INTERNATIONAL COURTS AND THE PROTECTION OF HUMAN RIGHTS:
THE INTER-AMERICAN COURT OF HUMAN RIGHTS

Mary L. Volcansek
Texas Christian University
m.volcansek@tcu.edu


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Considerable concern has been raised, at least in the scholarly community and likely in portions of the political one, about the rise of transnational governance, its legitimacy, accountability and democratic norms (e.g., Cohen & Sabel, 2006; Grant & Koehane, 2011; de Bürca, 2008; Papadoupoulos, 2010, Curtin, Mair, & Papadoupoulos, 2010; Koenig-Archibagi, 2010; Wheatley, 2010). In the field of human rights, however, the proliferation of treaties under the auspices of the United Nations has not led to a lessening of violations, even in countries that have ratified them (Keith, 1999; Hathaway, 2002; Gilligan & Nesbit, 2009; Newmayer, 2005). This paper looks at nations that have not only ratified a human rights treaty, but also have accepted the compulsory jurisdiction of the Inter-American Court of Human Rights (IACtHR) and assesses the impact of that court on human rights protections within those nations. Some transnational bodies, notably the European Union in its dealings with applicant countries, has affected or at least speeded adoption of democratic practices and democratic institutions (Piana, 2010). Can transnational institutions foster the consolidation of democracy and promotion human rights protection in other contexts?

This study began as an attempt to assess whether or not a transnational court—the IACtHR—could encourage democracy among those nations accepting its jurisdiction. That tactic was abandoned because of the difficulty of locating appropriate indicators of democracy (Coppedge & Gerring, 2011), the lag time between when an alleged human rights violation occurred and the issuance of a judicial decision, regime changes, and the limited number of contentious cases decided by the Court. Instead, I chose to focus on the conditions that may lead nations to strengthen protections for human rights in the context of a regional human rights convention enforced by a commission and a court.
Even though signing and ratifying a human rights treaty hardly insures compliance with its provisions (Keith, 1999), one might assume that when a nation chooses to accept the compulsory jurisdiction of a transnational court, increased compliance would follow.

Largely scholarship has assumed that international agreements generally find compliance by signatory countries. Indeed, Chayes and Chayes (1993) cite a high degree of compliance as evidence that enforcement is not problematic, whereas others argue that compliance by signing nations results because negotiated agreements were designed to facilitate compliance (Down, Rocke & Barsoom, 1996). Carruba (2005) suggests that the presence of an adjudicatory mechanism—a court—facilitates enforcement of international regulatory agreements. Courts enhance compliance, he argues, because they sustain agreements that might otherwise fail and promote cooperation among signatory states. McClendon (2009) concludes that compliance with orders of the Inter-American Court specifically occurs when a government wants to signal its credibility to domestic and international constituencies. However, she notes that certain domestic institutions must be present to integrate the rulings into domestic politics. Specifically, independent judiciaries, vital civil society associations and competitive elections are central to domestic integration of human rights norms. National government compliance can also signal regime legitimacy and treatment of domestic human rights issues. A so-called “norms cascade” (Lutz and Sikkink, 2000: 654) relies, then, on a number of domestic political features, as well as on the Inter-American Court of Human Rights.

Helfer and Slaughter (1997) analyzed compliance with rulings of the European Court of Human Rights and the European Court of Justice. They offered a checklist of factors that insure the effectiveness of transnational courts: ones that are in the control of
the member states, others that are in the control of the court, and some that are beyond the control of either signatory states or transnational courts. Their checklist cannot measure the effectiveness of a transnational court, but could offer insights into why any given transnational judiciary may or may not be effective.

Davis and Warner (2007) suggest that international human rights tribunals are not intended, particularly the IACtHR, to punish all violations of human rights within its purview, but rather to (1) facilitate accountability, (2) condemn human rights violations, (3) address broad classes of potential victims through individuals’ litigation and (4) establish a historical record (2007: 245). Indeed, states’ records of human rights violations tend to be better if domestic courts are effective enforcers (Powell & Staton, 2009). Indeed, transnational judicial activities in the realm of human rights at the International Criminal Court, the European Court of Human Rights and the IACtHR are triggered only when domestic judiciaries are unable or unwilling to act. Furthermore, both national and transnational civil society organizations are integral for achievement of compliance with human rights obligations (Lamont, 2010).

I look at the achievement--or lack thereof--of the Inter-American Court of Human Rights from three perspectives: the Court’s efforts to end a culture of impunity for human rights violations, factors influencing compliance with its decisions, and the changing nature of cases coming before the Court as democracy solidifies in more and more nations in the region.

Role of the Inter-American Court

The American Convention on Human Rights dates from 1969 and has been ratified by all Latin American countries except for Cuba (Brewer-Carías, 2009: 3). The
Court was established in 1979 (Pasqualucci, 2003: 7), but not all countries have accepted its contentious jurisdiction. As of the end of 2010, 21 of the 34 member states had accepted jurisdiction (Inter-American Court of Human Rights, 2011). Trinidad and Tobago accepted contentious jurisdiction in 1991, but denounced it in May, 1998, effective a year later (Pasqualucci, 2003: 4).

When the Court was created, its jurisdiction stretched across a “region characterized largely by authoritarian regimes, mass atrocities and violent human rights violations” (Cavallaro & Brewer, 2008: 774). For example, during the 31 year conflict in Guatemala, an estimated 200,000 people were killed by the nation’s security forces (Davis & Warner, 2007: 233) and, during Colombia’s internal conflicts lasting more than 40 years, at least 300,000 were killed (Burbridge, 2008: 557). Though most Latin American countries had catalogues of constitutionally protected rights and the amparo to force their protection (Brewer-Carías, 2009: 3), few countries had independent judiciaries that were able to protect against abuses; moreover, most constitutions permitted exceptions in times of emergency (Farer, 1997: 511). Although examples of independent judiciaries in authoritarian regimes have been recognized as necessary for regimes to make commitments credible (e.g., Smith & Farrales, 2010), none successfully pressed human rights in Latin American when the government violated them.

The Inter-American Court was born in an atmosphere largely hostile to its mission, and that milieu defined the Court for most of its first four decades. That environment complicates, furthermore, judging the effectiveness of the Court and distinguishes it markedly from its counterpart European Court of Human Rights (Cavallaro & Brewer, 2008: 772). Indeed, almost two-thirds of the cases decided by the

A second peculiarity of the work of the Inter-American Court involves the time that elapses between the commission of an alleged violation and a decision by the Court. Of the 126 contentious cases considered through June, 2011, the average lag between the occurrence of the alleged violation and issuance of a Court decision was 13.13 years. Two years was the shortest time. In some instances, though, the lapsed time was in excess of three decades: 30 years in *Cantos v. Argentina* (2002); 33 years in *Almonacid Arellano y otros v. Chile* (2006); 35 years in *Gomez Lund y otros “Guerilha do Aráguia” v. Chile* (2010), *Radillo Pacheco v. Mexico* (2009) and *Gelman v. Uruguay* (2011); and 39 years in *Ibsen Cárdenas and Ibsen Peña v. Bolivia* (2010), who disappeared in 1971 and 1973 respectively. During intervening decades, regimes had changed, witnesses and perpetrators may have died or their memories faded, and evidence compromised. In fact, many of the most egregious violations occurred under dictatorships, but new democratic regimes typically defended the cases. Obviously, exhausting domestic remedies (often a task akin to that of Sisyphus if under an
authoritarian regime challenging state sponsored violations), taking the case to the Commission,¹ and, then, possibly to the Court takes time. Governments can also exploit Commission procedures and fail to meet deadlines (Cosgrove, 2000: 54-55). Judicial processes are notoriously slow regardless of the venue, but three decades certainly blunts the immediacy and saliency of a final court decision.

Further complicating the issue of the passage of time between a violation and a final judgment is how the Court has chosen to treat treaty applicability. All member states that accepted the contentious jurisdiction of the Court did so following a transition, even if only a formal one, to democracy. Yet, states were held responsible for acts committed before the date of acceptance of jurisdiction. In at least three cases, states had formally inserted time limitations into their acceptance. Even so, the Court chose to ignore those limits to avoid permitting state impunity (Martin, 2007).

The reparations that the Court imposes are characterized by Hawkins and Jacoby (2010) as comprising a “checklist.” A typical checklist in, for example, a case of forced disappearance include: locate and return the body; identify, prosecute, try and punish those responsible; publish the decision or designated parts of it; change the enabling national laws or even constitutions, name a school (or a plaza or street or scholarship) or erect a monument in honor of the victim; pay costs; and pay reparations, both material and non-material, which are specified in detail in the judgment (see for example, Trujillo Oroza v. Bolivia, 2000). The monetary reparations constitute a “victim conscious

¹ Petitions are filed with the Inter-American Commission on Human Rights, based in Washington, D.C. The Commission conducts fact-finding, may attempt to facilitate a resolution with the defendant nation and hears preliminary objections. The Commission serves as a filter and must determine that a case is admissible before forwarding it to the Court, though the Court may question the Commission’s determination of admissibility. Originally, the Commission also prosecuted the case before the Court, but now alleged victims are also involved in that process (Pasqualucci, 2003: 128-158).
compensation” (Antkowiak, 2008: 25), but the regime may too poor to make restitution (Bassiouni, 2006: 277). Reparations may be ordered not only to the victim or next of kin, but also to “society as a whole,” which some link to enhancement of democracy, participation and the rule of law (Schönsteiner, 2008” 159). Orders to change laws and even constitutions or to institute training programs are not typically the prerogative of national judiciaries, but rather the purview of legislatures or executives (Bahia, 2009). Those responsible for the crimes may also remain in power or serve in positions of influence in a new regime (Bassiouni, 2006: 277). The General Assembly of the Organization of American States is authorized by the Inter-American Convention on Human Rights to levy sanctions on member states that do not comply, but has never done so (Tan, 2005: 337).

Even though sanctions are not a credible threat, the Court monitors compliance with its orders through a complex and very specific reporting mechanism. Hawkins and Jacoby (2010) examined each of the hearings and orders that involved state compliance through 703 so-called “compliance orders” issued through June 2010 and discovered a pattern of “partial” compliance; full compliance had occurred in only five of 81 cases, whereas total non-compliance was documented in eleven per cent of the cases (2010: 56). Compliance can be complicated when human rights were violated through acts of non-governmental terrorism (Feldman & Perälä, 2007), such as that of Sendero Luminosa in Peru, the Revolutionary Armed Forces of Colombia (FARC) and rebels in the civil wars in Guatemala and Nicaragua. A “State’s duty to provide reparation for non-state actors is best described as an emerging norm” (Bassiouni, 2006: 223). Yet, the Court does not see itself as temporally bound and excludes the validity of national amnesty laws brokered to
resolve civil war or internal conflict. Thus, in the Barrios Altos case (2001) from Peru and the Almonacid Arellano case (2006) from Chile the Court concluded that amnesties were incompatible with the Inter-American Convention on Human Rights. Thus, recently, former Peruvian officer Telmo Hurtado was extradited to Peru from the U.S. where he had been living since the amnesty brokered in the 1990’s was annulled by Peru’s Supreme Court in 2002; Telmo Hurtado was charged with commanding a massacre in Quebrada de Huancayoc in 1985 in which dozens were killed, including 30 children and 27 women (NYT, 2011: A-5).

Two other features of the Court’s procedures or jurisprudence also affect its ability to impact the culture of impunity. States can negotiate settlements with the Commission, and states can also accept responsibility or partial responsibility before the Court. States, notably Peru, typically refuses to settle if doing so would interfere with domestic policies dealing with terrorists or insurgents; similarly, authoritarian governments are reticent to negotiate if domestic policies would be compromised. Newly democratized regimes, on the other hand, incline to settle so as to distance their policies from the prior regime. As is the case in domestic courts, those cases that reach a hearing are those that the government does not want to lose, which makes enforcement of decisions adverse to the state very difficult to enforce (McClendon, 2009).

States can also acknowledge responsibility or partial responsibility in cases before the Commission or the Court. Whereas state acknowledgement appears on the surface to be a positive recognition of fault or a means for a new regime to repudiate actions of a predecessor, acknowledgments can also allow states to frame the litigation. Sometimes, when culpability is recognized, a full fact-finding process may not be followed. Nations
can also gain mileage domestically through acceptance of responsibility while saving face internationally (Cavallaro & Brewer, 2008: 810).

A reading of the cases involving contentious jurisdiction leads one to believe that the Inter-American Court acts to break the culture of impunity by ordering investigations, annulling amnesty laws, awarding damages to victims or their next of kin, and monitoring compliance. But, has the Court had any concrete impact on the consolidation of democracy or the protection of human rights in the 21 nations that accept its jurisdiction? Trinidad and Tobago withdrew from the Court’s contentious jurisdiction because of two cases instigated in the 1990s that confronted the use of capital and corporal punishment. *Caesar v. Trinidad-Tobago* (2005) involved a man arrested for sex crimes and sentenced to twenty years imprisonment and a flogging (15 lashes with a cat-of-nine-tails). He was awarded no material damages, but $50,000 in non-material ones. More importantly, Trinidad and Tobago was told to derogate its law on corporal punishment and to amend its constitution. An earlier decision in *Haire, Constantine, Benjamin and others v. Trinidad-Tobago* (2002) had ordered the nation to alter prison conditions and to rewrite its laws to recognize different categories of intentional homicide.

**Effectiveness of the Court**

Though a reading of the cases and an awareness of current political situations of the nations subject to the Court’s jurisdiction provide a flavor for what the Court has accomplished (or not), empirical verification of any actual change in regime behavior serves as a better measure of the effectiveness of the judicial body. The President of the Court asserted in 2010 that the Court is currently hearing more cases and more closely
monitoring compliance, but more importantly he claims that the Court’s jurisprudence is being “used and creatively assimilated by national tribunals” (García-Sayán, 2010). That may be true, but national judiciaries rely on the legislative and executive branches for their implementation (Bahia, 2009:27). Compliance with the Court’s orders are allegedly fostered by a “substantial normative pressure . . . apart from any formal sanctions” (Shaver, 2010:664). Some, though, most notably Posner and Yoo (2005), conclude that the Court has not been effective based on the frequency that it is approached and compliance with its decisions.

What measures would seem to indicate direct and indirect effectiveness for a transnational court? Darren Hawkins and Wade Jacoby (2010) coded all compliance orders of the Court through 2010 (N=703) and provided the percentages for compliance for 18 of the affected 21 nations (2010: 62); Haiti, Mexico and Uruguay were inexplicably omitted. The level of compliance could indicate the effectiveness of the Court, but most countries have had only a handful of cases before the Court. Peru has had the highest number (26), followed by Guatemala with fourteen and Colombia with eleven. Peru’s low rate of compliance (40%) may well be explained, as McClendon suggests, by the reality that domestic policies for combating terrorism held a higher priority than international reputation for human rights protections (2009).

I would expect that if the Inter-American Court of Human Rights was highly effective after four decades of existence, objective indicators of human rights protections would be reflected in each country, whether a country had participated in a case before the Court or not. Therefore, I attempted to verify, using Freedom House’s Political Rights and Civil Liberties indices if a pattern of enhanced protection of human rights
could be observed among the 21 nations (Freedom House, 2010). Notably, only Chile and Uruguay achieved the best rating of one on both measures, whereas the mean for all countries on political rights was 2.32 and on civil liberties, 2.29. The worst scores were 4 on both indices for Honduras, Mexico, and Panama. Would that argue that the existence of the Court and acceptance of contentious jurisdiction has improved respect for human rights in the region?

A number of factors besides decisions of the Inter-American Court might have influenced the Freedom House Political Rights (FHPR) score and Freedom House Civil Liberties (FHCL) score for each nation. Possible independent variables include the number of years that a nation has been a democracy (Demo) as determined by the CIA World Factbook (CIA Factbook, 2011), the compliance rate of the country with Inter-American Court decisions (Comply) as determined by Hawkins and Jacoby (2010), the United Nations International Human Development Index (HDI) that measures three dimensions (a long and healthy life, knowledge, and decent standard of living) of citizen well-being (International Human Development Indicators, 2010), the Inequality Adjusted Human Development Index (Inequality) (International Human Development Indicators, 2010), Confidence in the Criminal Justice System Index (CJS) (Hermann, et al, 2011) and the number of cases in which the country had defended before the Court.

The assumptions are that a nation with a longer history of democratic governance would be more likely to protect both civil liberties and political rights. Freedom House rankings are based on opinions by country experts and are not without their critics. Nevertheless, Freedom House has a long and established track record and is less likely to reflect ideological or other biases that might afflict, for example, U.S. State Department
assessments. Furthermore, each country expert is given a specific checklist of factors to consider and rate. Countries that complied with orders of the Inter-American Court would be expected to more readily protect both political and civil rights, since compliance with court orders would signal a recognition of the Court’s authority and the salience of the human rights protected by the Convention.

Human rights protections are frequently associated with economic development (Peerenboom, et al, 2006: 37), of which the two United Nations Human Development Indices are indicators. Whereas the general Human Development Index captures the overall level of economic development, the inequality index probes income distribution, the purported source of so many cases of internal violence in Latin American countries. Once the Inter-American Court renders a decision, domestic courts become the ones who discharge or not the legacy of that ruling. The AmericasBarometer taps into public perceptions of national courts with the question: “If you were a victim of a robbery or assault, how much faith do you have that the judicial system would punish the guilty?” (Herrmann, et al, 2011: 1). That question undoubtedly gauges perceptions of police, prosecution and judicial actions, but all are equally implicated in a nation’s commitment to protection of human rights. A final independent variable is the number of cases before the Inter-American Court to which the country was a party.

Table 1 presents the correlations among the various factors. Not surprisingly, the two Freedom House indices correlate at statistically significant levels, as do the two United Nations measures of Human Development. Likewise, a statistically significant relationship exists between both Freedom House indices and both United Nations ones; those relationships are negative because lower scores on the Freedom House scales are
better, whereas higher scores are preferable on the United Nations indices. Notably, the number of cases a nation has had before the Inter-American Court is also related to Freedom House measures of Civil Liberties, but in a positive fashion (i.e., more cases are related to less protection for civil liberties).

[Table 1 about here]

Because of the very low N (19), a simple linear regression with stepwise entry of variables was run to discriminate the multi-collinearity among the two Freedom House and two United Nations scores. The UN Human Development Index succeeds in explaining 68.3 per cent of the variance (adjusted R-square = 0.683) for Political Rights and is statistically significant at the 0.001 level. For the Freedom House scale for Civil Liberties, the Human Development Index explains less than half of the variance (adjusted R-square = 0.486), but the number of cases a country has had before the Inter-American Court raises the variation explained to two-thirds (adjusted R-square = 0.665). Both are statistically significant at the 0.001 level.

In other words, economic development as captured by the UN Human Development Index stands as the primary explanatory variable for how a nation respects political and civil liberties. The effect of defending cases before the Inter-American Court proves puzzling at first glance, but when looking at t-scores the answer becomes obvious. The relationship with the Human Development Index is negative (higher levels of development are related to lower, more positive, ones on the Freedom House measures). The t-score for cases before the Court is positive; hence, more cases defended means a higher—negative—score from Freedom House. That suggests that nations that have defended more cases before the Inter-American Court have not been motivated by
the experience to reform human rights practices. In fact, as shown in Table One, compliance and number of cases before the Court are also negatively related, albeit not at a statistically significant level.

Statistically speaking, defending cases before the Inter-American Court demonstrates no deterrent or chastising effects on offending nations. But, that dismal finding can be softened a bit by looking at the changing nature of cases of more recent vintage that reach the Court. As recently as 2011, the Court continued to hear cases relating to forced disappearances and extra-judicial executions dating from decades earlier [see for example, *Chitay Nech y otros v. Guatemala* (2010) that decided a forced disappearance in 1981]. Cases involving more recent complaints focus on issues beyond physical integrity, such questions as citizenship (*Las Niñas Yean y Bosico v. Dominican Republic* (2005), censorship ("*The Last Temptation of Christ*” *Olmedo Bustos y otros v. Chile* (2001), and access to the ballot as an independent candidate (*Castañeda Gutman v. Mexico* (2008). The rise of these types of cases, ones that are non-violent and administrative in nature, reflects more the character of cases routinely confronted by the European Court of Human Rights, at least through 1997.² Administrative, non-violent challenges notably do not require major policy changes in the nations found culpable. More importantly, the Inter-American Court has also decided in at least one case in the last decade that state culpability could not be proven (*Nogueira de Carvallo y otros v. Brazil*, 2006).

²The more recent expanded membership of the Council of Europe, particularly to include Russia and Turkey, has subsequently changed the nature of some of the case on the European Court docket (Cavallaro & Brewer, 2008: 773).
Conclusion

By what yardstick should the Inter-American Court of Human Rights be measured? It cannot realistically be compared with the European Court of Human Rights, although it was deemed ineffective by Posner and Yoo (2005) who made that comparison. The European Court’s constituent countries were until recently established democracies and human rights violations typically did not involve physical integrity. Or, as Helfer and Slaughter concluded, “at least in the human rights arena, international human rights regimes and the supranational tribunals that enforce them have been the most effective in the states that arguably need them least” (1997: 329). The Inter-American Court debuted in a most inhospitable environment.

Davis and Warner argue that the Inter-American Court should be assessed by its ability to facilitate accountability by equipping victims to seek justice, to condemn human rights violations, to address broad classes of victims through individual cases and to establish a historical record (2007: 245). They illustrate how the Court accomplished each of those goals through cases involving Guatemala. But, can the same be said for the broad sweep of the Court’s work? If compliance is non-existent in eleven percent of the cases (Hawkins & Jacoby, 2010) and only partial compliance achieved in most others, has accountability been achieved? The second measure, condemnation of human rights abuses, has clearly occurred in all cases decided by the Court, but that could also have been accomplished simply by the existence of the Inter-American Convention on Human Rights. Indeed, the their third measure of addressing broad classes of victims with a single case, has also been met, at least in that precedents have been established.

However, reparations were not paid to broad classes of victims or their families. Perhaps
the Court has been most effective in meeting only the fourth goal—establishing a historical record.

An analysis of the work of the Court may best be guided by looking at the conditions offered by Helfer and Slaughter, particularly those factors they call “beyond the control of states and judges” (1997:329). First among those factors are the nature of the violations. As noted earlier, most cases decided by the Court involved forced disappearances or extra-judicial executions, but the events giving rise to those cases occurred largely in distant decades. Cases of more recent vintage tend to involve non-violent acts and political rights. Secondly, Helfer and Slaughter note the need for autonomous domestic institutions, particularly independent judiciaries and protection of civil and political rights. As Powell and Staton concluded, an effective domestic judiciary poses the highest barrier to human rights violations (2009:167). In the Inter-American system, the existence of effective national judiciaries would largely blunt the need for cases to reach the transnational court for adjudication. The third of Helfer and Slaughter’s factors beyond the control of either states or courts is political and cultural homogeneity in states. Conflicts in Latin American states subject to the Inter-American Court have often involved treatment of indigenous peoples and their ancestral lands. Even when indigenous groups won their cases before the Court, states did not necessarily comply with the Court’s orders.

Thus, despite the commitment of the Court to deterring and punishing human rights violations, all three of the factors beyond the Court’s control work against the Court’s potential success. The nature of the cases coming before the Court is changing and perhaps more independent and effective judiciaries are emerging in Latin America.
However, conflicts within states and their own indigenous peoples are not receding, and not all domestic strife has ceased.

Notably, only the surrogate measures for economic development, the UN Human Development Index and the UN Inequality Index were significantly related to protection of human rights as gauged by Freedom House. As economic development is frequently predicated on the presence of independent judiciaries to make government commitments credible and to enforce private contracts (Ferejohn, et al 2007: 731), states may be pressured to shore up their domestic judicial institutions. Likewise, economic development and consolidation of democracy should, at least theoretically, reduce state violence against its citizens and limit violations of physical integrity. Mal-treatment of indigenous peoples and confiscation of their ancestral lands might also lessen with improved economic development. Thus, a key to improving human rights in the jurisdiction of the Inter-American Court of Human Rights may not lie in the hands of the judges, but rather in those of donor organizations, domestic entrepreneurs, and private investors. As economic development and reductions in income inequality become more widespread, the human rights “norms cascade” may flow over Latin America (Lutz & Sikkink, 2000), with the Inter-American Court of Human Rights simply chronicling the historic record.
TABLE ONE

PEARSON’S CORRELATIONS

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**Correlation is significant at the 0.01 level (two-tailed).
*Correlation is significant at the 0.05 level (two-tailed).
REFERENCES


Freedom House (2010).


Wheatley, Steven (2010). *The Democratic Legitimacy of International Law*.  Cambridge:  
Hart Publishing Company.

**Cases**


*“The Last Temptation of Christ” (Olmedo Bustos y otros) v. Chile*.  February 5, 2001.  
Series C, No. 73.