

Why democracy doesn't always improve human rights

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*The promotion of democracy has often formed a key component of strategies for improving human rights across the world. **Courtenay R. Conrad** writes that while this relationship between democracy and human rights is well established, in practice democratic institutions are not always capable of constraining human rights violations and in some cases may even make them worse. She argues that democracy promotion should not be seen as a 'magic bullet' for preventing human rights abuses and that more attention should be paid to potential unintended consequences.*



Democracy promotion – a key tenant of European Union and United States foreign policy – is frequently justified in terms of improving government respect for human rights. This focus on democracy is for good reason. Scholarly research on government repression consistently finds that democracies violate the human rights of their citizens less frequently and less violently than non-democracies. The relationship between democracy and improved human rights is so consistent that scholars often refer to it as the “domestic democratic peace.” But democracy is not a panacea for stopping human rights violations. My research on government torture (with Will H. Moore) suggests that democratic institutions intended to limit state repression do not always constrain human rights violations and may even make them worse.

The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) defines torture as the purposeful inflicting of extreme mental or physical pain by government officials or their agents. Under this definition, torture includes everything from beatings to electrocution to water boarding to the deprivation of food and water. Of individual rights to physical integrity – the right not to be tortured, killed, disappeared, or politically imprisoned by your government – torture is the most common and is reported to have increased in the last three decades. Although democratic institutions generally improve government respect for rights, there are three reasons why these institutions often fail to stop torture.

First, institutions like contested elections, freedom of expression, and the institutional separation of powers do not have any limiting effect on torture when a government faces violent dissent. When governments face dissent, they almost always respond by violating the rights of their citizens. When we consider some of the reasons that governments turn to torture – to obtain information from and to intimidate the opposition – it might not be surprising that such violations occur more frequently when leaders feel threatened. But it is surprising that the positive effect of democracy on torture prevention completely goes away when governments face dissent. One potential explanation is that ordinary citizens are less likely to hold the government accountable for human rights violations when they feel threatened. My preliminary survey research (with Sarah E. Croco, Brad T. Gomez, and Will H. Moore) suggests that Americans are more accepting of government torture when an individual has an Arabic name, for example.

Second, torture is difficult to stop once it gets off the ground. Once a country starts to torture, it is alarmingly likely to continue to do so, even when it faces domestic and international criticism for its behaviour. From 1981 to 1999, over 90 per cent of countries that used torture in one year continued to use it in the following year. Institutional separation of powers – a key component of democracy – can make stopping human rights violations even more difficult. Executives do not have full control over the use of torture because they delegate its implementation to repressive agents like members of the military and the police. To eliminate the use of torture at the national level, government executives would need to monitor and control every member of the military, every police officer, and every intelligence agent. Maintaining that level of oversight (and the training that often accompanies such oversight) is very difficult; it means that executives need to implement policies to prevent even one random, bad apple, rogue police officer from hitting a criminal suspect in an interrogation room.

Democracies face another hurdle that makes stopping the use of torture more difficult. During his initial presidential campaign in 2008, United States President Barack Obama ran for office in part on a promise to close the prisoner

detention camps in Guantanamo Bay, Cuba. Although those camps have not yet been closed, it is not necessarily because President Obama personally wants to keep them open. The president may prefer to halt the operation of such detention camps, and if he were a dictator, he would be able to do make that decision unilaterally. But in a democracy, other institutional actors – like the US Congress, for example – have a say in policymaking. The more people and institutions that participate in making a policy, the harder it becomes to make changes to that policy. As a result, once human rights violations like torture begin, they are more likely to *continue* in countries with separation of power. Separation of power is something we prize as part of democracy, but in this case, it can have a *negative* effect on the protection of human rights. It makes policies that are already going on – like government torture or the presence of detention facilities at Guantanamo – more difficult to stop.

Third, countries with effective domestic courts are **less likely** to repress than countries with ineffective judiciaries. But my research (with Daniel W. Hill and Will H. Moore) suggests that effective courts also encourage executives and their agents to *hide* torture rather than stop it completely. Torture techniques fall broadly into one of two categories. Scarring torture – like beating – marks the victim’s body, while stealth torture – like water boarding – is executed so as not to leave visible marks on the victim. Allegations of scarring torture are hard for states to deny. But stealth torture provides the government with **plausible deniability** because it does not leave marks to substantiate victim claims. Unlike elections that protect the majority, courts are anti-majoritarian institutions, protecting even the most marginalised individuals in a society who are often the people being tortured. As such, when states have effective courts, they **want to repress** so they do not get caught. While courts may indeed make governments less likely to torture, they also encourage government leaders and their agents to develop better ways to hide violations of human rights.

In short, although democracy is associated with increased protections for human rights, it is not a magic bullet and may have unintended consequences on government repression. Being aware of these unintended consequences is important if we wish to develop new institutions – like improved training and monitoring programmes for police officers and prison officials – to improve human rights at the national level.

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