

## ‘Protecting Human Rights: A Comparative Study’ by Todd Landman

Book review by Fernando De Maio \*

The application of statistical analysis to questions of human rights has been fraught with controversy. Research utilizing statistical analysis appears to many people to be far removed from the challenges of human rights work; the underlying assumptions that violations of rights can be counted, correlated – indeed, that levels of violations can be predicted using statistical modelling – is anathema to many in the human rights community. At the same time, statistical analysis – if developed thoughtfully and with a strong connection to the historical, political, and social contexts from which the data originates – can offer researchers in the field of human rights unique perspectives. Statistical analysis can be used to determine the extent and nature of human rights violations, and can be used to examine the development of the international human rights regime itself. Indeed, if properly applied, statistical analysis can be brought to bear on many important issues related to human rights.<sup>1</sup>

Todd Landman’s book *Protecting Human Rights: A Comparative Study*<sup>2</sup> is ‘founded on the ontological and epistemological assumption that the content of human rights can be “read” from the international law of human rights, and that *state practices with respect to human rights can be measured in some degree*’ [emphasis added].<sup>3</sup> Landman presents the results of an ambitious quantitative analysis of the international human rights regime and the extent to which participation in that regime makes a difference for human rights protection. More specifically, *Protecting Human Rights* is concerned with a number of critical questions: (a) what explains the rapid growth of the international human rights regime?; (b) what is the strength of the relationship between international human rights law and the protection of human rights?; and (c) how do other factors, including economic development, international trade relations, type of democracy, and the involvement in civil or international wars, influence the level of human rights violations?. In addressing these questions, Landman revisits the ‘significant and persistent gap

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<sup>1</sup> For further discussion of the application of statistical methods to questions of human rights, see: C. Apodaca ‘Measuring women’s economic and social rights achievement’ (1998) 20 *Human Rights Quarterly* 1, 139 – 172; E. Fraser ‘Measurement problems in the comparative study of human rights’ (1994) 35 *International Journal of Comparative Sociology*, (1-2), 1-18; M. Green ‘What we talk about when we talk about indicators: current approaches to human rights measurement’ (2001) 23 *Human Rights Quarterly* 4, 1062 – 1097; and T. Jabine & R. Claude (eds.) *Human Rights and Statistics: Getting the Record Straight* (Philadelphia: University of Pennsylvania Press, 1992).

<sup>2</sup> T. Landman, *Protecting Human Rights: A Comparative Study* (Washington, DC: Georgetown University Press, 2005)

<sup>3</sup> Landman, n. 2 above, at 6.

between principle and practice in human rights protection',<sup>4</sup> and extends his previous work on this subject.<sup>5</sup>

The model underlying the quantitative sections of the book is complex. It essentially examines the connection between international human rights law and the protection of human rights. Yet it also examines the influence of other relevant variables (e.g. democracy, wealth, region) and the importance of several feedback loops. For instance, to what extent does the previous ratification of human rights treaties influence the ratification of later treaties? To what extent does human rights protection have an effect on a country's likelihood of ratifying a treaty in subsequent years? The analysis is based on a pooled cross-sectional time-series dataset of  $N = 4,825$  (193 countries over 25 years, 1976-2000). A concise and well-written explanation of the dataset is offered in the book, including a useful summary table which details all of the variables in the study. Overall, the analysis is informative, well-presented, and thoughtfully builds upon earlier work in this field.<sup>6</sup> Readers of the book will find it a valuable application of quantitative methods to the study of human rights.

A critical step in any study such as this one is the process of *operationalisation* – the development of concrete, observable definitions of abstract and complex concepts.<sup>7</sup> In *Protecting Human Rights*, Landman has followed a particular operationalisation strategy for human rights protection: he focuses entirely on civil and political rights; social, economic, and cultural rights are not included in the analysis. Whilst Landman notes that 'arguably more progress has been made in the analysis of violations of civil and political rights, since their measurement has proved more tractable than that of economic, social, and cultural rights',<sup>8</sup> and that 'there remains a lack of clarity concerning the precise scope of state obligation and the core content of individual economic, social, and cultural rights, which in turn makes it difficult to identify events and practices that clearly amount to violations',<sup>9</sup> this is an important omission that may leave some readers dissatisfied. Future work in this area could possibly build on Landman's approach by incorporating measures such as those developed by the United Nations Development Programme<sup>10</sup> (e.g. the Human Development Index, the Gender-related Development Index, the Gender Empowerment Measure, or the Human Poverty Index), in order to provide a more comprehensive picture.

The measures used to operationalise civil and political rights are 'standards-based' and include the Political Terror Scale (PTS) and the Freedom House Index. Landman notes standards-based measures 'use the legal ideal established by the international law of human rights and then code country performances on limited ordinal scales that reward and punish countries for their

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<sup>4</sup> Landman, n. 2 above, at 5.

<sup>5</sup> T. Landman 'Measuring human rights: principle, practice, and policy' (2004) 26 *Human Rights Quarterly* 4, 906-931.

<sup>6</sup> Notably, L. Keith 'The United Nations International Covenant on Civil and Political Rights: does it make a difference in human rights behaviour?' (1999) 36 *Journal of Peace Research* 1, 95-118 and O. Hathaway 'Do treaties make a difference? Human rights treaties and the problem of compliance' (2002) 111 *Yale Law Journal* 8, 1935-2042.

<sup>7</sup> A. Bryman & J. Teevan, *Social Research Methods: Canadian Edition* (Don Mills: Oxford University Press, 2005), at 53-54.

<sup>8</sup> Landman, n. 2 above, at 37.

<sup>9</sup> *Ibid.*, at 49.

<sup>10</sup> United Nations Development Programme, *Human Development Report* (New York: Oxford University Press, 2005), at 219-328 and United Nations Development Programme, *Human Development Report* (New York: Oxford University Press, 2000), at 89-111.

human rights records’.<sup>11</sup> This is in contrast to ‘events-based’ and ‘survey-based’ measures; the former count specific occurrences of rights violations, whilst the latter use survey data on perceptions of human rights violations. The discussion of these different types of measures presented in the book is clear and will be of interest to many readers. However, Landman’s reliance on the PTS and the Freedom House Index (in particular) needs to be carefully taken into account. The PTS, as Landman notes in chapter three (Data and Methods), is focused on ‘personal integrity rights’ and codes states on the use of extrajudicial killings, torture, political imprisonment, and exile. It is a 1-to-5 ordinal scale based on data from the annual reports produced by Amnesty International and the US State Department and has been used in a wide range of published studies.<sup>12</sup>

The Freedom House Index is much more controversial; its source data is very vague (it cannot be tracked to Amnesty International and US State Department reports). Instead, Freedom House relies on ‘regional experts and scholars’ who rate countries on two 1-to-7 ordinal sub-scales (civil and political rights). Whilst the Freedom House survey documentation assures readers that ‘the ratings process emphasizes *intellectual rigour and balanced and unbiased judgments*’ [emphasis added],<sup>13</sup> there is no way to verify this claim.

To be fair, Landman acknowledges some of the problems associated with the Freedom House Index: ‘Freedom House has been less explicit about its coding frame, its source information from which it codes the scales, and its intercoder reliability’,<sup>14</sup> but more discussion on its biases is warranted. Whilst the Freedom House Index has been used in published research (a number of examples are provided by Landman), important questions remain about its political bias.

The operationalisation of the human rights regime, or human rights ‘in principle’, is carried out by Landman using an innovative coding scheme that takes into account reservations lodged by countries during the treaty ratification process. This produces a ‘weighted ratification variable’ and represents a significant development in this literature. Appendix A of the book provides a thoughtful discussion of the coding process that will undoubtedly be of use to researchers interested in building upon Landman’s analyses.

Chapters four (The International Human Rights Regime), five (Global Variation in Human Rights Protection) and six (Modelling Human Rights Protection) are the empirical core of the book. The results of univariate, bivariate, and multivariate analyses are presented clearly and with thoughtful discussion. Some interesting findings include the substantial growth of the international human rights regime in the past 25 years, and the increased likelihood that states that ratify one set of treaties will ratify subsequent treaties. Newer democracies are found most likely to ratify treaties without significant reservations. Levels of human rights violations are significantly affected by the level of democracy, wealth and embeddedness of international governmental organizations; but most importantly, participation in the international human rights regime (i.e. treaty ratification) is positively associated with greater protection of human rights. Finally, despite being more likely to ratify treaties without significant reservations, newer democracies tended to have higher levels of violations.

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<sup>11</sup> Landman, n. 2 above, at 44.

<sup>12</sup> See: S. Poe, S. Carey & T. Vazquez ‘How are these pictures different? A quantitative comparison of the US State Department and Amnesty International Human Rights Reports, 1976-1995’ (2001) 23 *Human Rights Quarterly* 3, 650-677.

<sup>13</sup> Available at: <http://www.freedomhouse.org/template.cfm?page=35&year=2005>. Last accessed 16 July 2006.

<sup>14</sup> Landman, n. 2 above, at 49.

Readers of the book need to be prepared to deal with fairly complex multivariate results. Given the traditional difficulties associated with the use of statistical analysis in the area of human rights, perhaps more can be done to clarify the presentation of the quantitative models (perhaps by including more graphs with predicted values, rather than only tables with regression coefficients, or by including an appendix with notes on how to read and interpret the regression tables). That said, the findings will be accessible to graduate students in political science and quantitative schools of sociology. Whilst the quantitative sections of the book may be complex, they represent the heart of the book and give credence to the notion that statistical analysis does indeed offer an important perspective into issues of human rights and human rights protection.

Overall, this is a timely book that makes an important contribution to the field and would make a useful addition to the reading lists of many higher-level undergraduate and graduate courses in the social sciences. It also raises issues for future statistical research and analysis on human rights; Landman notes that ‘further research could certainly attempt to replicate the analysis here and try to estimate the relationship between norms and rights for economic, social and cultural rights’.<sup>15</sup> In effect, whilst the absence from the analysis of social, economic, and cultural rights weakens the book, this absence is perhaps more appropriately seen as an area where quantitative researchers – learning lessons from the analysis presented in *Protecting Human Rights* – may yet contribute.

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<sup>15</sup> Landman, n. 2 above, at 52.