the three coefficients will be statistically indistinguishable from each other. But even if statistically indistinguishable from each other, the result that

[9] To see this, imagine an estimation model of the form $y = b_1x+b_2z+b_3xz$, with x a continuous and, for simplicity's sake, z the only conditioning dummy variable. The marginal effect of x on y is given by b_1 for z=0 and by (b_1+b_3) for z=1. Now consider instead an estimation model of the form $y = b_4x$ (for z=0) + b_5x (for z=1) + b_6z. b_4 is the same as b_1, while b_5 is the same as (b_1+b_3). In the first model, the interaction effect is statistically significant if b_3 is statistically significantly different from zero. In the second model, it is significant if b_4 and b_5 are statistically significantly different from each other.

autocracies as a group have systematically worse human rights during derogations is still important information for the purpose of my research question.

Much existing evidence suggests that the effect of democracy on human rights violation is not smoothly continuous, but instead follows distinct threshold effects (Davenport and Armstrong 2004; Bueno de Mesquita et al. 2005). This evidence thus corroborates the use of distinct dummy variables. There is, however, controversy on what cut-off points should be used to classify regimes into autocracies, anocracies and, particularly, democracies. In the main estimations, I define a democracy as having a *polity2* value of 5 or above, but section 7 reports results from robustness tests using cut-off points of 6 or 7 on the *polity2* scale, which runs from -10 (most autocratic) to 10 (most democratic). For simplicity and to restrict the space of possible regime type classifications, I keep the definition of autocracies fixed at a value of *polity2* of -5 or below. The different cut-off points for democracies imply a global share of democracies of roughly 48, 45 or 39 percent of country years, a global share of anocracies of roughly 11, 14 or 20 percent of country years and a global share of autocracies of roughly 31 percent of country years, respectively.[10]

Control variables include categorical measures of the extent of external and internal armed conflict, coded between 0 (no conflict), 1 (between 25 and 999 battle-related deaths in a given year) and 2 (at least 1,000 battle-related deaths in a given year) (Gleditsch et al. 2002), anocracy and democracy dummy variable measures of political regime type based on *polity2* values as described above (Marshall, Jaggers and Gurr 2010) with autocracies as the omitted reference category, per capita income as a measure of economic development, and population size (both taken from World

[10] The shares of democracies and anocracies are higher in-sample than globally because only countries which have ratified the ICCPR enter the sample and these countries are more likely to be state parties.

Bank 2010). In addition to this set of control variables, which might be considered almost standard in human rights studies (Poe 2004), I include event counts of strikes, riots and anti-government demonstrations, taken from Arthur Banks' Cross-National Time-Series Data Archive, as well as a count of natural disaster events, taken from the International Disaster Database EM-DAT.[11] The purpose of the control variables is to comprehensively control for relevant confounding factors.

I wish to analyze whether the human rights situation within a country is systematically worse during derogation periods. I therefore need to take out all level effects across countries. Contrary to linear models with a continuous dependent variable, simply including country dummy variables does not result in a consistent fixed effects estimator (Stata 2003). Baetschmann et al. (2011) have recently developed a "Blow-up and Cluster" (BUC) consistent estimator for the fixed effects ordered logit model. Every observation is replaced ("blown-up") by K-1 copies of itself (K stands for the number of categories of the dependent variable), every copy is dichotomized at a different cutoff point and the entire sample is estimated with a conditional logit estimator with standard errors clustered at the country level. Riedl and Geishecker (2011) find this estimator to perform as well or even better than any of the five different estimation strategies they analyze in their Monte Carlo estimations, which is why I use this estimator for the main estimations. For the estimations, in which I explicitly account for the endogeneity of the derogation decision, I cannot use an ordered logit estimator and instead I use a standard linear Heckman selection model. Year-specific dummy variables control for any global shocks affecting all countries equally. The estimation model is thus:

[11] http://www.databanksinternational.com/ and http://www.emdat.be/.

$$y_{it} = \alpha_i + \beta_1 Derog(autocracy)_{it} + \beta_2 Derog(anocracy)_{it} + \beta_3 Derog(democracy)_{it}$$
$$+\beta_4 International\ Armed\ Conflict_{it} + \beta_5 Domestic\ Armed\ Conflict_{it}$$
$$+\beta_5 Strikes_{it} + \beta_6 Riots_{it} + \beta_7 Demonstrations_{it} + \beta_8 Nat.Disasters_{it}$$
$$+\beta_9 Anocracy_{it} + \beta_{10} Democracy_{it} + \beta_{11} \ln GDPpc_{it} + \beta_{12} \ln Population_{it}$$
$$+\delta_t + u_{it} \quad (1)$$

The sample is restricted to country years from which onwards states have become parties to the ICCPR since logically one can only derogate from one's ICCPR obligations if one is a party to the treaty. The sample covers the period 1981 (the earliest year for which Cingranelli and Richards (2010a) provide data on human rights) to 2008 and up to 130 countries.[12] Table 1 presents descriptive summary variable statistics. Note, however, that this is based on the sample for the aggregate non-derogable rights index and that the sample varies and is smaller for all other regressions since the BUC fixed effects ordered logit estimator discards all countries, which have no variation over time on the dependent variable.

6. Results

Table 2 presents the main estimation results. Model 1 refers to the non-derogable rights index as dependent variable, while models 2 to 4 refer to, respectively, disappearances, extrajudicial killings and torture, the individual components of the non-derogable rights index. Model 5 has religious freedom as the dependent variable. The human rights situation deteriorates in autocratic states during derogation periods

[12] Note that many of these countries have no within-variation on the derogation variables and have thus no impact on the estimated coefficient of the main variables of interest – they do, of course, impact on the other estimated coefficients, however.

with respect to all non-derogable rights individually and the aggregate non-derogable rights index as well. As concerns freedom of religion and torture, there are more human rights violations in anocracies during periods of derogations. None of the other rights are statistically significantly affected in anocracies and none of these rights statistically significantly deteriorate in democracies. Note that for killings the confidence intervals around the estimated coefficient for derogation periods in anocracies and democracies are so wide that the coefficients are statistically indistinguishable from the coefficient in autocracies. Hence, while autocracies systematically fare worse, anocracies and democracies as distinct groups do not systematically fare worse during derogation periods; the differences across regime types are statistically indistinguishable due to the imprecision of estimates in anocracies and democracies. The same holds, analogously, for freedom of religion.

Models 6 to 11 refer to, respectively, the aggregate derogable rights index, political imprisonment, freedom of assembly and association, freedom of movement, freedom of speech, and electoral self-determination, which are all in principle derogable. With the exception of electoral self-determination (which tends to be fully restricted even during normal times), all derogable rights statistically significantly worsen during derogation periods in autocracies. The same is true for anocracies for all derogable rights but the freedom of assembly and the freedom of movement, for which the estimated coefficient is also negative, but not statistically distinguishable from zero. Whenever derogable human rights deteriorate statistically significantly in anocracies, there is no statistically distinguishable difference to the situation in autocracies due to the large confidence intervals. Democracies do not statistically significantly step up restrictions of any derogable rights during derogation periods. However, the confidence interval of the coefficient is large enough for freedom of

assembly and for freedom of movement as to be statistically indistinguishable from the coefficient in other regime types. This points toward heterogeneity within the group of democracies – a point to be addressed in more detail further below in section 8.

Coefficients from the fixed effects ordered logit estimator are very difficult to interpret substantively. To gauge substantive importance, I have re-estimated table 1 with a linear fixed effects estimator (results not shown). There is some evidence that the bias of this estimator might be small (Ferrer-i-Carbonell and Frijters 2004; Riedl and Geishecker 2011) and its results are easy to interpret. Applying a linear fixed effects estimator, a derogation that lasts for 242 days, the average duration period in anocracies in any one year (not counting derogations that span more than one year), is associated with lower respect for the aggregate derogable rights index by 1.6 units. For autocracies, an average derogation period of 311 days is associated with lower respect for the derogable rights index by 1.1 units and lower respect for the non-derogable rights index by one unit. Keeping in mind that the derogable and non-derogable rights indices run from 0 to 10 and from 0 to 6, respectively, these are substantively large deteriorations of the human rights situation and for autocracies the substantive worsening is stronger for non-derogable rights than it is for derogable rights.

As concerns the control variables, countries experiencing domestic or international armed conflict sometimes have worse human rights during such periods. Strike, riot, anti-governmental demonstration and natural disaster events have no statistically significant effect conditional on the other variables and the country fixed effects in the model. Becoming an anocracy or a democracy typically improves the human rights situation relative to autocracies, the omitted reference category. For the

aggregate derogable rights index, for which there is more variation in the data than for the individual rights, the positive effect of becoming a democracy on human rights is statistically significantly stronger than the effect of becoming an anocracy, all relative to autocracy, the omitted reference category. Per capita income has no consistent effect, but one needs to keep in mind that the effect of income is net of the effects of democracy and conflict, which are both highly correlated with income – once positively, once negatively. A larger population size has a negative effect on human rights.

In table 3, I explicitly account for the potential non-random self-selection process into derogations with a Heckman selection model, which accounts for the process of whether an ICCPR state party has ever derogated from its obligations over the period of study. The identifying assumptions are that the potential non-random processes of ratification of the ICCPR and any impact of governmental behavior on states of emergency themselves can be neglected in my analysis, such that I can exclusively concentrate on the non-random process of derogation. Heckman selection models are unreliable if there is no variable fulfilling the exclusion restriction. I use the existence of an actual state of emergency during a country year as this variable, with data from Hafner-Burton et al. (2011). The additional identifying assumption is that actual states of emergency have a strong effect on the decision to derogate and that, conditional on the other control variables in the second stage of the estimations, the existence of a state of emergency has no direct effect on human rights.

Given these identifying assumptions, table 4 shows that accounting for the non-random process of derogating does not change the main results. Autocracies significantly step up violation of the non-derogable rights index – that the effect is not significant for the individual rights could be because the linear Heckman model is less

appropriate for the three-category individual rights dependent variable than for the seven-category aggregate index. Autocracies also step up violations of derogable rights, as do in some cases anocracies. Democracies never experience a statistically significant deterioration of any human rights during derogation periods, with the exception of electoral self-determination.

For reasons of space constraints, I cannot discuss the first or selection stage results in detail. However, of note, actual states of emergency are a statistically significant predictor of derogations (with large z-values, not shown in table for reasons of space). This makes this variable a suitable candidate for the first stage. Also, in line with Hafner-Burton (2011) and my theoretical expectations, democracies are much more likely to officially declare and notify a state of emergency (i.e., derogate) than either anocracies or autocracies.[13]

The results so far paint a clear picture. Autocracies systematically step up violations not only of derogable rights, but also of non-derogable rights, thereby violating the letter and spirit of the ICCPR's derogation provision by increasingly violating non-derogable rights, which would suggest that the ICCPR does not exert the constraining effect on autocracies during states of emergency it is supposed to have for these rights. This is consistent with my second hypothesis. Anocracies with their combination of contradictory elements from a more autocratic and a more democratic political regime fare better than autocracies in that they do not resort to increasingly violating non-derogable rights other than torture and restrictions to freedom of religion, but at the same time fare worse than democracies as concerns

[13] Hafner-Burton et al. (2011) also argue that judicial independence affects the derogation decision. I do not include this variable here as its inclusion leads to a significant loss of observations due to missing data. However, results are robust and available on request.

derogable rights, which experience no statistically significant deterioration of any human right during derogation periods, with the possible exception of electoral self-determination. These results are in line with my first and third hypotheses.

One of the theoretical arguments developed in section 4 was that autocracies not only know that official derogations attract international scrutiny, but that they welcome such scrutiny as it helps them to strengthen the signal they wish to send to their domestic audience. To be sure: they may on the surface of things denounce such scrutiny as unjustified interference in their own domestic business, but they need such scrutiny to render their signal more credible. This can only work if derogating autocracies do in fact receive increased attention for their human rights behaviour. Average marginal effects reported in table 4 indicate that autocracies which derogate from their ICCPR obligations are more likely to be targeted by the UN Commission on Human Rights over the period 1981 to 2000 (model 1) and also targeted by a stronger measure (model 2) ranging from discussion, to a confidential measure, advisory measure to a public resolution, using data taken from Lebovic and Voeten (2006). Note that this is despite controlling for the level of respect for human rights in these countries. These results would suggest that the autocracies which derogate from their ICCPR obligations get what they seek.

7. Robustness

In this section I explore the robustness of my findings, which can be found in the online Appendix available at this journal's webpage. The first three rows of online appendix table 1 report results for the various human rights analyzed for models that include the lagged dependent variable. To save space, results on the control variables are not reported and the standard errors of the derogation variables are also not

shown. The coefficient of the derogation variable in autocracies becomes insignificant for killings as does the coefficient in anocracies for freedom of religion, but derogations in anocracies are now also associated with increased restrictions on the freedom of assembly. Otherwise, results on the effect of derogations are fully consistent with the results from models without the lagged dependent variable included.

The next three rows report estimated coefficients where derogations are measured by a simple dummy variable for country years in which derogations took place. The coefficient of the derogation variable in autocracies becomes insignificant for disappearances and freedom of assembly as does the coefficient in anocracies for freedom of religion, but country years with at least one derogation in place always see significantly worse derogable rights on all dimensions in anocracies. There is a statistically significant deterioration in democracies, but only for the aggregate derogable rights index. Otherwise, results are consistent with the ones reported in table 2.

The next six rows report results from models, which employ again the continuous measure of derogation days in a country year, but – given the stark contrast between regime types – test for the effect of altering the threshold from which onwards a country is declared a democracy to 6 and 7 on the *polity2* scale, respectively. There is not much difference to the main results if democracies need to score 6 or higher or even 7 or higher. There is a surprising result for extrajudicial killings, the state of which worsens in democracies during derogation periods if democracies need to score 7 or higher on *polity2*. This result needs to be taken with caution, however, since most democracies in this category have no or almost no variation on this variable (i.e., do not engage in such killings) and closer inspection of

the data shows that the statistically significant coefficient is almost entirely due to the United Kingdom, which according to Cingranelli and Richards (2010a) engaged several times in such practices on the coding level of 1 during its two long derogation periods from 1981 to 1984 and 1988 to 2005.

In the next three rows results are reported from models, in which country years of open-ended derogations have been set to missing on the basis that one cannot establish with certainty whether a derogation has still been in place or not. Results are consistent with those reported in table 2, suggesting that the main results are not driven by a potential mis-coding of open-ended derogations.

Another concern is that countries may switch their political regime during periods of derogation. After all, some of the derogable rights such as freedom of assembly and association or electoral self-determination are constitutive components of Polity's definition of democracy. Is the reason why I find that, on the whole, democracies do not increasingly violate human rights during derogation periods because they become anocracies or autocracies during such periods? Plausible as this concern is in principle, there are only five country years during derogation periods in which countries slipped from democracy to anocracy or to autocracy according to any of the thresholds used for defining a democracy above.[14] Regime transition is therefore unlikely to drive the results, which is confirmed by the last three rows of online Appendix table 1, in which derogation periods are dropped from the analysis in which regime transitions toward an autocratic regime occurred, using the most exacting definition of democracy of a *polity2* value of 7 or above.

[14] These are Ecuador in 2000, Georgia in 2007, Nepal in 2002, Sudan in 1989 and Serbia/Montenegro in 2003. Nepal and Sudan became autocracies, the other countries (marginally) slipped into the anocracy category.

In online Appendix table 2, I investigate whether it is really regime type that matters or whether results might be driven by whether countries have a domestic judiciary with the power to rule on executive acts, the extent to which they are generally domestically subject to the rule of law as well as the strength of domestic civil society, defined as the number of international non-governmental organizations with domestic participation relative to population size. All three factors represent alternative theoretical hypotheses of why some countries might step up human rights violations during derogation periods while others do not (Roy Chowdhury 1989; Cole 2003; Powell and Staton 2009). Data are taken from the Binghamton University's Institutions and Elections Project,[15] from the International Country Risk Guide[16] and from Wiik (2002). For the dummy variable capturing the presence of a judiciary I report the effect of derogations in the two groups of countries similar to the presentation of differences in political regime type, whereas for the rule of law and civil society strength variables I need to employ a traditional interaction effect model since in these cases both interacting variables are continuous. The results suggest it is simply not the case that countries with a court with power to rule on executive acts systematically differ from countries without such a court during periods of derogation. To start with, the existence of such a court has no significantly separating effect on derogation periods for non-derogable rights. For derogable rights, sometimes countries with such a court fare better during derogation periods than countries without such a court, but at other times the reverse is the case. Moreover, with one exception the difference is never statistically significant and where it is, as is the case for freedom from political imprisonment, it is in fact the countries with an

[15] www2.binghamton.edu/political-science/institutions-and-elections-project.html.

[16] www.prsgroup.com.

independent court that fare worse, rather than the opposite. Similarly, while a better rule of law mitigates the worsening of human rights during derogation periods for freedom from political imprisonment and restrictions to freedom of speech, there is no evidence for such a mitigating effect for the other human rights. The presence of a strong civil society also does not seem to consistently result in improved human rights conditions during derogation periods.

8. Dis-aggregating Democracy and Autocracy

What the results from the robustness tests imply is that it is really political regime type that matters, not the presence of a court with power to rule on executive acts, nor general rule of law nor civil society strength. In this section, I dis-aggregate democracy and autocracy further in order to examine different aspect of their respective regime types.

Given how remarkably different democracies are from anocracies and autocracies in their human rights behavior during periods of derogation, I first take a closer look at democracies. Another reason for doing so derives from the observation that the derogation variable in democracies is estimated almost invariably with a negative coefficient sign (indicating a deterioration of human rights), even if it never reaches conventional levels of statistical significance. This could be because of large variation among democracies in their behavior, which would lead to large standard errors of the estimations. Similar to Bueno de Mesquita et al. (2005), I look at the most important and relevant sub-components that make up the aggregate democracy and autocracy scales of the *polity2* variable. Roughly speaking, the executive constraints variable XCONST measures whether there are limits on discretion in the executive's decision-making, whereas the competitiveness of participation and

regulation of participation variables PARCOMP and PARREG together with the competitiveness of executive recruitment variable XRCOMP measure the existence of truly competitive multi-party elections. Note that whilst the existence of an independent judiciary affects the coding of the XCONST variable, it only plays a minor role, being predominantly focused instead on constraints imposed by the legislature. It thus measures something distinct from an independent judiciary. I generate two separate dummy variables, one is set to one if countries achieve the highest value on the seven-step XCONST dimension, the other is set to one if they achieve, simultaneously, the highest value on the six-step PARCOMP dimension or on the five-step PARREG dimension and the highest value on the four-step XRCOMP measure.[17] About 62 percent of democratic country years with a *polity2* value of 5 or above achieve the highest value of XCONST, whereas about 42 percent of these country years fall into the highest categories of PARCOMP/PARREG and XRCOMP.

Table 5 reports results on dis-aggregating democracies in this way. Note that because the BUC maximum likelihood estimator failed to converge for some human rights, these results (as well as the results in table 6 reported further below on dis-aggregating autocracies) are based on a linear rather than ordered logit fixed effects estimator. Results reported in table 5 suggest that the presence or absence of truly competitive multi-party elections is no separating factor by which democracies differ in the effect of derogations on human rights. If anything, democracies with truly competitive mutli-party elections possibly fare worse during derogation periods on extrajudicial killings and the aggregate derogable rights index. In contrast, the presence or absence of the highest level of executive constraints does matter.

[17] PARCOMP and PARREG are extremely highly correlated with each other. All country years with the highest score on PARCOMP also carry the highest score on PARREG.

Democracies with the highest constraints on its executive never experience a worsening of any of the human rights, while democracies without the highest constraints experience more political imprisonment, more restrictions on electoral self-determination, a lower aggregate derogable rights index and also more torture during derogation periods. One interpretation of this evidence is that a lack of the highest level of constraints on executive decision-making allows governments in democracies to increasingly resort to human rights violations during officially declared and notified states of emergency.

Interestingly, Keith (2002), Bueno de Mesquita et al. (2005) and Davenport (2007b) find that competitive multi-party elections are most important in improving human rights. My findings do not contradict these earlier studies. Firstly, with one exception the direct effect of truly competitive multi-party elections on human rights is positive on all rights and statistically significant in eight out of eleven estimations. In contrast, the highest level of executive constraints only has a significantly positive human rights effect in two estimations. Secondly, I analyze the fate of human rights during specific periods, namely officially declared and notified states of emergency. What my results suggest is that while multi-party competition is most important for improvements in human rights generally, it is the lack of the highest level of executive constraints that allows democracies to engage in some forms human rights abuse during such derogation periods.

As a final step of the analysis, I now account for heterogeneity among autocracies. Autocratic regimes have been found to increasingly violate both derogable and, importantly, non-derogable rights during declared states of emergency, but autocracies strongly differ in the way in which they organize and execute authoritarian rule, which is likely to affect their human rights behavior as well.

Davenport (2007c), based on prior work by Barbara Geddes, distinguishes among seven categories of autocracies. I cannot use these many categories since only a minority of autocracy country years have derogations in place such that categories would be empty or filled by only few observations. However, Davenport (2007c) finds single-party autocratic governments to be least repressive of all rights and military governments to be most repressive of physical integrity rights. He argues that this finding is roughly in line with what one would theoretically expect, given that single-party regimes offer some form of political venue in which individuals can get involved politically, thereby reducing the need for repression, whereas military governments are not only closer to 'personalist' dictatorships without such a venue, but also have the training and skills to repress.[18]

In table 6, I therefore examine whether autocracies with military-led governments differ from other autocracies and whether autocracies with single-party systems differ from other autocracies during derogation periods. In six regressions, autocracies with military governments experience a statistically significant worsening of human rights during derogation periods, whereas this is only once the case in autocracies without such governments. For single-party systems the picture is less clear-cut, but in autocracies without single-party systems there is more evidence for a statistically significant worsening of human rights during derogation periods than in single-party autocratic systems. Where coefficients are significant in both types of autocratic rule, the effect in autocracies without single-party systems is typically stronger, even if the difference is not statistically significant. All in all, table 6 suggests that autocracies with military governments and autocracies without single-party systems are the worst offenders of human rights, including non-derogable ones,

[18] Davenport (2007c: 491) notes that the latter part of the argument is controversial.

during derogation periods. At the same time, I find military governments to be less engaged in extrajudicial killings and more respective of the freedom of speech and the aggregate derogable rights index than other autocracies during "normal" times. As Davenport (2007c: 491) notes, military governments might be in less need of repression outside derogation periods given that citizens "know that the government could and is well prepared to use repressive behaviour".

9. Conclusion

Do governments step up human rights violations when they derogate from their obligation to protect the rights they have committed to at the time of ratifying the ICCPR? This paper's analysis has shown that the answer to this question crucially depends on the type of political regime in place. The human rights situation does not statistically significantly worsen during periods of derogation from ICCPR obligations in democracies, even though democracies account for the majority of derogation instances. Things are different in anocracies and autocracies, however. Anocracies tend to step up violation of derogable rights as well as restrictions to freedom of religion and increasingly engage in torture, while autocracies increasingly violate both derogable and non-derogable rights with few exceptions. When autocracies derogate, they mean business and they increasingly violate even the human rights that should be non-derogable. The same is true, to some extent, for anocracies. These results are robust to accounting for the process that leads to derogation, different model specifications, different operationalizations of the derogation variable and different thresholds for the definition of a democracy.

What can be inferred from the findings of this article? First, the ICCPR does not exert a sufficient constraining effect on autocracies. The fact that autocracies and

anocracies increasingly violate non-derogable rights shows that the ICCPR does not achieve the objective of its Art. 4:2, namely to protect certain rights from the discretion of derogating state parties. Second, whether the ICCPR has a constraining effect on democracies depends on how plausible one finds the identifying assumptions that go into the Heckman selection model. Actual states of emergency strongly affect the likelihood of derogation, but not perfectly so. Some democratic governments of ICCPR state parties intending to violate human rights do not officially declare and notify a state of emergency to the ICCPR, even though they experience events that would legally require them to do so. A good example is the United States. Having ratified the ICCPR in 1992, it has not derogated from its obligations after the 9/11 attacks. Yet, it seems to justify its detention and interrogation practices and its more or less acknowledged practice of making people disappear with recourse to a rhetoric of a state of a "public emergency which threatens the life of the nation", just as specified by Art. 4:1 of the ICCPR.[19] Similarly, while some democracies such as Israel, Sri Lanka and the UK have taken out derogations, others who are similarly faced with secessionist armed conflicts such as India and Turkey have not. It is unclear how representative these examples are. Given that the majority of derogations are taken out by democracies suggests that democracies on the whole take seriously their obligation to declare states of emergencies.

If democracies were constrained by the ICCPR's non-derogation clause, it is still unclear what the causal mechanism is. The analysis presented in table 5 explored two possibilities by dis-aggregating the democratic regime type, namely whether it is constraints on the executive or the presence of truly competitive multi-party elections

[19] Cingranelli and Richards (2010a) downgrade the US on Extrajudicial Killings from 2 to 1 from 2004 onwards, from 1 to 0 on Torture in 2005 and 2006 and from 2 to 1 on Disappearances in 2004.

that matter for the human rights behavior of democracies during periods of derogations. The results suggest that if the democratic government is not fully constrained in its decision-making by other policy-relevant actors then derogable rights such as freedom from political imprisonment, the right to electoral self-determination as well as the aggregate derogable rights index, but also freedom from torture may suffer during derogation periods. By contrast, whether a government can, in principle at least, be penalized for gross violations of human rights by bringing another government into power in truly competitive multi-party elections does not seem to matter. One possible reason is that voters may often reward "tough" leaders despite human rights violations if they are widely regarded as dealing successfully with the state of emergency.

The results reported here suggest an apparent paradox of any potentially behavior-constraining effect of the ICCPR: where such an effect would be needed most, as in autocracies and anocracies, it is absent. Possibly, external watchdogs could try and prevent these regimes from stepping up human rights violations during derogation periods. International civil society groups such as *amnesty international* or *Human Rights Watch* can employ naming and shaming (Hafner-Burton 2008), but have no recourse to more forceful means. They can, however, also link up with domestic civil society groups, with the media or even nation-states to form transnational advocacy networks that can put pressure on human rights violators (Keck and Sikkink 1998). Note, however, that the results reported in robustness tests suggest that the presence of a strong domestic civil society is not enough to deter governments from human rights violations during derogation periods.

In principle, the Human Rights Committee to the ICCPR is supposed to monitor whether derogating state parties comply with the restrictive conditions under

which rights can be derogated from and with the obligation to continue to respect non-derogable rights. In practice, critics argue it is often akin to a dog that only barks little and bites even less. The same is said of the UN Human Rights Council (formerly UN Commission on Human Rights (UNCHR)), even if there is some evidence that it has become less partisan and politically motivated over time (Lebovic and Voeten 2006). As shown in section 6, the UNCHR perfectly understands that autocracies which derogate from their ICCPR obligations require special scrutiny and act accordingly. Yet, the results show that such targeting does not prevent derogating autocracies from stepping up violations of human rights, including non-derogable ones, during derogation periods. Of course, if my theoretical argument, based on an extension of Hollyer and Rosendorff (2011), is correct that derogating autocracies welcome such scrutiny as it helps them strengthen the signal of commitment to ride through the state of emergency and stay in office, then the simultaneous presence of increased scrutiny and increased human rights violations is entirely unsurprising.

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Table 1. Descriptive summary variable statistics.

Variable	Obs	Mean	Std. Dev.	Min	Max
Non-derogable rights index	2684	3.709	1.704	0	6
Disapp.	2684	1.294	0.768	0	2
Killings	2684	0.723	0.718	0	2
Torture	2684	1.692	0.606	0	2
Rel. freed.	2664	1.387	0.771	0	2
Derogable rights index	2676	6.203	3.210	0	10
Imprisonment	2682	1.191	0.832	0	2
Assembly	2679	1.272	0.783	0	2
Movement	2684	1.295	0.790	0	2
Speech	2684	1.137	0.714	0	2
Electoral self-determination	2683	1.308	0.788	0	2
Derogations (days)	2684	20.778	81.442	0	365
Derogations (dummy)	2684	0.077	0.267	0	1
International armed conflict	2684	0.018	0.163	0	2
Domestic armed conflict	2684	0.216	0.516	0	2
Strike events	2684	0.153	0.533	0	6
Riot events	2684	0.326	1.379	0	26
Anti-gov. demonstrations	2684	0.578	1.387	0	15
Natural disaster events	2684	4.784	10.778	0	182
Anocracy	2684	0.193	0.394	0	1
Democracy	2684	0.637	0.481	0	1
ln GDP p.c.	2684	7.574	1.582	4.395	10.662
ln Population	2684	16.227	1.346	13.331	20.854

Table 2. Main estimation results.

	1	2	3	4	5	6	7	8	9	10	11
	Non-derogable rights index	Disapp.	Killings	Torture	Rel. freed.	Derogable rights index	Imprisonment	Assembly	Movement	Speech	Electoral
derogations in autocracies	-0.00802***	-0.00399***	-0.00739**	-0.479***	-0.00344	-0.00951***	-0.566***	-0.0160***	-0.00787**	-0.225***	-0.00130
	[0.00163]	[0.00145]	[0.00311]	[0.0659]	[0.00264]	[0.00347]	[0.0589]	[0.00404]	[0.00369]	[0.0818]	[0.00457]
derogations in anocracies	-0.000794	0.00125	0.00278	-0.0787***	-0.00846***	-0.00945**	-0.409***	-0.0501	-0.0100	-0.337***	-0.421***
	[0.00339]	[0.00265]	[0.00696]	[0.00635]	[0.00325]	[0.00374]	[0.0314]	[0.0326]	[0.00927]	[0.0351]	[0.0313]
derogations in democracies	0.000306	3.87e-05	-0.00223	-0.00103	0.00203	-0.00234	-0.00210	-0.000846	-0.00194	0.000493	-0.00285
	[0.00168]	[0.00160]	[0.00186]	[0.00239]	[0.00159]	[0.00165]	[0.00263]	[0.00207]	[0.00184]	[0.00140]	[0.00243]
international armed conflict	-0.630	-0.467	-0.338	-18.80***	0.278	-0.335	-0.927	-0.824	-0.414	-17.89***	-0.940
	[0.663]	[0.504]	[1.113]	[0.730]	[0.644]	[0.771]	[1.999]	[0.894]	[0.765]	[0.643]	[1.709]
domestic armed conflict	-1.171***	-1.282***	-0.607*	0.209	-0.162	-0.360	-0.225	-0.166	-0.285	-0.274	0.468*
	[0.342]	[0.338]	[0.357]	[0.381]	[0.206]	[0.236]	[0.308]	[0.251]	[0.315]	[0.333]	[0.267]
strike events	-0.0602	0.0901	-0.0960	0.0662	-0.0524	-0.186	-0.122	-0.134	0.275	-0.207	-0.141
	[0.125]	[0.164]	[0.148]	[0.229]	[0.150]	[0.125]	[0.154]	[0.163]	[0.212]	[0.146]	[0.132]
riot events	0.0156	0.107*	-0.0929	-0.122	-0.0486	0.0953**	-0.0909	0.0994	0.370***	-0.0434	0.00821
	[0.0744]	[0.0636]	[0.0856]	[0.0868]	[0.0603]	[0.0477]	[0.0759]	[0.0722]	[0.0973]	[0.0650]	[0.0567]
anti-government demonstr.	0.00796	0.0483	-0.0610	0.205*	0.103	-0.0272	-0.0121	-0.0807	-0.0681	-0.0269	0.0207
	[0.0413]	[0.0574]	[0.0658]	[0.106]	[0.0701]	[0.0411]	[0.0552]	[0.0693]	[0.0796]	[0.0674]	[0.0821]
natural disaster events	0.00209	0.00942	0.00188	0.000408	-0.0670***	0.0172	0.00556	-0.0127	0.0440**	-0.0207	0.0309
	[0.0112]	[0.0198]	[0.0194]	[0.0316]	[0.0206]	[0.0133]	[0.00768]	[0.0284]	[0.0216]	[0.0262]	[0.0217]
anocracy	0.0553	-0.554	0.668	1.975**	0.940*	1.964***	1.067*	3.284***	2.408**	5.327***	3.274***
	[0.368]	[0.474]	[0.422]	[0.804]	[0.555]	[0.532]	[0.608]	[0.785]	[1.004]	[1.343]	[0.860]
democracy	0.554	-0.239	0.396	1.375	1.863**	3.467***	1.237*	3.771***	2.354***	5.746***	4.317***
	[0.403]	[0.465]	[0.483]	[1.246]	[0.753]	[0.458]	[0.658]	[0.753]	[0.860]	[1.422]	[0.861]
ln GDP p.c.	0.0231	-0.855	0.178	-1.737*	-1.528**	-0.422	-0.00639	-0.931	-1.213	1.460	0.603
	[0.683]	[0.808]	[0.644]	[0.969]	[0.733]	[0.597]	[0.543]	[0.882]	[0.892]	[0.916]	[0.876]
ln population	0.576	-2.464	-0.998	-3.877*	-0.709	-4.245***	-2.274	-3.313*	-11.61***	-4.332**	-3.162*
	[1.265]	[2.213]	[1.104]	[2.246]	[1.877]	[1.280]	[1.468]	[1.721]	[2.668]	[1.803]	[1.790]
Countries	130	85	96	64	93	129	91	84	68	86	89
Pseudo R-squared	0.10	0.10	0.11	0.27	0.13	0.22	0.11	0.22	0.26	0.21	0.26

Note: Fixed effects ordered logit estimator. Standard errors adjusted for clustering on countries in parentheses.
* significant at .1 level ** at .05 level *** at .01 level.

Table 3. Accounting for the process of derogation.

	1	2	3	4	5	6	7	8	9	10	11
	Non-derogable rights index	Disapp.	Killings	Torture	Rel. freed.	Derogable rights index	Imprisonment	Assembly	Movement	Speech	Electoral
derogations in autocracies	-0.00214***	-0.00103	-0.000162	-0.000923	-0.000727	-0.00765***	-0.000833	-0.00219***	-0.00132**	-0.00106***	-0.00192***
derogations in anocracies	0.000756	0.000608	0.000331	-0.000181	-0.00168*	-0.00826***	-0.00150**	-0.00205***	-0.00197*	-0.000471	-0.00204***
derogations in democracies	-0.000314	5.66e-05	-0.000185	-0.000203	0.000298	-0.00128	-3.57e-05	-0.000248	-0.000269	3.30e-05	-0.000462**
international armed conflict	0.00422	-0.0838	0.0404	0.0389	0.0108	-3.747**	-1.424***	-0.884**	-0.224	-0.721*	-0.697
domestic armed conflict	-0.709***	-0.462***	-0.202**	-0.0467	0.00513	-0.243	0.0417	0.0141	-0.0252	-0.0970	0.00618
strike events	-0.00433	0.0319	0.0206	-0.0601**	0.00617	-0.128	0.00124	0.00882	0.0174	-0.0231	-0.0589**
riot events	0.0101	0.0301	-0.00644	-0.0121	-0.00165	0.0272	-0.00881	0.000274	0.0225**	-0.0105	0.00514
anti-government demonstr.	0.122***	0.0614***	0.0354**	0.0241	0.0287	0.0492	0.0541***	-0.0117	0.0129	0.0256	0.00299
natural disaster events	0.000181	-0.00352	0.00336	-0.000311	-0.00952	-0.0366**	-0.0214**	-0.00592	-0.00693	-0.00317	-0.00371
anocracy	0.142	-0.115	0.131	0.147	-0.144	0.0264	0.165	-0.228	-0.106	0.166	-0.0168
democracy	0.966***	0.191	0.401***	0.385**	0.157	2.348***	0.827***	0.278*	0.308*	0.486***	0.623***
ln GDP p.c.	0.529	-0.325	0.677**	0.208	-0.360	-0.126	-0.306	0.0555	0.0382	-0.0375	0.0960
ln population	1.365	-0.281	0.698	1.010**	1.166	-1.876	-0.722	0.538	-0.885**	-1.306**	0.534
Selection stage:											
international armed conflict	-1.277**	-1.299**	-1.266**	-1.279**	-1.296**	-1.294**	-1.295**	-1.284**	-1.325***	-1.296**	-1.293**
domestic armed conflict	0.685***	0.713***	0.675***	0.696***	0.705***	0.697***	0.666***	0.702***	0.715***	0.701***	0.704***
strike events	0.366***	0.367***	0.376***	0.378***	0.386***	0.381***	0.377***	0.380***	0.373***	0.379***	0.382***
riot events	-0.0829*	-0.0848*	-0.0860*	-0.0887*	-0.0887*	-0.0884*	-0.0876*	-0.0905*	-0.0888*	-0.0870*	-0.0900*
anti-government demonstr.	0.139***	0.140***	0.139***	0.144***	0.142***	0.141***	0.140***	0.145***	0.143***	0.143***	0.145***
natural disaster events	-0.0275**	-0.0273*	-0.0275**	-0.0275**	-0.0274**	-0.0273**	-0.0282**	-0.0280**	-0.0277**	-0.0274**	-0.0274**
anocracy	-0.199	-0.224	-0.205	-0.227	-0.216	-0.228	-0.216	-0.231	-0.228	-0.227	-0.233
democracy	0.909***	0.904***	0.917***	0.910***	0.930***	0.902***	0.912***	0.906***	0.917***	0.912***	0.914***
ln GDP p.c.	0.154*	0.152*	0.154*	0.152*	0.150*	0.153*	0.155*	0.154*	0.147*	0.151*	0.150*
ln population	-0.0667	-0.0677	-0.0675	-0.0697	-0.0695	-0.0680	-0.0589	-0.0682	-0.0661	-0.0694	-0.0700
state of emergency dummy	0.906***	0.885***	0.921***	0.895***	0.892***	0.911***	0.923***	0.895***	0.879***	0.888***	0.888***
Observations/uncensored	2,620/612	2,620/612	2,620/612	2,620/612	2,618/610	2,618/610	2,618/610	2,620/612	2,620/612	2,620/612	2,620/612
Wald-test indep. equations	0.0019	0.1266	0.0000	0.4992	0.1940	0.0000	0.0000	0.0454	0.0073	0.1058	0.2585

Note: Heckman selection model with fixed effects in second stage. Standard errors adjusted for clustering. Only coefficients shown.
significant at .1 level ** at .05 level *** at .01 level.

Table 4. Estimation results for UNCHR targeting.

	model 1	model 2				
	UNCHR	UNCHR targeting strength				
	targeting	none	discussed	conf. meas.	adv. meas.	publ. res.
derogations in autocracies	0.000953***	-0.000653***	0.000100**	6.69e-05**	0.000143*	0.000343***
	[0.000275]	[0.000195]	[4.62e-05]	[3.05e-05]	[7.50e-05]	[9.23e-05]
derogations in anocracies	0.000172	-0.000183	2.81e-05	1.87e-05	4.00e-05	9.60e-05
	[0.000332]	[0.000406]	[6.25e-05]	[4.17e-05]	[8.77e-05]	[0.000217]
derogations in democracies	3.18e-05	-6.64e-05	1.02e-05	6.81e-06	1.45e-05	3.49e-05
	[0.000223]	[0.000256]	[3.94e-05]	[2.64e-05]	[5.50e-05]	[0.000136]
non-derogable rights index	-0.0351***	0.0374***	-0.00573***	-0.00383**	-0.00817**	-0.0196***
	[0.00983]	[0.0100]	[0.00165]	[0.00161]	[0.00383]	[0.00641]
derogable rights index	-0.0151*	0.0165*	-0.00254*	-0.00170*	-0.00362	-0.00869
	[0.00897]	[0.00939]	[0.00133]	[0.000942]	[0.00232]	[0.00565]
international armed conflict	0.0807*	-0.105**	0.0161**	0.0108*	0.0230	0.0552*
	[0.0461]	[0.0502]	[0.00777]	[0.00550]	[0.0145]	[0.0286]
domestic armed conflict	0.0240	-0.0271	0.00416	0.00278	0.00593	0.0142
	[0.0253]	[0.0267]	[0.00384]	[0.00254]	[0.00626]	[0.0148]
strike events	-0.0170	0.0156	-0.00240	-0.00160	-0.00342	-0.00821
	[0.0149]	[0.0147]	[0.00228]	[0.00163]	[0.00359]	[0.00773]
riot events	-0.00208	0.00197	-0.000302	-0.000202	-0.000430	-0.00103
	[0.00587]	[0.00608]	[0.000938]	[0.000620]	[0.00132]	[0.00323]
anti-government demonstr.	0.0187***	-0.0210***	0.00322***	0.00215**	0.00459**	0.0110***
	[0.00706]	[0.00672]	[0.00121]	[0.000933]	[0.00233]	[0.00397]
natural disaster events	0.00210**	-0.00200**	0.000307**	0.000205*	0.000438	0.00105**
	[0.000816]	[0.000867]	[0.000153]	[0.000115]	[0.000278]	[0.000440]
anocracy	-0.0452	0.0499	-0.00766	-0.00512	-0.0109	-0.0262
	[0.0450]	[0.0472]	[0.00696]	[0.00492]	[0.00986]	[0.0270]
democracy	-0.0428	0.0440	-0.00676	-0.00451	-0.00963	-0.0231
	[0.0652]	[0.0680]	[0.0105]	[0.00725]	[0.0142]	[0.0368]
ln GDP p.c.	0.00819	-0.0132	0.00202	0.00135	0.00288	0.00693
	[0.0169]	[0.0184]	[0.00259]	[0.00172]	[0.00416]	[0.0102]
ln population	-0.0375*	0.0384*	-0.00589*	-0.00394	-0.00840	-0.0202*
	[0.0214]	[0.0223]	[0.00331]	[0.00241]	[0.00688]	[0.0114]
Observations	1666	1666	1666	1666	1666	1666
Countries	123	123	123	123	123	123
Pseudo R-squared	0.23	0.18	0.18	0.18	0.18	0.18

Note: Year-specific fixed effects included. Estimator is logit in model 1 and ordered logit in model 2. Standard errors adjusted for clustering on countries in parentheses.

* significant at .1 level ** at .05 level *** at .01 level.

Table 5. Testing for heterogeneity within democracies.

	1	2	3	4	5	6	7	8	9	10	11
	Non-derogable					Derogable					
Derogations	rights index	Disapp.	Killings	Torture	Rel. freed.	rights index	Imprisonment	Assembly	Movement	Speech	Electoral
in democracies w/o truly	0.000494	0.000259	0.000329	-9.35e-05	0.000439	-0.000632	-0.000268	0.000175	-0.000237	0.000101	-0.000365
competitive multi-party elections	[0.000942]	[0.000309]	[0.000560]	[0.000421]	[0.000344]	[0.00140]	[0.000717]	[0.000424]	[0.000430]	[0.000334]	[0.000351]
in democracies with truly	-0.00104	8.88e-05	-0.000795*	-0.000330	4.32e-05	-0.00237*	-0.000879	-0.000395	-0.000263	-0.000246	-0.000564
competitive multi-party elections	[0.000653]	[0.000282]	[0.000473]	[0.000300]	[0.000300]	[0.00139]	[0.000796]	[0.000344]	[0.000374]	[0.000316]	[0.000527]
truly competitive multi-party elections	0.404***	-0.00380	0.248*	0.160*	0.0633	0.862***	0.179*	0.178**	0.141*	0.162	0.199**
	[0.139]	[0.0398]	[0.134]	[0.0910]	[0.0865]	[0.308]	[0.100]	[0.0715]	[0.0815]	[0.120]	[0.0908]
in democracies w/o highest level of	-0.000319	0.000302	-5.29e-05	-0.000568*	0.000297	-0.00260*	-0.00122*	0.000142	-0.000724	-5.95e-05	-0.000690**
executive constraints	[0.000845]	[0.000390]	[0.000666]	[0.000328]	[0.000393]	[0.00140]	[0.000722]	[0.000435]	[0.000510]	[0.000338]	[0.000318]
in democracies with highest level of	0.000658	8.47e-05	6.48e-05	0.000508	0.000346	0.00113	0.000964	-0.000250	0.000504*	1.31e-05	-5.03e-05
executive constraints	[0.00130]	[0.000246]	[0.000475]	[0.000622]	[0.000310]	[0.00219]	[0.00100]	[0.000708]	[0.000278]	[0.000341]	[0.000462]
highest level of executive constraints	0.141	0.0987	0.0588	-0.0166	-0.0882	0.139	0.241***	0.194**	-0.198***	-0.0774	-0.0387
	[0.191]	[0.0702]	[0.110]	[0.0678]	[0.0911]	[0.242]	[0.0780]	[0.0795]	[0.0696]	[0.0966]	[0.0884]

Note: Linear fixed effects estimator. Standard errors adjusted for clustering on countries in parentheses.

* significant at .1 level ** at .05 level *** at .01 level.

Table 6. Testing for heterogeneity within autocracies.

	1	2	3	4	5	6	7	8	9	10	11
	Non-derogable					Derogable					
Derogations	rights index	Disapp.	Killings	Torture	Rel. freed.	rights index	Imprisonment	Assembly	Movement	Speech	Electoral
in autocracies w/o	-0.00421***	-0.00297***	-0.000866	-0.000480	-0.000204	-0.00186***	-2.56e-05	0.000356	-0.000158	-0.000508**	-0.00152***
single-party system	[0.000903]	[0.000402]	[0.000622]	[0.000307]	[0.000327]	[0.000642]	[0.000352]	[0.000451]	[0.000110]	[0.000228]	[0.000196]
in autocracies with	-0.00283**	-0.00245***	-0.000558	0.000211	0.000169	-0.000586	0.000542	0.00101*	-0.000599	-0.000348	-0.00124***
single-party system	[0.00123]	[0.000704]	[0.000811]	[0.000392]	[0.000607]	[0.00132]	[0.000518]	[0.000539]	[0.000478]	[0.000362]	[0.000356]
single-party system	-0.181	0.0148	-0.0388	-0.201	-0.203	-0.502*	-0.142	-0.175	-0.0711	-0.0668	-0.0190
	[0.439]	[0.139]	[0.262]	[0.144]	[0.178]	[0.290]	[0.0960]	[0.126]	[0.120]	[0.117]	[0.0906]
in autocracies w/o	-0.000759	-9.05e-05	-0.000967	0.000155	-0.000310	-0.000312	-0.000340	3.89e-05	-0.00251*	0.000248	0.00214
military government	[0.00278]	[0.000932]	[0.000666]	[0.00180]	[0.00131]	[0.00242]	[0.000569]	[0.000765]	[0.00130]	[0.00116]	[0.00241]
in autocracies with	-0.00300***	-0.00176***	-0.000967	-0.000333	-0.000219	-0.00301**	3.94e-05	-0.000388	-0.000946**	-0.000709**	-0.000954**
military government	[0.00100]	[0.000510]	[0.000690]	[0.000416]	[0.000367]	[0.00125]	[0.000428]	[0.000756]	[0.000407]	[0.000307]	[0.000418]
military government	0.287	-0.153	0.348**	0.0923	-0.0738	0.590*	0.0653	0.151	0.0736	0.185**	0.0831
	[0.480]	[0.203]	[0.142]	[0.184]	[0.0650]	[0.330]	[0.138]	[0.134]	[0.178]	[0.0785]	[0.0801]

Note: Linear fixed effects estimator. Standard errors adjusted for clustering on countries in parentheses.

* significant at .1 level ** at .05 level *** at .01 level.

Online appendix table 1. Robustness tests: Different model specification and definitions of key variables.

		1	2	3	4	5	6	7	8	9	10	11
Derogations	Robustn. test	Non-derogable rights index	Disapp.	Killings	Torture	Rel. freed.	Derogable rights index	Imprisonment	Assembly	Movement	Speech	Electoral
in autocracies	Lagged	-0.00476***	-0.00280*	-0.00438	-0.538***	-0.00372	-0.00570*	-0.512***	-0.0147***	-0.00920***	-0.363***	-0.00129
in anocracies	dep variable	0.00494*	0.00678**	0.0101	-0.0906***	-0.00274	-0.00764**	-0.359***	-0.0271**	-0.00178	-0.352***	-0.394***
in democracies		0.000852	0.000731	-0.00208	0.000871	0.000861	-0.000891	-0.000351	-0.000866	-0.00211	0.00143	-0.00135
in autocracies	Derogation	-2.418***	-0.843	-2.600**	-14.96***	-0.510	-1.599*	-16.48***	-2.202	-3.630***	-11.71***	0.209
in anocracies	dummy	-0.177	-0.147	1.371	-14.98***	-2.442	-2.934**	-15.81***	-3.947***	-3.834**	-16.12***	-17.07***
in democracies		-0.0310	0.197	-0.428	-0.0857	0.182	-0.674*	-0.658	-0.639	-0.400	0.417	-0.705
in autocracies	Democracy def.:	-0.00861***	-0.00419***	-0.00801***	-0.497***	-0.00384	-0.0103***	-0.566***	-0.0179***	-0.00918**	-0.425***	-0.00483
in anocracies	(polity2>=6)	-0.000719	0.000560	0.00393	-0.0757***	-0.00328	-0.00573**	-0.0101***	-0.00521	-0.00475*	-0.366***	-0.00572*
in democracies		0.000415	0.000277	-0.00230	0.000178	4.89e-05	-0.00321*	-0.00201	-0.00210	-0.00221	0.000364	-0.00370
in autocracies	Democracy def.:	-0.00875***	-0.00422***	-0.00867***	-0.556***	-0.00441	-0.0101***	-0.560***	-0.0176***	-0.00901**	-0.366***	-0.00488
in anocracies	(polity2>=7)	-0.000176	0.00140	0.00371	-0.430***	-0.00170	-0.00620***	-0.00814**	-0.00499	-0.00485**	-0.00874	-0.00508**
in democracies		0.000304	-0.000548	-0.00385***	0.000664	-0.000546	-0.00238	-0.00142	-0.00155	-0.00141	0.00121*	-0.00378
in autocracies	Open-ended	-0.00868***	-0.00483	-0.601***	-0.592***	-0.0218*	-0.00196	-0.684***	-0.00972	-0.736***	-0.439***	0.0106*
in anocracies	derogations	-0.00329	-7.24e-05	-0.00107	-0.0759***	-0.00818**	-0.0111***	-0.391***	-0.0469	-0.00966	-0.373***	-0.422***
in democracies	set to missing	-0.000751	-0.000495	-0.000569	-0.000684	0.00163	-0.00267	-0.00188	-0.00197	-0.00175	0.000375	-0.00286
in autocracies	Derog. periods	-0.00928***	-0.00405**	-0.00817***	-0.479***	-0.00354	-0.0162***	-0.566***	-0.0163***	-0.00786**	-0.248***	-0.454***
in anocracies	with regime type	-0.000845	0.00135	0.00265	-0.0787***	-0.00834***	-0.00953**	-0.409***	-0.0482	-0.00990	-0.337***	-0.436***
in democracies	change set to missing	-0.000958	-0.00103	-0.00410**	-0.00103	0.000753	-0.00245	-0.00248	-0.00101	-0.00165	0.000857	-0.00202

Note: Fixed effects ordered logit estimator. Standard errors adjusted for clustering on countries. Only coefficients shown.

* significant at .1 level ** at .05 level *** at .01 level.

Online appendix table 1. Robustness tests: Testing alternative hypotheses to political regime type.

	1	2	3	4	5	6	7	8	9	10	11
	Non-derogable rights index	Disapp.	Killings	Torture	Rel. freed.	Derogable rights index	Imprisonment	Assembly	Movement	Speech	Electoral
Derogations											
in countries w/o court able to	-0.00296	-0.00113	-0.00144	-0.000401	-0.000599	-0.00156	0.00238	-0.00572**	-0.00779*	0.00194	0.000237
rule on executive acts	[0.00207]	[0.00304]	[0.00261]	[0.00230]	[0.00266]	[0.00266]	[0.00235]	[0.00275]	[0.00463]	[0.00263]	[0.00409]
in countries with court able to	-0.00211	0.00225	-0.00128	-0.0482	-0.000730	-0.00566***	-0.00850***	-0.00506**	-0.00374**	-0.00190	-0.00599***
rule on executive acts	[0.00200]	[0.00142]	[0.00406]	[0.0301]	[0.00208]	[0.00158]	[0.00271]	[0.00254]	[0.00184]	[0.00185]	[0.00199]
court able to rule on exec. acts	0.386	1.069*	0.597	0.714	-0.448	0.625	0.280	0.428	0.633	-0.106	-0.0862
	[0.449]	[0.556]	[0.525]	[0.923]	[0.692]	[0.508]	[0.716]	[0.560]	[0.701]	[0.735]	[0.649]
derogations	-0.00236	-0.00261	0.000505	-0.00634	0.000826	-0.00625**	-0.0139***	-0.00535	-0.000909	-0.00729*	-0.00300
	[0.00302]	[0.00242]	[0.00539]	[0.00714]	[0.00441]	[0.00290]	[0.00477]	[0.00412]	[0.00261]	[0.00387]	[0.00277]
rule of law	0.212*	0.176	0.0932	-0.399	0.165	-0.106	-0.205	-0.0416	0.281	-0.177	-0.0883
	[0.116]	[0.134]	[0.136]	[0.364]	[0.195]	[0.134]	[0.185]	[0.152]	[0.248]	[0.170]	[0.161]
derogations * rule of law	-0.000116	0.000277	-0.000782	0.000889	-0.000772	0.000578	0.00315***	0.000446	-0.000999	0.00191**	-0.000793
	[0.000804]	[0.000814]	[0.000990]	[0.00156]	[0.00106]	[0.000681]	[0.000993]	[0.000907]	[0.00101]	[0.000814]	[0.000836]
derogations	-0.00389	-0.00551***	0.00816	-0.00315	0.00406	-0.00712***	-0.00554*	-0.00522	-0.00698	0.00297	-0.00717*
	[0.00271]	[0.00209]	[0.00576]	[0.00442]	[0.00267]	[0.00212]	[0.00305]	[0.00363]	[0.00437]	[0.00194]	[0.00377]
civil society strength	-0.00196	0.00644**	0.00376	-0.00809*	0.00186	0.00124	-7.94e-05	0.00364	-0.0133	0.00490	-0.00247
	[0.00353]	[0.00296]	[0.00358]	[0.00431]	[0.00365]	[0.00223]	[0.00291]	[0.00678]	[0.0108]	[0.00324]	[0.00156]
derogations * civil society	8.77e-06	5.01e-05*	-0.000194*	1.47e-05	-7.89e-05	3.05e-06	-4.49e-06	-6.79e-06	2.88e-05	-8.65e-05**	2.65e-05
	[4.34e-05]	[2.97e-05]	[0.000116]	[4.49e-05]	[4.93e-05]	[3.05e-05]	[3.33e-05]	[5.51e-05]	[6.04e-05]	[3.82e-05]	[5.47e-05]

Note: Fixed effects ordered logit estimator. Standard errors adjusted for clustering on countries in parentheses.

* significant at .1 level ** at .05 level *** at .01 level.