Punishment and Politicization
in the International Human Rights Regime

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Abstract

By virtually all accounts, the international human rights regime is deeply politicized; violations are condemned based on geopolitical interests rather than normative principles. What factors promote the politicization of global norms? This article offers an account of politicization rooted in enforcement dynamics. While enforcement or "shaming" can be costly, states also collect social benefits by defending international norms and stigmatizing offenders. As a result, geopolitical relationships shape patterns of human rights enforcement, and the influence of geopolitical interests becomes more pronounced as the *political costs* associated with a given human rights issue increase in severity. We evaluate the argument through quantitative analysis of the most elaborate human rights enforcement process in the international system: the United Nations Universal Periodic Review. We find that geopolitical adversaries are more likely to shame each other on politically costly issues that undermine the target regime's legitimacy or its ability to rule. Friendly states, by contrast, are more likely to address safer topics in order to avoid offending the target. Our findings point to an inherent trade-off between the politicization of international human rights, on the one hand, and their weak enforcement on the other. When international norms become stronger, and the consequences attached to violations grow more severe, the incentives driving politicization intensify.

1   Introduction

"The Human Rights Council has become an exercise in shameless hypocrisy," Secretary of State Mike Pompeo declared as he explained America's decision to withdraw from the foremost body of the global human rights regime in June 2018. "[M]any of the world's worst human rights abuses [go] ignored," he added, "and some of the world's most serious offenders [sit] on the council itself."[1] While the United States' exit from the Council provoked heated controversy, the attitude of discontent has not been limited to the Trump administration. In 2006, former UN Secretary General Kofi Annan hinted at a similar frustration, stressing that the Council's "founding resolution… explicitly recognized the importance of universality, objectivity, and non-selectivity, and of eliminating double standards and politicization."[2] Three years later, Annan went on to express his disappointment. "[S]ome wonder what is this Council doing?" he asked, "Do they not have a sense of fair play?"[3]

These statements capture a widely shared sentiment: the global human rights regime is deeply *politicized*. For many, politicization is a fundamental defect undermining the credibility and effectiveness of the regime and its associated institutions, rendering them a "theater of the absurd."[4] Others see politicization as symptomatic of the human rights regime's general *weakness*. As Jack Donnelly argues, "[t]he more effective the monitoring and enforcement procedures, the stronger the regime and the more likely it is to achieve its objectives," despite "the fact that regime procedures largely reflect underlying political perceptions of interest and interdependence."[5] Often overlooked in such commentary, however, is a more fundamental question: *why* is the international human rights

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[1] Trainer 2018.
[2] Annan 2006.
[3] Schlein 2009.
[4] Ayalon 2012.
[5] Donnelly 1986, 619.

regime so politicized? More generally, what factors promote the politicization of global norms?

In this article, we argue that politicization in the human rights regime arises endogenously from enforcement dynamics. While enforcement in the human rights arena can be costly, states also collect social benefits by defending international norms and shaming offenders. Two implications follow from this framework: (1) geopolitical relationships influence patterns of human rights enforcement, and (2) the effect of geopolitical ties becomes more pronounced as the perceived *political costs* associated with a given human rights issue increase in severity.

We evaluate the argument through an analysis of the most elaborate multilateral human rights enforcement process in the international system: the UN Universal Periodic Review (UPR). In the UPR, governments voluntarily subject their human rights record to the scrutiny of their peers, who offer feedback in the form of specific recommendations. We examine over 57,000 recommendations from the first two cycles of UPR (2006-2018), tracking the impact of geopolitical relations in this process. We find that states enforce different human rights issues depending on whether they are reviewing a geopolitical friend or rival. Adversaries gravitate towards specific topics that are especially sensitive for the target country, such as those that could potentially undermine the regime's legitimacy vis-à-vis dissidents or its ability to suppress political competitors. When friends render criticism, by contrast, they are more likely to address safer topics that do not undermine the legitimacy of the target state.

This article offers several contributions to the study of international norms and human rights. To our knowledge, ours is the first attempt to examine systematic variation in the politicization of the human rights regime using quantitative analysis. The analytical leverage afforded by our approach allows us to measure the influence of geopolitical interests across 54 human rights issues, identifying those that are particularly politicized in both "positive" and "negative" directions. Notably, we find that freedom of

expression, physical integrity rights, and migration issues are *negatively politicized*, commonly wielded as weapons by states against their geopolitical rivals. Meanwhile, women's rights and children's rights have become *positively politicized*, meaning they are commonly addressed between geopolitical friends. The findings lend empirical substance to the conjecture that human rights norms are enforced discriminatively in the international system, depending in part on how politically costly they are perceived to be for the target state.[6]

Second, we develop a novel theoretical account of the mechanisms promoting politicization in international regimes. Politicization, we argue, arises endogenously from political and social logics that motivate states to participate in human rights enforcement while simultaneously protecting geopolitical interests. The theoretical framework illuminates puzzling features of international human rights dynamics, such as the fact that states often seem to expend considerable effort to denounce human rights violations even when it produces negligible behavioral changes in target states, or even leads them to double down on violations.[7] Our framework may also apply to other international regimes, such as the climate regime or the anti-whaling regime.[8]

Finally, we offer somewhat counterintuitive implications for current debates surrounding the effectiveness of the international human rights regime. While critics of the regime lament both its politicization *and* its toothlessness, we demonstrate an inherent trade-off between politicization and selectivity, on the one hand, and weak penalties on the other—i.e., a "punishment—politicization" dilemma. When international norms become stronger, and the consequences attached to violations grow more severe, the incentives driving politicization intensify. Any attempt to render human rights compliance more punitive is likely to backfire by exacerbating politicization.

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[6] Variants of this idea are found in Bush 2015 and Carraro 2017.
[7] Terman 2017.
[8] For a suggestive analysis of the latter, see Epstein 2012.

The remainder of this article proceeds as follows. First, we clarify what we mean by "politicization" in the context of the international human rights regime and review existing insights on its origins and implications. We then present our enforcement model of politicization and derive empirical expectations. In the subsequent three sections we introduce the data used to test our argument, specify our empirical strategy, and present our findings. We also supplement our statistical analysis through qualitative examination of women's and migrant rights and their politicization in today's human rights regime. We conclude by discussing our contributions and suggestions for future research.

2   What Ails the Human Rights Regime? Politicization and Toothlessness

What do observers have in mind when they accuse the international human rights regime of being "politicized"? It is clear the term carries a negative connotation, implying an undesirable deviation from some ideal. As Richard Betts puts it, "everyone knows politicization is bad."[9] For example, the "politicization of science" in the United States is thought to indicate the decay of its "cultural authority" among key segments of the American populace.[10] The "politicization of religion" is similarly described as undermining faith in both religion and political institutions by "reduc[ing religion] to a mere force for partisan mobilization."[11] More generally "[t]o 'politicize' something—hurricanes, intelligence, science, football, gun violence—is to render it political in a way that distorts its *true* meaning," as one commentator put it. "That, at least, seems to be the reasoning of those who use the term as an insult[.]"[12]

What, then, is the implicit ideal undergirding accusations of politicization? Max Weber provides a helpful starting place in its discussion of "rational-legal authority,"

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[9] Betts 2009, 74.
[10] Gauchat 2012, 167.
[11] Campbell and Putnam 2012, 43.
[12] Szalai 2017. Emphasis ours.

which he characterizes as "formal impersonality: *sine ira et studio,* or 'without hatred or passion,' and so without 'love' and 'enthusiasm.'"[13] Extending this approach to the international domain, Barnett and Finnemore propose that international institutions find legitimacy in rational-legal authority by virtue of "their ability to present themselves as impersonal and neutral," that is, as *de*politicized.[14]

Politicization, by extension, describes a situation in which neutrality has been compromised in favor of political discretion. In Colin Hay's words, "issues are politicized when they become the subject of deliberation, decision making and human agency where previously they were not."[15] Politicization in the international human rights regime occurs when decisions to identify, condemn, or prosecute human rights violations do not reflect the impersonal and neutral application of principles embodied in its key institutions and agreements (e.g., the Universal Declaration of Human Rights) but rather the self-interests of individual actors—usually states.

Most experts agree that the human rights regime has failed to meet its promise of *de*politicization. As Valentina Carraro writes of the UN Human Rights Council, "politicization… is Geneva's worst kept secret."[16] For decades, critics have lamented the role of politics in the regime, perennially denouncing the selectivity, hypocrisy, and double standards associated with a politicized process. This observation should be unsurprising for many IR scholars. Realists, for example, have long argued that fair enforcement of human rights norms is infeasible within an anarchic environment. Major powers will promote some human rights norms some of the time—namely, when they find it in their interest to do so.[17] A number of recent empirical studies confirm this view, finding that

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[13] Weber 2019, 353.
[14] Barnett and Finnemore 2004, 21.
[15] Hay 2007, 81. See also Zürn, Binder, and Ecker-Ehrhardt 2012.
[16] Carraro 2017, 965.
[17] For example, Mearsheimer 1994.

international intervention to protect human rights or democracy is determined as much by geopolitical interests as by genuine violations.[18]

The preceding discussion raises two sets of questions. First, despite the common perception of politicization as a pathology of the human rights regime,[19] we lack a well-specified theory for *why* the regime has become so politicized, and *how* geopolitical interests determine the life course of a given norm. If, for example, politicization is an inevitable consequence of an anarchic international system, then it is not clear why some regimes, or some issues, become more politicized than others. What explains the variation in the degree to which certain norms—women's rights, environmental protection, genocide—are animated by political interests?

Second, many associate politicization with another commonly-cited ailment of human rights institutions: weak enforcement or *toothlessness*. Indeed, some analysts hardly draw a distinction between the two. "[K]ey human rights organizations," one scholar charges, "must be called to account for their *selectivity and ineffectiveness*."[20] Speaking of the Human Rights Council, U.S. Congresswoman Ileana Ros-Lehtinen bemoaned "a *weak voice* subject to gross *political manipulation*."[21] However, despite the tendency to conflate these dynamics, politicization and toothlessness reflect two distinct problems. The former relates to the *distribution* of penalties while the latter relates to the coercive *strength* or effectiveness of those penalties.

Toothlessness is a problem because enforcement is critical for the maintenance of normative orders, including the human rights regime.[22] While penalties can assume a

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[18] For example, see Boockmann and Dreher 2011; Donno 2010; Hafner-Burton and Ron 2013; Hill, Moore, and Mukherjee 2013; Lebovic and Voeten 2006; Ramos, Ron, and Thoms 2007; Ron, Ramos, and Rodgers 2005; Terman and Voeten 2018.

[19] Notable exceptions include Carraro 2019; Terman and Voeten 2018.

[20] Habibi 2007, 4. Emphasis added.

[21] Gedda 2007.

[22] Axelrod 1986; Bendor and Swistak 2001; Coleman 1994; Ellickson 1994; Moravcsik 2000. Other mechanisms have been proposed for international compliance—such as reciprocity, learning or emulation, , and

variety of forms, the most common method in the human rights arena is rhetorical pressure, i.e., "naming and shaming."[23] A large literature in International Relations proposes that shaming promotes compliance by harnessing the power of social inducements,[24] damaging the target's reputation,[25] or triggering domestic mobilization in the violating state.[26] Others remain skeptical, arguing that diffuse normative pressure is simply too weak and inconsistent to secure compliance with international agreements.[27] In this sense, politicization and weak enforcement go hand-in-hand.

Nevertheless, it remains unclear how the twin failings of politicization and toothlessness are logically connected. If, for example, international human rights enforcement is so weak that violations go practically unpunished, why would politicization of the enforcement process carry such grave consequences? Likewise, why would states take efforts to inject their political interests in the human rights arena if, as cynics charge, this arena is practically irrelevant to political outcomes? In short, how do politicization and enforcement relate to one another, and what does their relation imply for the ability of international institutions to protect human rights?

3   An Enforcement Model of Politicization

We argue that politicization arises endogenously from the interplay of political logics endemic to international human rights enforcement. Our starting premise that the decision to shame human rights violations abroad is problematic because the act of

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ideational commitments—but the evidence strongly suggests that enforcement is a critical element of compliance in the human rights arena. See Carraro 2019.

[23] Franklin 2008; Hafner-Burton 2008; Lebovic and Voeten 2006; Hendrix and Wong 2013.

[24] Cole 2012; Johnston 2001; Greenhill 2010; Krain 2012; Murdie and Davis 2012; Ropp, Sikkink, and Risse 1999.,

[25] Guzman 2007.

[26] Simmons 2009..

[27] Ibid., chap. 4.

punishment is *costly*.[28] Human rights encroach on sensitive issues surrounding state legitimacy and sovereignty, and criticism in this area could potentially upset a valuable geopolitical relationship. As a case in point, Saudi Arabia threatened to economically retaliate against the United States in 2018 following Washington's criticism over the death of journalist Jamal Khashoggi.[29] In a similar vein, many Muslim nations stayed silent on China's abuse of Uighurs and other Muslim ethnic minorities due to fears of "possible retribution."[30] These **"enforcement costs"** generate the temptation to free ride, that is, to ignore violations with the hope that someone else will address the problem.[31]

And yet, we still observe states engage in human rights shaming on a regular basis despite these potential costs. Why? In this section, we identify mechanisms that incentivize shaming in the face of enforcement costs. These mechanisms are rooted in certain "shaming benefits" that reflect different sorts of rewards that actors collect by defending international norms and punishing offenders. We begin by describing the standard logic of behavioral rewards, which holds that shamers benefit from deterring unwanted behavior and reinforcing compliance with a preferred norm. While an important starting point, we show that behavioral motivations offer an incomplete account of human rights enforcement. We next elaborate two additional benefits that complete the logic of shaming and, incidentally, the politicization of human rights norms in the international system. First, states that engage in shaming are rewarded by third-party audiences—such as domestic publics—for promoting human rights abroad. Second, shaming denigrates the target's legitimacy and status. We describe each logic in turn before laying out their implications for politicization.

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[28] We refer to "shaming" throughout because it represents the most common type of enforcement in the international human rights arena. However, our framework can apply to any bilateral enforcement or penalty, whether material, political, or ideational in nature.

[29] Salama and Stancati 2018.

[30] Perlez 2019.

[31] For more on enforcement costs, see Axelrod 1986; Horne 2009.

3.1   Shaming Benefits

Behavioral Rewards

The first kind of reward has to do with the behavior a given norm is designed to regulate. Simply put, some actors prefer that others conform to particular standards, are negatively impacted by deviations, and benefit from compliance. These actors shame in order to deter unwanted behavior and defend preferred norms.[32] Such motives can be understood as "behavioral" rewards because they are rooted in preferences for certain behaviors that can be manipulated through social pressure.[33]

In IR, most of the attention on human rights shaming has focused on behavioral motivations. Research on human rights, for example, centers the work of norm entrepreneurs and transnational advocates who, by definition, prefer that states adopt global human rights norms.[34] Of course, such motives are not limited to activists. Some heads of state shame other countries for human rights violations because they hold genuine normative beliefs (i.e., they are "true believers").

That said, a preference for compliance need not imply altruism. States might enforce norms if violations undermine their national interests. For example, governments may shame offenders of the chemical-weapon ban in order to avoid having to defend against such attacks in the future. In this sense, the norm prohibiting chemical weapons constitutes a public good that states wish to sustain for mutual benefit. Thus, behavioral rewards can be value-based (the shamer genuinely believes the norm is good or right),

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[32] Even when social sanctions fail to induce compliance in the target offender, they may still deter other members of the community from pursuing deviance, thus reaffirming community norms (Harvard Law Review 2003, 2191.)

[33] This view is strongly influenced by the rationalist—functionalist perspective on norms. In this view, certain behaviors harm the welfare of others. Those who are negatively affected have an interest in regulating harmful behavior, which creates a demand for norms. In other words, norms serve as equilibria (public goods) that sustain cooperative behavior and maximize collective utility. Some writers challenge this perspective by noting that many norms have no welfare-enhancing benefits (such as fashion trends), while others in fact harm group welfare (Horne 2009, 4–5.)

[34] Finnemore and Sikkink 1998; Keck and Sikkink 1998.

interest-based (the shamer directly benefits from compliance with the norm), or both.[35] The key point is that actors are driven to punish violators out of a preference for the norm itself and a desire that others conform.

While behavioral motives dominate the IR literature on norms, the logic is not wholly satisfying when applied to international human rights enforcement. To begin with, states rarely have a direct interest in other countries' human rights practices. That is because the main stakeholders of human rights are domestic citizens in the target state, not other countries.[36] While some governments may value respect for human dignity for principled reasons, rarely are they affected *directly* by foreign abuses. For this reason, protecting human rights abroad tends to be demoted in favor of other foreign policy goals more salient to national interests, like security or trade.[37]

Further, behavioral rewards are often stymied by the free-rider problem. Even if states prefer a robust international human rights regime, they may nonetheless avoid punishing foreign governments for human rights violations if they believe someone else will bear the costs of enforcement.[38] Thus it is not immediately clear why countries would go through the trouble of shaming abuses abroad, even if they care a great deal about human rights.[39]

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[35] As Finnemore and Sikkink correctly point out, the distinction between values-based and interest-based motives is somewhat misleading because "many norm entrepreneurs do not so much act against their interest as they act in accordance with a redefined understanding of their interest" (1998, 899.)

[36] Simmons 2009, 126.

[37] Other mechanisms ensuring international cooperation—such as reciprocity—are irrelevant to human rights, since the human rights regime involves no reciprocal compliance. Issue linkages tend to target only weak countries (Ibid., 123.)

[38] Olson 1965.

[39] The rationalist literature suggests a number of conditions under which states may circumvent the free-rider problem and engage in costly norm enforcement. The essence of the problem is that the costs of enforcement are limited to the shamer, while the benefits are diffused throughout the system. Therefore, one way to overcome this problem is to reduce the number of actors that can feasibly pick up the burden of enforcement, leaving only those interested and capable agents—i.e., great powers—little choice but to do the heavy-lifting. For example, Kaufmann and Pape argue that "costly moral action" in the international system is more likely to be "pursued unilaterally by a single powerful state" (1999, 664.) Likewise, Krasner posits that human rights enforcement depends on the "capabilities and commitment" of great powers to

Not surprisingly, scholars who focus on behavioral motives tend to be skeptical of the enforcement power of international human rights institutions. As Beth Simmons put it, "[i]f we are looking for empathic enforcement from other countries, we will be looking in vain for a long time."[40] And yet, we still observe states shaming one another for human rights violations. More puzzling, we observe shaming even when such tactics fail to effect the desired changes in behavior. The logic of behavioral rewards cannot easily account for such practices.

Metanorms

Behavioral change is not the only goal actors pursue when shaming norm violations. The remainder of this section describes two other types of benefits shamers can collect from enforcing norms. Unlike the first type—which is tied to behavioral outcomes—the motives we discuss here are not behavioral but social in nature. That is, actors shame not because they think shaming will deter violations, but because they expect to accrue social rewards for publicly enforcing norms.

The first of these social rewards pertains to "metanorms," or social pressure to enforce norms by punishing violators. Here, actors condemn abuses in order to signal their commitment to human rights norms and to appease third-party audiences; metanorms, in effect, are norms that demand the enforcement of norms. A large body of research in economics and sociology suggests that metanorms serve a critical role in the reinforcement and continuity of normative orders.[41] Individuals bear the costs of punishment in order to signal that they themselves prescribe to a given norm and are thus good,

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punish violators. He goes on to recognize, however, that great powers often lack the will to commit substantial resources to enforce human rights abroad, resulting in a weak regime (Krasner 1993.). While acknowledging these important insights, the fact remains that human rights enforcement appears to be much more prevalent—i.e., the free-rider problem is resolved much more frequently— than the rationalist logic would suggest.

[40] Simmons 2009, 116.

[41] Horne 2009.

reputable, trustworthy, etc.[42] Like actors on a stage, the shamer is ostensibly speaking to the target, but in reality the performance is directed to an audience who witnesses the display and confers social rewards onto the shamer.

For many IR scholars, human rights define a "new standard of civilization" that modern states must respect if they are to retain domestic and international legitimacy.[43] Governments desire to be seen as promoting human rights and participating in international human rights institutions, even if they harbor no interest in human rights per se. For example, states often ratify human rights treaties as "window-dressing," a low-cost method of conveying legitimacy, without the intention to actually implement the provisions.[44] Another way states can signal their commitment to human rights is by shaming others for their human rights performance.[45] Criticizing foreign abuses satisfies domestic and international audiences who genuinely believe in the promotion of human rights and wish to see states take action toward that end.

Stigma Imposition

A final set of rewards originates in international contests over legitimacy and status. At its core, shaming works via "the deprivation of reputation."[46] In other words, it operates not merely a behavioral nudge, but as one scholar put it, a "degradation penalty" meant to "lower the offender's social status within [a] community."[47] As Ann Towns explains, norms do more than homogenize actors to a shared standard; they also stratify actors in a social hierarchy, ranking them as superior or inferior.[48] In other words, shaming stigmatizes the target, imposing a label that distinguishes, devalues, and degrades

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[42] Jordan et al. 2016.
[43] Donnelly 1998.
[44] Hafner-Burton and Tsutsui 2005.
[45] Horne 2009.
[46] Rodogno 2009, 448.
[47] Kahan 1996, 636–7.
[48] Towns 2012.

the violator in the eye of others.[49] This negative evaluation results in loss of status and, by extension, social resources and privileges.

For norm entrepreneurs and other "behaviorally-motivated" actors, stigmatizing human rights violators operates primarily as a means to an end, in service to the ultimate goal of behavioral change. But stigma imposition can also constitute a goal in itself. Because sanctioning inflicts social costs, it can be weaponized to denigrate rivals in international contests over legitimacy and status.[50] As Lebovic and Voeten put it, "[g]overnments may talk the talk when it comes to human rights, but their intent is to inflict political damage on foreign adversaries, not to induce them to treat their citizens according to some universally accepted standard."[51] Put differently, leaders may denounce human rights violations not because they genuinely care about human rights, but because they occupy a position of antagonism towards the target and benefit from the relative change in bargaining power resulting from stigma imposition.[52]

History is replete with examples of weaponized shaming. During the Cold War, for instance, propagandists in the United States made a concerted effort to stigmatize communist governments for violating human rights in order to cast the "free world" as morally superior.[53] The Soviet Union deployed a similar strategy, broadcasting news of U.S. civil rights conflicts to audiences in Asia, Africa, and South America in an effort to expose American hypocrisy and turn global public opinion.[54] In both cases, status-driven shaming diverges from behavioral or moral logics, even as shamers take advantage of existing moral structures to manipulate the balance of status.

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[49] Adler-Nissen 2014; Goffman 2009; Link and Phelan 2001.
[50] Duque 2018.
[51] Lebovic and Voeten 2006, 872.
[52] For a succinct description of this argument, see Moravcsik 2000, 221–2; Lebovic and Voeten 2006, 871–2. The literatures on hegemonic stability and legitimation show that international struggles for power and domination are constituted, in part, by struggles for relative legitimacy. For more on the power politics of legitimation, see Goddard 2018; Hurd 1999; Hurd 2005; Hurd 2007; Reus-Smit 2007; Schimmelfennig 2001.
[53] Belmonte 2013, 141–2.
[54] Onion 2013.

It is worth emphasizing that weaponized shaming is distinct from metanorms. The former reflects the desire to damage the reputation of the target, while the latter reflects the desire to be seen as promoting human rights in general, regardless of how shaming affects the violator. That said, the two logics frequently operate in a mutually complementary fashion; metanorms give states the incentive to engage in *some* form of enforcement, while stigma imposition designates the target and severity. Shaming would be vastly underproduced in the human rights regime if not for these social motivations.

3.2 Implications

Once we consider these two socially-grounded motivations, it is no longer puzzling why actors would sometimes choose to enforce human rights despite the costs. Unlike behavioral rewards—which arise from the consequences of punishment and benefit the entire group—social rewards follow from the act of punishment itself and benefit only those who perform such acts. As Mancur Olson wrote, "[i]t is in the nature of social incentives that they can distinguish among individuals: the recalcitrant individual can be ostracized, and the cooperative individual can be invited into the center of the charmed circle."[55] Free riding is less tempting when shamers benefit *directly* from sanctioning acts.

Two other implications follow. The first is that human rights enforcement involves different strategic considerations based on the political relationship between shamer and target. While behavioral interests plausibly remain constant across potential violators, enforcement costs and social benefits vary considerably depending on whether the violator is a geopolitical partner or rival. Generally speaking, shamers pay enforcement costs to the extent that they value their relationship with the violator. As a result, they hesitate to condemn friends, allies, and others with whom they share a strategic partnership.[56]

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[55] Olson 1965, 61.
[56] Terman and Voeten 2018.

Shaming an adversary, on the other hand, involves negligible enforcement costs. Because there is no valued relationship to protect, provoking more hostility is relatively harmless.

Table 1: Human Rights Enforcement Costs and Benefits

(Dis)Incentive	Enforcement Costs	Behavioral Preferences	Metanorms	Stigma Imposition
Incentive vis-à-vis Shamer	Cost.	Benefit.	Benefit.	Benefit.
Summary	Shaming violations risks blowback from target.	Shaming deters violations and promotes compliance with preferred norm.	Shaming signals commitment to human rights to domestic publics and other audiences.	Shaming degrades target's status and legitimacy.
Dynamic – Sanctioning Friends	Increases.	No change.	No change.	Decreases.
Dynamic – Sanctioning Adversaries	Decreases.	No change.	No change.	Increases.

Meanwhile, shaming one's adversary is often politically rewarding regardless of whether the shamer holds genuine normative commitments to human rights. In addition to metanorm rewards, states advance their own relative prestige in the international pecking order by stigmatizing a rival. In contrast, the benefits of sanctioning diminish when the target is a strategic partner; countries have few incentives to denigrate the status and legitimacy of their friends and allies. Not only does such a move serve no strategic purpose, but it may also undermine a valued partnership.

Second, geopolitical considerations should become more influential as the *political costs* associated with a particular norm increase. While human rights are commonly presented as 'indivisible, interrelated and interdependent,' the reality is that some rights are more sensitive than others because they inherently threaten a regime's ability to rule or

otherwise present greater risks for accused violators. Writing about international democracy promotion, Sarah Bush defines "regime-compatible" advocacy programs as those that "target-country leaders view as unlikely to threaten their immanent survival by causing regime collapse or overthrow."[57] Regime-incompatible programs, by contrast, are those likely to endanger the political livelihoods of incumbents by facilitating political and societal opposition. Bush's conceptualization allows her to distinguish between various democracy-promotion programs and their likely reception by target governments.[58]

A similar logic holds for human rights. Rights such as free speech or physical integrity could undermine the stability of the ruling regime by fostering political competition or invigorating independent societal groups. Further, abuses of said rights are often directly attributable to states and their agents, inviting embarrassment and undermining the regime's domestic and international legitimacy. Other rights, such as the right to health or development, are less threatening to the target regime because violations tend to reside in the private sphere, deflecting blame from government actors. Such rights may even reinforce the regime's power by legitimating its expansion as the paternalistic provider of citizen's protection and welfare.

As the political costs associated with a given human rights issue increase, target states tend to react more defensively to demands for compliance or accusations of abuse. This, in turn, increases the enforcement costs associated with sanctioning violators because target states are more likely to retaliate, undermining the geopolitical relationship between shamer and target. As a result of higher enforcement costs, geopolitical relations exert a more powerful influence on enforcement decisions. States may be compelled to shame geopolitical friends and allies due to metanorm pressures, but will shy away from sensitive issues and instead gravitate toward 'safe' issues in an effort to maintain their

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[57] Bush 2015, 60.
[58] Ibid., 68–72.

valued relationship.[59] By the same token, countries are *more* likely to sanction adversaries on those very same issues, precisely because politically-damaging allegations impose greater stigma. In effect, adversaries tell themselves, 'the more it hurts *them*, the more it helps *me*.'

These two implications combine to form our key argument: different norms are expected to display different levels of politicization. Specifically, the effect of geopolitical relations on a given norm is conditional on the perceived political costs of that norm for the target government. All else equal, geopolitical hostility is associated with shaming on politically sensitive human rights issues, while geopolitical affinity is associated with shaming on politically safe issues.

4   Data from the Universal Periodic Review

We test the argument using newly available data from the Universal Periodic Review (UPR), a process conducted by the United Nations Human Rights Council wherein states "peer review" one another's human rights records.[60] Reviews take place through an interactive dialogue between the state under review and other UN members (and permanent observers Palestine and the Holy See). First, the state under review presents a self-assessment of its human rights practices. Other states then have the opportunity to provide feedback in the form of specific recommendations. Each delegation may provide zero, one, or more recommendations per review. States under review must then publicly decide whether to accept or reject each recommendation they receive. Once complete, an outcome report of the review is compiled, and states have 4.5 years to implement the recommendations they accepted before undergoing another review in the next cycle.

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[59] Tellingly, states rein in non-governmental organizations (NGOs) from pursuing norm enforcement along sensitive issues when they believe that such activities may hurt their geopolitical friends. For example, see Jordan 1996; Bogdanich and Nordberg 2006.

[60] The UPR occurs in cycles, reviewing each UN member state once per cycle. The first cycle ran from 2008 to 2011, while the second occurred from 2012 to 2016. The UPR working group meets 3 times per year, reviewing 12-14 randomly selected states per session.

From an empirical perspective, the UPR presents an ideal laboratory to examine politicization in the international human rights regime. While delegations are mandated to be objective in their reviews, the reality is that states have broad leeway in what they choose to address. As a result, recommendations vary widely in both content and tone—spanning the spectrum of potential human rights concerns—even when directed to the same country. For example, when Cuba had a review in 2013, the United States lambasted Cuba's repression of political dissidents and journalists, while North Korea urged Cuba to "[c]ontinue to support the UPR as a mechanism for respectful dialogue and exchange."[61] We leverage this natural variation in review content to measure politicization in different norms.

Table 2: Examples of UPR Recommendations

From (*Reviewer*)	To (*Target*)	Session	Text	Issue(s)	Response
Argentina	Antigua & Barbuda	12	Continue with the efforts to prevent, punish and eradicate all forms of violence against women.	Women's rights	supported
Australia	Antigua & Barbuda	12	Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, and take all necessary steps to remove the death penalty from Antigua and Barbuda law.	Death penalty, International instruments	noted
Australia	Antigua & Barbuda	12	Improve conditions in Antigua and Barbuda's prisons and detention facilities	Detention	noted

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[61] Cuba, for its part, has used the UPR to accuse the U.S. of genocide, war crimes, and re-pression of African American and indigenous peoples. See United Nations Human Rights Council 2011.

The dataset we analyze was compiled by UPR Info, a non-profit organization monitoring the process (UPR Info 2015.) It includes all recommendations made during the first two cycles (26 sessions) of the UPR working group (n = 57,867). During this time, 193 countries was reviewed twice, once per cycle. For each recommendation, data was collected on the state offering the recommendation (the *Reviewer*), the state receiving the recommendation (the *Target*), and the SuR's response to the recommendation (the *Response*). UPR Info researchers also hand-labeled each recommendation according to specific issue(s) addressed in the recommendation (*Issue*), from a set of 54 non-mutually-exclusive categories (e.g. "Women's Rights," "Detention," "International Instruments").[62] Table 2 provides sample observations.

5 Identifying Politicized Issues

5.1 Method

We argue that the effect of geopolitical relations on peer review varies across the *type* of human rights issue involved; different issues will display different levels of politicization. To test this claim, we transformed the UPR data into a directed dyadic structure. The sample consists of all dyads between states undergoing a review in a given year and members of the United Nations (potential reviewer states), totaling 74,112 observations. Note that states are not forced to participate in every review; a potential reviewer offered at least one recommendation in 27 percent of cases. Among those who did participate, states offered an average of 2.8 recommendations per review.

We estimate 54 models, one for each of the 54 issue categories described above.[63] For each model, the dependent variable *Number of Recommendations* records the count of

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[62] See Appendix for full list.

[63] An alternative structure would be to estimate one model with 54 interaction terms, interacting geopolitical affinity with a measure of emphasis on each issue. We chose the former strategy because it lends itself to easier interpretation. We are not particularly interested in whether the difference in the effect of *Geopolitical Affinity* across any pair of issues is statistically significant.

recommendations addressing a particular issue offered by a given reviewer. The main explanatory variable is the degree of geopolitical affinity or hostility between the state under review and a (potential) reviewer. We measure *Geopolitical Affinity* by taking the absolute distance between country ideal-points estimated using votes in the United Nations General Assembly, and multiplying this distance by minus one.[64] Higher numbers indicate greater levels of affinity between the *Reviewer* and *Target*, while lower numbers indicate more hostility.

We also consider a number of potentially confounding variables that could affect the likelihood of criticism. One straightforward possibility holds that the number of recommendations about any given issue is proportionate to the total number of recommendations offered by a given *Reviewer*. For example, France may issue a lot of recommendations to the United States about the "Death Penalty" because France offered a lot of recommendations to the United States in general. To account for this possibility, we control for *Total Recommendations,* which records the total number of recommendations issued by a given state during a review.

Another alternative explanation involves the tendency for norm-abiding states to shame norm-violating states in harsher terms. Given that some of the hypothesized explanatory variables are plausibly correlated with human rights records, we include a measure of *Physical Integrity Rights Protections*, taking the difference between reviewer and target level in order to capture relational dynamics.[65] The models lag time-variant relational variables by one year to mitigate simultaneity issues and lessen any incorrect direction of inference.

We also include an indicator for whether the reviewing country was undergoing a review during the same session as the target (*Reviewer UPR*). Reviewing states who

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[64] Bailey, Strezhnev, and Voeten 2017. Data are available through 2015.
[65] Fariss 2014. Data available up to 2013.

themselves undergo a UPR in the same year may wish to be seen as participating, but they might shy away from politically sensitive commentary due to expectations of reciprocity. In addition, many observers note that co-regionals face more pressure to deal tactfully with one another. Shared region is strongly correlated with UN voting patterns and may thus confound relationships between our variables of interest. Therefore, the models control for whether the target and reviewer countries come from the same region (*Region*), using classifications from the Correlates of War project.

Finally, there are likely unobserved characteristics of reviewer and target states that affect their propensity to receive and send recommendations. The reported models include fixed reviewer and target country effects, which control for un-modeled and stable state characteristics. They also include fixed effects for the year in which the UPR review took place in order to control for possible learning effects or unobserved contextual factors that shape the review process at particular times. Notably, more recommendations were made in the second round of the review process than in the first. While the results are substantively identical with negative binomial models, we report results from OLS models in order to aid interpretation.

5.2   Findings

Figure 1 reports the marginal effect of *Geopolitical Affinity* on the number of recommendations offered by a given reviewer in each issue category, controlling for other factors. Overall, we find that states moderate their criticism of human rights conditions depending on their geopolitical relationship with the target. When evaluating a strategic partner, delegations tend to avoid highly sensitive human rights issues—i.e., those that threaten the target's ruling regime—in favor of what Bush terms "regime-compatible" topics. Indeed, Bush's descriptive typology of regime-compatible and incompatible democracy-assistance programs overlaps a great deal with empirical findings presented in Figure 1.

Figure 1: Effect of Geopolitical Affinity on Recommendation Counts, by Issue
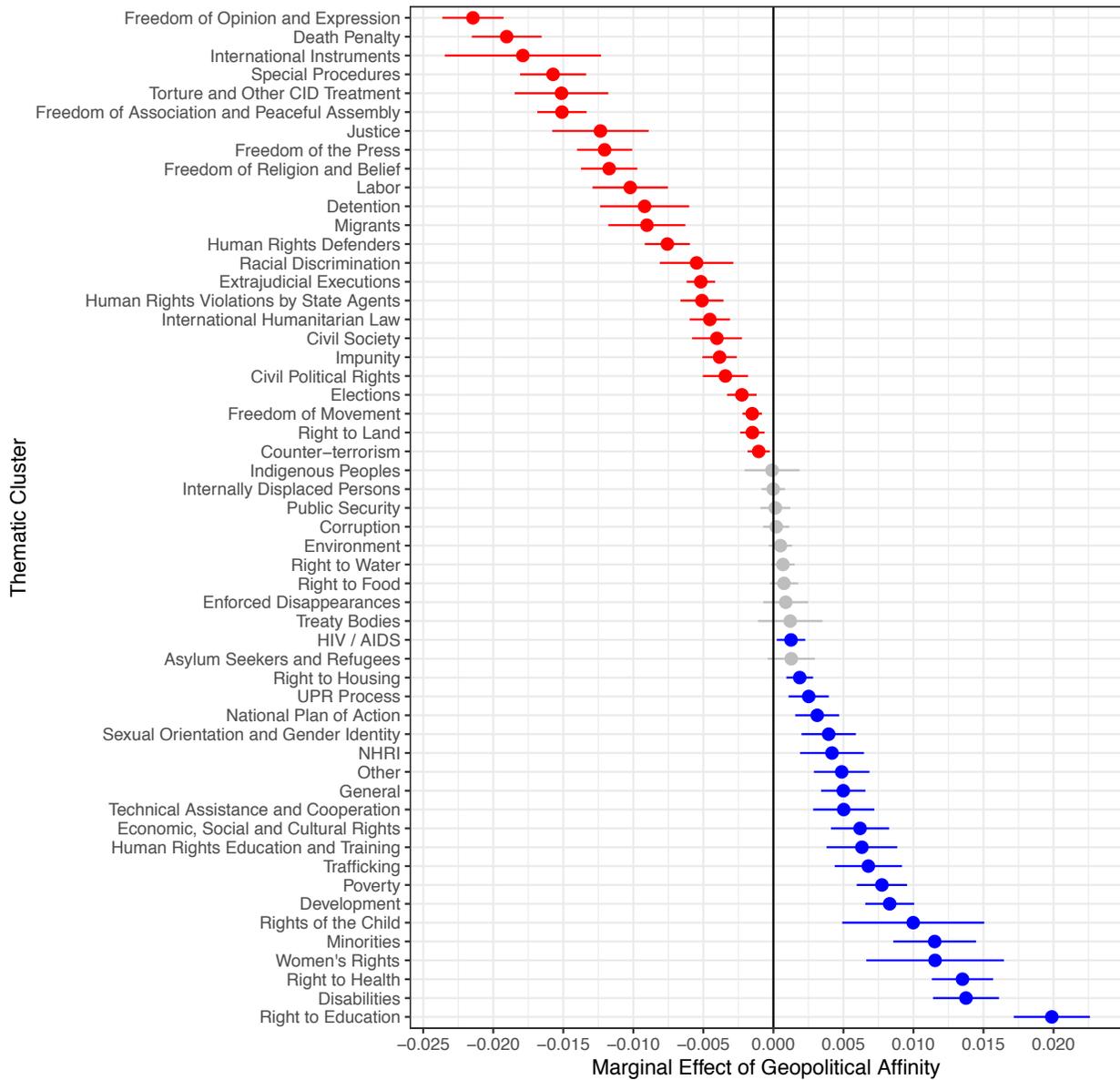
For example, higher levels of *Geopolitical Affinity* are associated with safer topics, such as Disabilities, Right to Health, Women's Rights, and Right to Education. These substantive domains typically involve "positive rights" that require government collaboration and participation. Not only do such rights fail to undermine regime survival, they may even reinforce regime power by legitimating state expansion and capacity. Further, violations of such rights are typically relegated to the private sphere, absolving state

actors as the perpetrators of human rights abuse while envisioning their role as protectors and providers. We characterize these issues as *positively politicized* because they tend to proliferate among states with close geopolitical relationships. By gravitating towards politically safer issues, delegations can claim they are promoting human rights by participating in the UPR—thus satisfying metanorm pressures—while at the same time protecting their geopolitical relationships from damaging confrontation.

In contrast, lower levels of *Geopolitical Affinity* (i.e., greater hostility) are associated with more politically sensitive issues, such as those concerning Freedom of Opinion and Expression, Torture, Impunity, and Human Rights Violations by State Agents. We describe these issues as *negatively politicized* because they correlate with geopolitical distance between *Reviewer* and *Target*. These issues tend to be more threatening to target countries because they attribute abuse to state actors (e.g., Torture and Impunity), promote open political competition and dissent (Freedom of Opinion and Expression), and/or impose demanding constrains on domestic rule (International Instruments and Migration—including citizenship and refugee issues).

Put differently, increasing *Geopolitical Affinity* by one standard deviation is associated with about 0.02 *more* recommendations about the Right to Education, but 0.02 *fewer* recommendations on Freedom of Opinion and Expression. While the magnitude of these effects appear small, note they indicate changes relative to a very modest baseline. For example, the average number of recommendations addressing Freedom of Opinion and Expression across all *potential* reviewers is only about 0.023 per review. A change of 0.02 is therefore substantial; it essentially nullifies (in one direction) or doubles (in the other direction) the average amount of criticism in this area.

Figure 2: Effect of Geopolitical Affinity on Recommendation Counts, by Issue (Participating Dyads Only)
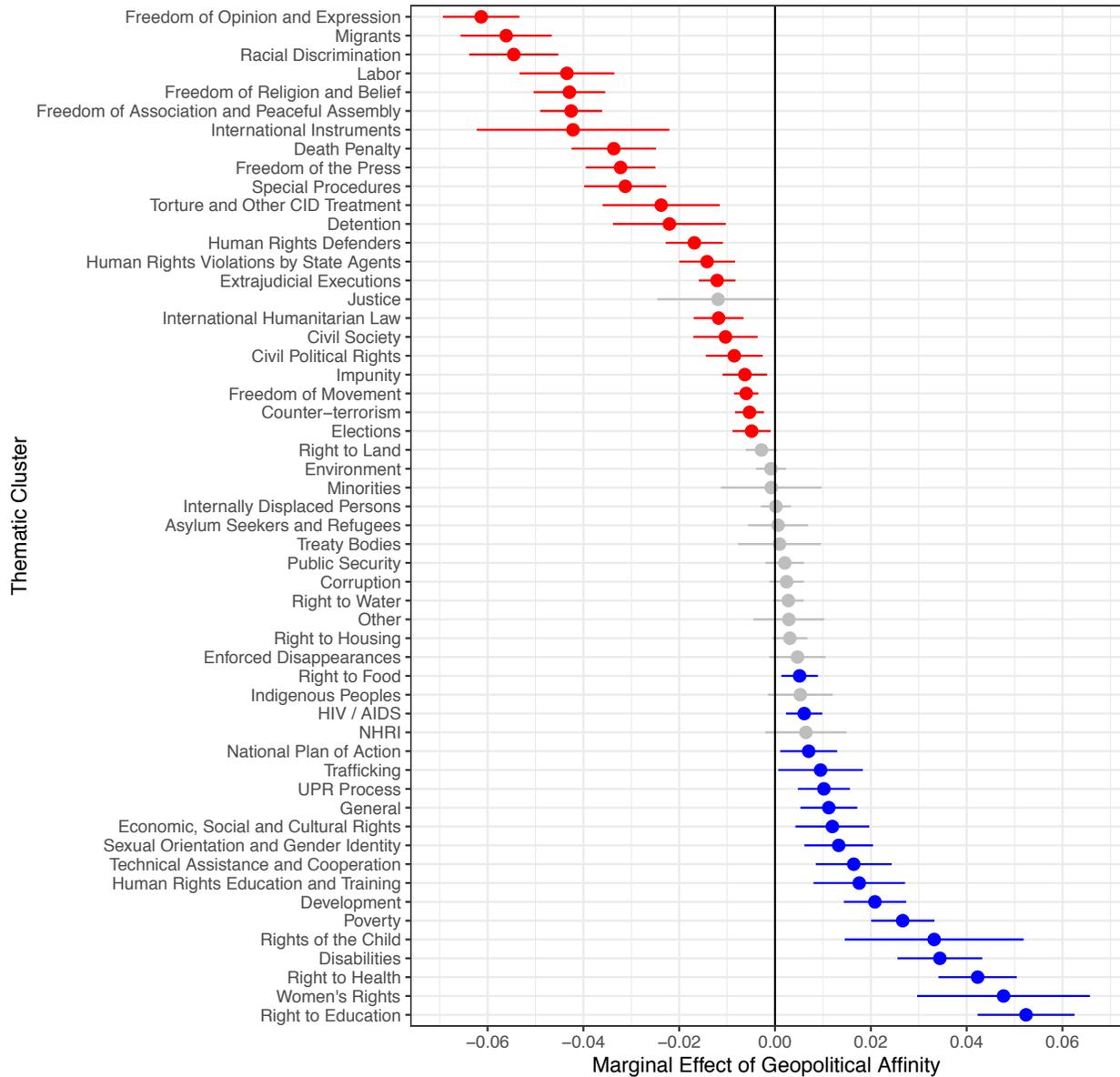
Figure 2 replicates Figure 1 with the sub-sample of states that actually participated in a given review (true in 27 percent of cases). While the key substantive findings remain similar, we find that the effect of *Geopolitical Affinity* is more pronounced on a number of issues. Conditional on participating in a review, a one-point (one standard deviation) increase in *Geopolitical Affinity* increases the number of recommendations about Right to Education by 0.05 (from a baseline average of 0.14 recommendations per reviewer), while

reducing the recommendations about Freedom of Opinion and Expression by 0.06 (from a baseline average of 0.08 recommendations per reviewer.)

6   Identifying Sensitive Issues

In our theory, geopolitical relations factor into interstate human rights enforcement insofar as some human rights issues are more politically costly or "sensitive" than others. In the previous section, we observed that states were more likely to evaluate their friends on certain dimensions (e.g., Right to Education, Disabilities, Rights to Health, and Women's Rights), while confronting their adversaries on others (e.g., Freedom of Opinion, the Death Penalty, and Migrants). But how do we know these discrepancies are driven by variation in associated political costs? In other words, is Migration really more politically sensitive than Women's Rights? In the discussion above, we applied our substantive knowledge of these domains to interpret their likely interpretation by target governments. In this section, we confirm these intuitions through an additional quantitative analysis of UPR interactions, namely *Target State Response.*

Unlike the previous analysis, which examined *Reviewer* behavior, the following analysis explores behavior of the *Target*. The goal is to ascertain which human rights issues are more or less tolerable for states, thereby approximating a measure of political sensitivity. To do so, we exploit the fact that target governments must publicly declare whether or not they support each recommendation they receive during a given review.[66] We propose that target support offers a helpful, if imperfect, proxy for political costs. In institutional terms, supporting a recommendation forces the state under review to follow up on that item during its next review. In theoretical terms, supporting a recommendation involves a kind of public commitment that may entrap governments in their own rhetoric, leaving them vulnerable to normative pressure from transnational and domestic

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[66] HRC Resolution 5/1 (para 32) instructs rapporteurs: "Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations [...] will be noted."

advocacy groups.[67] As with treaty ratification or other public commitment devices, supporting a UPR recommendation signals that the target considers the contents to be legitimate and commits to implementing the demands therein. As a result, states are less likely to support a recommendation if it threatens their political control or imposes other prohibitive costs.[68]

In the following analysis, the unit of observation is an individual recommendation (*n* = 57,867). The dependent variable is a dichotomous *Response* variable indicating whether or not the *Target* supported the recommendation. We expect that countries are more or less likely to support recommendations based on the issue entailed. Therefore, we include all 54 *Issue* categories as dummy variables in the model.

We also control for the recommendation's *Severity*, which measures the level of leniency or severity entailed in a recommendation based on the kinds of actions demanded of the state under review. UPR recommendations vary widely in tone, ranging from disparaging to congratulatory. Not surprisingly, states are more likely to support those recommendations that involve vague or congratulatory language over those involving specific demands.[69] UPR Info researchers coded each recommendation according to a 5-point categorical variable based on the first verb and the overall action contained in the recommendation. Following Terman and Voeten, we constructed a 3-point ordinal measure of recommendation *Severity* based on these action codes.[70] Higher values on the *Severity* scale denote more severe or demanding recommendations.

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[67] Ropp, Sikkink, and Risse 1999; Simmons 2009.

[68] For example, Cuba rejected a number of politically sensitive recommendations during its 2009 review "based on one or more of the following arguments: (a) no people can accept that its right to self-determination and its sovereign right to choose its political, economic, juridical, cultural and social system be questioned; (b) no country can accept any recommendation that contributes to the implementation of a policy designed by a foreign super- Power with the objective of destroying the legitimate constitutional order freely chosen by its people; (c) no recommendation can be based on false or distorted allegations or be fabricated as a result of ignorance or lack of information concerning the reality in the country."

[69] Terman and Voeten 2018.

[70] See appendix.

We also include a number of controls pertaining to the relationship between *Reviewer* and *Target.* For example, Terman and Voeten find that recommendations issued by a strategic ally are more likely to enjoy the target's support, even when controlling for the recommendation's substantive content.[71] Because relational ties affect both the content and reaction to reviews, we control for *Geopolitical Affinity,* difference in *Physical Integrity Rights Protections,* and shared *Region* between reviewer and target. We report results from OLS models, again including fixed effects for *Reviewer*, *Target*, and *Year*. Although all results are robust to a logit estimation, we report estimate from an OLS model in order to facilitate more straightforward substantive interpretations.

Figure 3 plots the marginal effects of each *Issue* category in order to show how a recommendation's theme affects the likelihood of target support. Of all recommendations, 73 percent were eventually supported, but we observe wide variation by the type of issue addressed. Namely, recommendations relating to the Death Penalty are more than 36 percentage points less likely to be accepted than the default. Those addressing Sexual Orientation and Gender Identity also appear to be highly intolerable to target states. In contrast, recommendations involving Disabilities and Human Rights Education and Training are more amenable, all else equal. Indeed, of the 2,177 total recommendations about Disabilities in the first two cycles of the UPR, 1930 (89 percent) were eventually supported by the state under review. In contrast, only 22 percent of recommendations concerning the Death Penalty were supported (565 out of 2541).

Notably, many of the topics that are *most* likely to be scrutinized by geopolitical adversaries in Figure 1 are the ones *least* amenable to target states in Figure 3. Recommendations involving civil-political rights (Freedom of Opinion and Expression; Freedom of Association and Peaceful Assembly; Freedom of Religion and Belief), physical integrity rights (Death Penalty and Justice), and accountability to international oversight

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[71] Terman and Voeten 2018.

(International Instruments and Special Procedures) are both negatively politicized *and* intolerable to target countries. The same is true for issues pertaining to international migrant workers (Labor, Migrants, and Freedom of Movement).

Figure 3: Effects of Issue on Probability of Recommendation Support
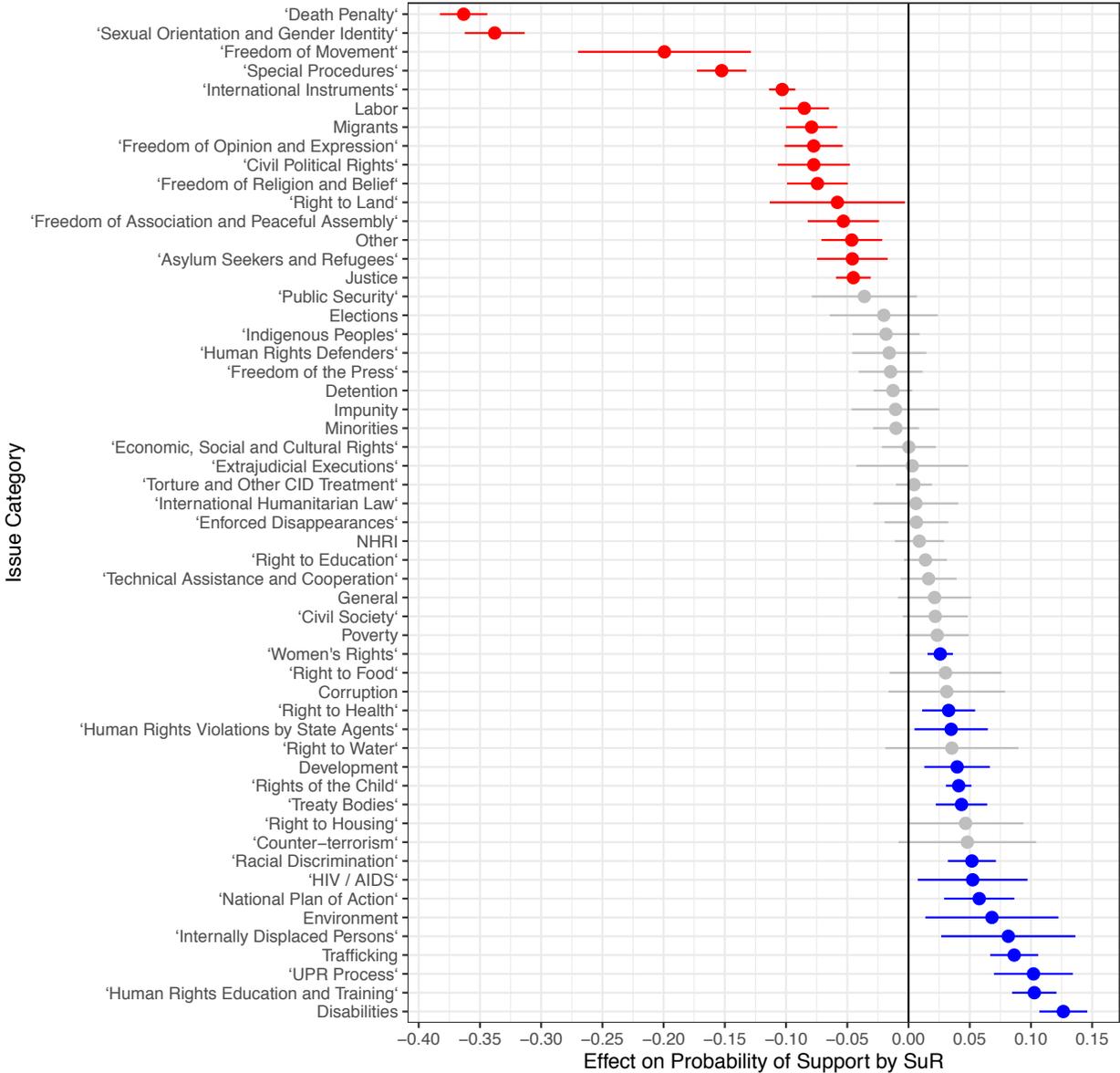
Meanwhile, most of positively politicized issues (commonly exchanged among geopolitical friends) are among the most amenable to target governments. These recommendations tend to address positive rights (pertaining to Development and Health), as well as the protection of vulnerable groups from abuses in the private sphere (women,

children, trafficked persons, and people with disabilities). Regarding institutional governance, states tend to demand that their rivals submit to strong international mechanisms (i.e., International Institutions and Special Procedures), while allowing their friends to retain domestic control through National Plans of Action, and Human Rights Education and Training.

Table 3: Negatively (Positively) Politicized and Sensitive (Safe) Human Rights Topics

Negatively Politicized and Sensitive Issues	Positively Politicized and Safe Issues
Death Penalty	Disabilities
Freedom of Movement	Human Rights Education and Training
Special Procedures	UPR Process
International Instruments	Trafficking
Labor	National Plan of Action
Migrants	HIV / AIDS
Freedom of Opinion and Expression	Rights of the Child
Civil Political Rights.	Development
Freedom of Religion and Belief	Right to Health
Right to Land	Women's Rights
Freedom of Association and Peaceful Assembly	
Justice	

In all, this analysis confirms that variation in the politicization of human rights largely maps onto variation in their attendant political costs. States spare their strategic allies in the review process, avoiding sensitive topics, while providing safe and easily-digestible recommendations. Adversaries, on the other hand, tend to confront one another in particularly offensive ways, on precisely the kinds of issues that tend to evoke defensiveness. One interesting exception to this trend involves Racial Discrimination, which is more likely to be addressed by adversaries, but also more likely to be supported by the target. This caveat notwithstanding, the overall pattern is clear: negatively politicized issues are perceived as costlier to target governments, while positively politicized recommendations are safer and easily digestible.

7 Illustrations: Women and Migrants' Rights

In this section, we supplement these above findings with brief vignettes of two salient human rights issues: women's rights and migrants' rights. As Figures 1 and 2 indicate, both issues are highly polarized in today's human rights regime, but in opposite directions. Women's rights are often featured in exchanges between geopolitical friends, while migrants' rights appear in exchanges between geopolitical adversaries. We illustrate how such variance is accounted for by perceived differences in the political costs that attend these norms.[72]

7.1 Women's Rights (Positively Politicized)

Women's Rights is a positively politicized issue in the UPR, meaning that is commonly discussed between geopolitical friends and allies. In fact, Women's Rights is the single most popular substantive issue in the UPR, followed by Rights of the Child and Trafficking. It is also widely supported by target governments: 85.2 percent of recommendations addressing Women's Rights were supported by state under review (compared to 73 percent of all recommendations). Many recommendations addressing Women's Rights also overlap with Rights of the Child and Trafficking—two other positively politicized and nonthreatening topics—by referring to "trafficked women and children." Domestic violence and women in poverty also represent common themes.

Social problems like domestic violence and trafficking tend to be politically innocuous to target regimes because, as Marina Ottaway puts it, they "do not affect the distribution of power and do nothing to make it more difficult for governments to contain political liberalization and prevent the development of true opposition groups."[73] Indeed,

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[72] In effect, we use the large-N analysis to select cases that exemplify "diverse" values of our variables of interest. As Seawright and Gerring argue, this approach is more "likely to be representative in the minimal sense" of mirroring variation in the population than other small-N sampling methods (2008, 297.)
[73] Ottaway 2005, 127.

they may even be welcomed by governments as a means to demonstrate their compassion and commitment to social justice, or bolster their reformist credentials. Recommendations involving trafficking and domestic violence are easy to embrace because, unlike demands for free speech or free association, they do involve abuses committed by state actors and do not threaten the power of the incumbent regime.[74] What Sarah Bush writes of aid to women's groups can be applied to the promotion of women's rights:

> [N]either practitioners nor pseudo-democrats view aiding women's groups as effective from the perspective of defeating dictators. Most women's groups, which generally focus on non-political issues, simply are not likely to prompt a regime change in pseudo-democracy, at least in the short or medium term.[75]

Of course, women's rights discourse is not *inherently* apolitical. Historically, many facets of the international women's movement assumed an explicitly political stance, challenging state actors and institutions on behalf of women's interests, both *qua* women and *qua* citizens. Traces of this legacy can be observed in the UPR, particularly in recommendations that fail to receive the support of the state under review. Of the rejected recommendations addressing Women's Rights, many call for specific changes to legislation, involving (*inter alia*) marital rape, abortion, legally mandated discrimination against women, transmission of nationality through mothers, etc. Others address justice and impunity for sex crimes against women, especially in the context of armed conflict (e.g. Bosnia, Columbia, Japan), or the repeal of reservations to CEDAW. What these themes have in common is that they attribute responsibility for human rights violations squarely on government actors, holding them accountable for redress.

On the whole, however, Women's Rights—along with Rights of the Child and Trafficking—has become something of a safety valve in the international human rights regime. The cause has provided states with an opportunity to appear as if they are

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[74] Ibid., 116.
[75] Bush 2015, 73.

diligently participating in human rights institutions and holding other states accountable, while simultaneously securing important geopolitical interests from the damage imposed by genuine confrontation. Indeed, states appear unafraid to pressure their allies on women's rights issues, both through public venues such as the UPR as well as in bilateral diplomatic settings.[76] Moreover, target states tend to be relatively amenable to such pressure; Saudi Arabia's lifting of the ban on women drivers in 2017 is a case in point. Not surprisingly, activists on the ground have reported that such reforms sometimes serve to mask more egregious acts of repression.[77]

7.2   Migration (Negatively Politicized)

In contrast to Women's Rights, the topic of Migrants registers among the most negatively politicized in the UPR. A large number of these recommendations call upon the target state to adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (such recommendations would be tagged as Migrant, Labor, and International Instruments). The bulk of these demands are issued by migrant-sending nations to migrant-receiving nations, which is not surprising given that most of the signatories to the convention are primarily countries of origin for migrant workers, aiming to protect their citizens living abroad. Important receiving countries, such as those in North America, Europe, and the Persian Gulf, have not ratified the convention. Given that migrant flows plausibly correlate with UN General Assembly voting, such political cleavages might explain why Migrants and Labor register among the most negatively politicized issues in the UPR.

Another prominent theme relates to the migrant crisis in Europe and the fall-out from the Syrian War. As the migrant crisis grows more volatile, and rich countries strain under burgeoning anti-immigrant sentiments, the political risks surrounding migrant's

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[76] For example, see Leigh 2011.
[77] Ngo 2018.

rights have become major liability for many governments.[78] In the United States, for example, hostility towards immigration is potent political force on both the left and right, severely undermining the political viability of rights expansion for migrants.[79] At the same time, heinous and obvious human rights violations expose the ineptitude of governments to manage the crisis, inflating the political costs involved.

One intriguing implication of this analysis is that *domestic* polarization surrounding immigration might have induced a spill-over effect of politicizing immigration issues *internationally*. As the political risks associated with migrant rights grow more severe, countries have greater incentives to weaponize this issue against their geopolitical rivals, especially in North America, Europe, or the Persian Gulf.

8   Conclusions: The Punishment—Politicization Dilemma

This article makes three contributions to the literature on norms, human rights, and social pressure in International Relations. To our knowledge, this article is the first to systematically map politicization in the international human rights regime using large-N data analysis. Notably, we observe that different human rights issues display different levels of international politicization, varying significantly in both direction and magnitude. Rights relating to free expression and assembly, physical integrity, and migration are *negatively politicized*—wielded as weapons by states against their geopolitical rivals. In contrast, rights related to education, disabilities, women and children are *positively politicized*—exchanged among geopolitical friends and allies. These findings empirically substantiate the widely held intuition that some human rights issues are more sensitive than others, and therefore governments handle them differently on both the "giving" and "receiving" ends of international enforcement. Despite the vision of human rights as

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[78] One indicator of the how high the political costs of migration are perceived to be in these countries is the extent to which they are willing to adopt drastic measures—such as the construction of "border walls"—to stem the flow of migrants. See Carter and Poast 2017.

[79] Hainmueller and Hopkins 2014.

interrelated and interdependent, the day-to-day practice of world politics demonstrates that not all human rights are created equal.

Second, we advance the theoretical literature by delineating a mechanism by which certain norms become politicized in the international sphere. We propose that politicization originates in the incentives and dilemmas posed by international enforcement. Punishing foreign abuses is costly insofar as it risks provoking a negative reaction in the target country. At the same time, governments obtain social rewards from promoting human rights abroad. As a result of this dilemma, states shame their friends and adversaries in starkly different ways. When addressing a friend, states emphasize human rights issues involving lower political risk so as to mitigate potential alienation. When confronting adversaries, states are incentivized to address politically sensitive and costly topics.

Finally, our argument and findings have important implications for debates surrounding the effectiveness of the international human rights regime. For many observers, the root problem ailing the international human rights system lies in its toothlessness: human rights norms are too weak, abuses go unpunished, and governments violate with impunity. The solution, in this view, is to attach greater political costs to violations in order to incentivize compliance. However, we suggest that attempts to penalize noncompliance may engender unintended consequences by exacerbating politicization and selective enforcement. When governments view certain norm violations as particularly costly or embarrassing, they are *less* likely to punish their geopolitical friends for such violations and *more* likely to lambast their adversaries. By the same token, efforts to reduce politicization in the human rights regime, if effective, are likely to entail reduced political costs to violation. The result is a "punishment—politicization" dilemma: a fundamental trade-off between toothlessness on the one hand, and selectivity on the other.

This dismal implication points to an important agenda for future research: How can the punishment—politicization dilemma be resolved? For instance, might the general strengthening of metanorms—third-party pressure to punish norm violations—help to

constrain the dynamics driving politicization in the human rights arena? In the Khashoggi case, domestic audiences in the United States pressured a reluctant Trump administration to confront a geopolitical ally on a highly sensitive subject. More generally, domestic publics can demand their governments enforce human rights abroad in a more fair and balanced way. Further research is necessary to assess how far such pressures can go in mitigating the inherent trade-off that exists between punishment and politicization. Beyond the scope of this article, some features of regime design—such as institutional monitoring[80] or NGO involvement[81]—may counteract the incentives driving politicization while upholding strong enforcement. We hope this article will stimulate a broader scholarly conversation on the punishment-politicization dilemma in the human rights domain and other global normative regimes.

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[80] Donno 2010.

[81] Hawkins 2008.

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Appendix

1   Issue Codes

Table 4: Issue Codes

Asylum-seekers - refugees	International humanitarian law
Civil society	International instruments
Corruption	Justice
Counter-terrorism	Labor
CP rights - general	Migrants
Death penalty	Minorities
Detention conditions	National plan of action
Development	NHRI
Disabilities	Other
Elections	Poverty
Enforced disappearances	Public security
Environment	Racial discrimination
ESC rights - general	Right to education
Extrajudicial executions	Right to food
Freedom of association and peaceful assembly	Right to health
Freedom of movement	Right to housing
Freedom of opinion and expression	Right to land
Freedom of religion and belief	Right to water
Freedom of the press	Rights of the Child
General	Sexual Orientation and Gender Identity
HIV - Aids	Special procedures
Human rights defenders	Technical assistance
Human rights education and training	Torture and other CID treatment
Human rights violations by state agents	Trafficking
Impunity	Treaty bodies
Indigenous peoples	UPR process
Internally displaced persons	Women's rights

2   Action/Severity Codes

UPR Info hand-labeled each recommendation with an *Action* code based on the first verb and the overall action contained in the recommendation. The categories are as follows:

1. Recommendation directed at non-SuR states, or calling upon the SuR to request technical assistance, or share information (Example of verbs: call on, seek, share).

2. Recommendation emphasizing continuity (Example of verbs: continue, maintain, persevere, persist, pursue).

3. Recommendation to consider change (Example of verbs: analyze, consider, envisage envision, examine, explore, reflect upon, revise, review, study).

4. Recommendation of action that contains a general element (Example of verbs: accelerate, address, encourage, engage with, ensure, guarantee, intensify, promote, speed up, strengthen, take action, take measures or steps towards).

5. Recommendation of specific action (Example of verbs: conduct, develop, eliminate, establish, investigate, undertake as well as legal verbs: abolish, accede, adopt, amend. implement, enforce, ratify).

We recoded this variable as an ordinal measure that rank from 1 (minimal action and most likely accepted), to 3 (most specific, and least likely to be accepted) and renamed it *Severity*, as follows:

Table 5: Action and Severity Codes

Action **Code**	*N*	**Percent accepted**	*Severity* **Code**
1	662	95.92	1
2	9191	95.42	1
3	4516	56.91	3
4	22549	84.63	2
5	20769	54.27	3