

# The Justice Balance: When Transitional Justice Improves Human Rights and Democracy

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*Human Rights Quarterly* 32:4 (2010)

## Methodological Appendix

### *Data and Methodology*

Our sample includes all transitions from authoritarian rule to democratic rule (excluding cases of state creation) from 1970 to 2004. Therefore, the unit of analysis is a transition, leaving us with 91 transitions in 74 countries. We account for the lack of independence between these observations (i.e., for those countries that transition multiple times) by including an indicator variable for those countries with multiple transitions and clustering the standard errors by country.

Our dependent variables are the changes in democracy and human rights measures. We calculated the difference of these scores between the year prior to transition and ten years post-transition for three democracy measures and three human rights measures. While there is some debate over the quality of these data, all of these sources are widely used in the transitional justice literature. We thought it best to include all of them to illustrate the extent to which our findings hold across measures and to ensure the reader that we have not “cherry-picked” our measures.

The democracy measures are: Polity; Political Rights (Freedom House); and Civil Liberties (Freedom House). The human rights measures are: Physical Integrity Index (Cingranelli and Richards); Political Terror Scale (PTS) – from Amnesty International (AI); and Political Terror Scale – from U.S. State Department (DoS) Reports. We discuss the benefits and limitations of these measures in the manuscript.

The key independent variables are the transitional justice mechanisms used in each transition. We operationalize this variable in a two ways. First, we assess the extent to which the overall transitional justice choice influences democracy and human rights. Transitional Justice Choice Overall is an ordered measure of the mechanism with the “most accountability” each country adopts. If a country adopts trials during the first ten years after transition, this variable is coded as a 3, representing the maximum form of accountability. Truth commissions, coded as 2, represent the middle level of accountability, and amnesty, coded as 1, is the lowest form of accountability. Coding transitional justice as an ordinal variable would be problematic if we were also inferring the likelihood of moving from one mechanism to the next. We only use this portion of the analysis, however, to see if over all choices are positive or negative. That is, we are not interested in the size of the effect, simply its direction. Note that we also include mechanisms adopted prior to transition, to avoid biased coefficients if we were to exclude amnesties, for example, that the outgoing regime grants to itself.

Second, we operationalize transitional justice differently in the remaining analyses to understand whether specific mechanisms or combinations of mechanisms influence a change in democracy and/or human rights measures. For this portion, the remaining independent variables of interest are dichotomous and based upon the mechanisms used in each transition:

- Trials Only
- Truth Commissions Only
- Amnesties Only
- Trials and Truth Commissions Only
- Trials and Amnesties Only
- Truth Commissions and Amnesty Only
- Trials, Truth Commissions, and Amnesties

Finally, we include a number of control variables that are consistent with the transitional justice, democratization, and human rights literature. The control variables include: economic development (GDP/capita from World Development Indicators); past levels of repression (lagged Polity); current repression levels (Polity at time of transition); time since transition; multiple transition (as mentioned above); and regional indicators (UN Region code). Note that although we include Polity for both the transition year and year prior to transition, these variables are not highly collinear (correlation = 0.06).

We utilize OLS models with robust standard errors clustered by country. While Table 1 (below and included in the manuscript) summarizes our findings, we have also included the full models below for review. Our findings illustrate that overall, transitional justice choices have a positive effect on the change in democracy or human rights measures (see Table 2 below). Trials and amnesties, when used alone, have no effect on these outcomes (Tables 3 and 4). Truth commissions, when used alone however, have a negative effect on the change in human rights scores (Table 5). When used in combination, trials and amnesties (Table 6) and trials, amnesties, and truth commissions (Table 9) have a positive effect on various measures of the change in democracy and human rights scores.

Summary Table from manuscript:

**Table 1: Effect of Transitional Justice on Human Rights and Democracy**

	<b>TJ Overall</b>	<b>Only Trial</b>	<b>Only Amnesty</b>	<b>Only TC</b>	<b>Trials &amp; Amnesties</b>	<b>Amnesties &amp; TCs</b>	<b>Trials &amp; TCs</b>	<b>Trials, TCs, and Amnesties</b>
<b>Polity</b>	0	0	0	0	+	0	0	0
<b>Civil Liberties (Freedom House)</b>	+	0	0	0	0	-	0	+
<b>Political Rights (Freedom House)</b>	0	0	0	0	0	0	0	0
<b>Physical Integrity</b>	+	0	n/a	-	n/a	n/a	n/a	0
<b>Political Terror Scale (Amnesty International)</b>	+	0	0	-	+	0	0	+
<b>Political Terror Scale (US State Department)</b>	+	n/a	n/a	-	+	n/a	n/a	+

Note: N/a signifies that the model itself with the specified dependent variable was not meaningful; “+” and “-” mean statistically significant positive or negative relationships; “0” means that we found no evidence of a statistically significant relationship.

**Model Specifications**

In this section, we have included the results for each of the models of interest, as listed above.

**Table 2. OLS Results: Effect of Overall TJ Choices (10 Years Post-Transition)**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>Physical Integrity</b>	<b>PTS (AI)</b>	<b>PTS (DoS)</b>
TJ Overall	0.480 (0.42)	0.296** (0.12)	0.300 (0.19)	0.647* (0.36)	0.418*** (0.15)	0.291* (0.16)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)
Time	-	-	-	-	-	-
Time	0.223** (0.10)	-0.073*** (0.02)	-0.095* (0.05)	-0.098 (0.13)	-0.016 (0.03)	-0.038 (0.03)
Polity (Yr Prior)	0.000 (0.14)	0.058 (0.05)	0.080 (0.07)	0.023 (0.11)	0.0964** (0.00)	-0.013 (0.05)
Polity (Tran Yr)	-0.156 (0.26)	0.019 (0.07)	0.043 (0.14)	0.084 (0.18)	0.048 (0.06)	0.000 (0.08)
Multiple Transition	-0.440 (1.37)	0.292 (0.33)	0.453 (0.53)	-0.518 (0.79)	0.363 (0.34)	0.302 (0.40)
Americas	2.928* (1.66)	0.194 (0.52)	0.435 (0.79)	1.270 (0.99)	1.294*** (0.37)	0.498 (0.46)
Asia	1.125 (1.78)	0.160 (0.50)	-0.312 (0.80)	-0.357 (0.87)	1.856*** (0.43)	0.410 (0.44)
Africa	-3.221 (2.05)	-0.639 (0.52)	-2.142** (0.89)	-1.028 (1.26)	1.001* (0.52)	0.113 (0.49)
Constant	2.970 (3.35)	0.989 (0.74)	1.670 (1.31)	0.980 (2.62)	-1.843** (0.83)	-0.221 (1.07)
N	66	62	62	38	43	51
R <sup>2</sup>	0.349	0.285	0.323	0.304	0.454	0.167

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses.

We assess whether or not those countries that carry out only prosecutions (not truth commissions or amnesties) for past authoritarian state violations experience improvements in the measures described above. We find (table 3 below) trials alone have no effect on any of the measures of democracy or human rights.

**Table 3. OLS Results: Effect of Trials Alone**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>Physical Integrity</b>	<b>PTS (AI)</b>
Trials only	1.941 (1.90)	0.042 (0.74)	0.024 (0.89)	-0.441 (0.77)	0.182 (0.80)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000** (0.00)
Time	- 0.226** (0.10)	-0.082*** (0.02)	-0.103** (0.05)	-0.073 (0.14)	-0.026 (0.03)
Polity (Yr Prior)	0.023 (0.14)	0.068 (0.05)	0.090 (0.07)	0.031 (0.12)	0.109** (0.05)
Polity (Tran Yr)	-0.193 (0.27)	0.006 (0.07)	0.030 (0.14)	0.041 (0.18)	0.008 (0.06)
Multiple Transition	-0.811 (1.32)	0.149 (0.31)	0.310 (0.53)	-0.896 (0.74)	0.176 (0.36)
Americas	3.742* (2.09)	0.374 (0.69)	0.612 (1.01)	1.021 (1.03)	1.408** (0.68)
Asia	1.489 (2.21)	0.023 (0.67)	-0.457 (1.01)	-1.330* (0.74)	1.608** (0.68)
Africa	-2.658 (2.52)	-0.634 (0.73)	-2.142* (1.13)	-1.963 (1.23)	0.821 (0.88)
Constant	3.326 (3.31)	1.628* (0.94)	2.324 (1.48)	2.553 (2.37)	-0.683 (0.94)
N	66	62	62	38	43
<b>R<sup>2</sup></b>	0.342	0.216	0.294	0.24	0.298

The model for PTS' DoS measure was not significant, and therefore, is not included here.

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses.

We assess whether or not those countries that carry out only amnesties (not truth commissions or trials) for past authoritarian state violations experience improvements in the measures described above. We find (table 4 below) amnesties alone have no effect on the any of the measures of democracy or human rights.

**Table 4. OLS Results: Effect of Amnesty Alone**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>PTS (AI)</b>
Amnesty only	-0.855 (2.00)	-0.540 (0.34)	-0.728 (0.80)	0.413 (0.44)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000** (0.00)
Time	-0.240** (0.10)	-0.086*** (0.02)	-0.108** (0.05)	-0.022 (0.03)
Polity (Yr Prior)	0.033 (0.15)	0.077 (0.05)	0.102 (0.08)	0.0982* (0.05)
Polity (Tran Yr)	-0.149 (0.27)	0.021 (0.07)	0.050 (0.14)	-0.014 (0.07)
Multiple Transition	-0.590 (1.25)	0.222 (0.29)	0.406 (0.50)	0.156 (0.36)
Americas	3.398* (1.78)	0.444 (0.60)	0.714 (0.87)	1.293** (0.50)
Asia	0.982 (1.82)	0.024 (0.53)	-0.446 (0.79)	1.513*** (0.47)
Africa	-3.067 (2.20)	-0.567 (0.59)	-2.041** (0.94)	0.655 (0.68)
Constant	3.870 (3.05)	1.624** (0.77)	2.308* (1.28)	-0.599 (0.82)
N	66	62	62	43
<b>R<sup>2</sup></b>	0.338	0.229	0.303	0.312

The models for PTS' DoS and the PHYSINT measure were not significant, and therefore, not included here.

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses.

We assess whether or not those countries that carry out only truth commissions (not trials or amnesties) for past authoritarian state violations experience improvements in the measures described above. We find (table 5 below) truth commission have a statistically significant, but *negative*, effect on all human rights measures.

**Table 5. OLS Results: Effect of Truth Commissions Alone**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>Physical Integrity</b>	<b>PTS (AI)</b>	<b>PTS (State Dept.)</b>
TCs only	1.639 (1.83)	-0.206 (0.49)	-0.898 (1.03)	-2.578* (1.34)	-1.017** (0.47)	-1.642*** (0.48)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000** (0.00)	0.000 (0.00)
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Time	0.234** (0.10)	-0.082*** (0.02)	-0.105** (0.05)	-0.078 (0.14)	-0.028 (0.03)	-0.047 (0.03)
Polity (Yr Prior)	0.054 (0.16)	0.063 (0.06)	0.068 (0.09)	-0.063 (0.12)	0.0822* (0.05)	-0.045 (0.05)
Polity (Trans. Yr.)	-0.148 (0.27)	0.003 (0.07)	0.016 (0.14)	-0.040 (0.14)	-0.013 (0.06)	-0.058 (0.06)
Multiple Transition	-0.436 (1.39)	0.121 (0.34)	0.176 (0.56)	-1.509* (0.77)	0.019 (0.38)	-0.085 (0.42)
Americas	3.268* (1.79)	0.361 (0.59)	0.596 (0.86)	1.087 (0.92)	1.336*** (0.46)	0.409 (0.49)
Asia	0.820 (1.79)	0.026 (0.53)	-0.398 (0.79)	-0.964 (0.57)	1.599*** (0.47)	0.147 (0.43)
Africa	-3.371 (2.09)	-0.620 (0.58)	-2.034** (0.92)	-1.384 (1.26)	0.839 (0.65)	-0.117 (0.54)
Constant	3.663 (3.15)	1.678** (0.80)	2.489* (1.34)	3.178 (2.14)	-0.374 (0.83)	1.087 (0.87)
N	66	62	62	38	43	51
R <sup>2</sup>	0.34	0.217	0.302	0.31	0.348	0.209

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses.

We assess whether or not those countries that carry out both trials and amnesties (but not truth commissions) for past authoritarian state violations experience improvements in the measures described above. We find (table 6 below) this combination has a positive effect on Polity IV's democracy measure and a positive effect on both PTS measures of human rights (AI and DoS measures).

**Table 6. OLS Results: Effect of Trials and Amnesties**

	1	2	3	5	6
	Polity	Civil Liberties (FH)	Political Rights (FH)	PTS (AI)	PTS (DoS)
Trial & Amnesty	3.468** (1.37)	0.808 (0.64)	0.888 (1.08)	0.965* (0.51)	1.050*** (0.36)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000*** (0.00)	0.000 (0.00)
Time	-0.261** (0.10)	-0.088*** (0.02)	-0.110** (0.05)	-0.024 (0.03)	-0.048 (0.03)
Polity (Yr Prior)	0.001 (0.14)	0.063 (0.05)	0.085 (0.07)	0.105** (0.05)	-0.011 (0.05)
Polity (Tran Yr)	-0.109 (0.28)	0.022 (0.07)	0.047 (0.14)	0.033 (0.07)	-0.004 (0.08)
Multiple Transition	-0.314 (1.36)	0.240 (0.31)	0.408 (0.52)	0.250 (0.35)	0.279 (0.41)
Americas	3.860** (1.89)	0.511 (0.57)	0.769 (0.89)	1.506*** (0.44)	0.755 (0.51)
Asia	1.251 (1.80)	0.091 (0.50)	-0.376 (0.79)	1.626*** (0.42)	0.272 (0.43)
Africa	-3.004 (2.03)	-0.584 (0.54)	-2.081** (0.89)	0.930 (0.60)	0.047 (0.50)
Constant	3.378 (3.04)	1.506** (0.74)	2.182* (1.24)	-1.024 (0.91)	0.287 (0.95)
N	66	62	62	43	51
$R^2$	0.368	0.24	0.306	0.323	0.143

The model for the PHYSINT measure was not significant, and therefore, not included here.

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%.

Robust standard errors, clustered by country, in parentheses.



We assess whether or not those countries that carry out both amnesties and truth commissions (but not trials) for past authoritarian state violations experience improvements in the measures described above. We find (table 7 below) this combination has a negative effect on Freedom House's civil liberties indicator and no effect on the remaining measures of democracy and human rights.

**Table 7. OLS Results: Effect of Amnesties and Truth Commissions**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>PTS (AI)</b>
TCs & Amnesty	-0.999 (1.31)	-1.014* (0.58)	0.303 (0.43)	0.403 (0.39)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000** (0.00)
Time	0.229** (0.10)	-0.076*** (0.02)	-0.105** (0.05)	-0.031 (0.03)
Polity (Yr Prior)	0.032 (0.15)	0.078 (0.05)	0.086 (0.07)	0.101* (0.05)
Polity (Tran Yr)	-0.175 (0.26)	0.006 (0.07)	0.030 (0.13)	0.007 (0.06)
Multiple Transition	-0.802 (1.35)	0.008 (0.31)	0.355 (0.54)	0.260 (0.36)
Americas	3.423* (1.83)	0.521 (0.58)	0.559 (0.88)	1.290** (0.50)
Asia	1.059 (1.86)	0.130 (0.52)	-0.500 (0.81)	1.472*** (0.50)
Africa	-3.118 (2.13)	-0.527 (0.59)	-2.186** (0.94)	0.684 (0.67)
Constant	3.825 (3.08)	1.562** (0.78)	2.356* (1.28)	-0.535 (0.83)
N	66	62	62	43
<b>R<sup>2</sup></b>	0.337	0.247	0.295	0.306

The models for the PTS' DoS and PHYSINT measures are not significant, and thus, not included here.

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses.

We assess whether or not those countries that carry out both trials and truth commissions (but not amnesties) for past authoritarian state violations experience improvements in the measures described above. We find (table 8 below) this combination has no effect on any of the indicators.

**Table 8. OLS Results: Effect of Trials and Truth Commissions**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>5</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>PTS (AI)</b>
Trials & TCs	-0.309 (1.31)	0.936 (0.83)	0.702 (1.08)	0.807 (0.57)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000* (0.00)
Time	-0.235** (0.10)	-0.079*** (0.02)	-0.101** (0.05)	-0.025 (0.03)
Polity (Yr Prior)	0.020 (0.15)	0.072 (0.05)	0.093 (0.07)	0.111** (0.05)
Polity (Tran Yr)	-0.168 (0.27)	-0.010 (0.07)	0.018 (0.14)	-0.003 (0.06)
Multiple Transition	-0.680 (1.33)	0.192 (0.32)	0.342 (0.54)	0.232 (0.35)
Americas	3.255* (1.83)	0.407 (0.59)	0.639 (0.86)	1.433*** (0.53)
Asia	0.928 (1.85)	0.064 (0.52)	-0.425 (0.78)	1.653*** (0.53)
Africa	-3.254 (2.15)	-0.589 (0.58)	-2.106** (0.93)	0.852 (0.68)
Constant	3.902 (3.06)	1.624** (0.75)	2.318* (1.26)	-0.668 (0.80)
N	66	62	62	43
<b>R<sup>2</sup></b>	0.335	0.24	0.3	0.32

The models for the PTS' DoS and PHYSINT measures are not significant, and therefore, not included here.

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%. Robust standard errors, clustered by country, in parentheses.

We assess whether or not those countries that carry out trials, truth commissions, and amnesties for past authoritarian state violations experience improvements in the measures described above. We find (table 9 below) this combination has a positive effect on democracy, but only for Freedom House's civil liberties measurement. The three-way combination also has a positive effect on human rights measures, but only when analyzed in terms of the PTS index for AI and DoS.

**Table 9. OLS Results: Effect of Trials, Truth Commissions, and Amnesties**

	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
	<b>Polity</b>	<b>Civil Liberties (FH)</b>	<b>Political Rights (FH)</b>	<b>Physical Integrity</b>	<b>PTS (AI)</b>	<b>PTS (DoS)</b>
Trials, TCs, Amnesty	-0.740 (1.56)	1.076* (0.58)	0.936 (0.82)	1.122 (1.46)	0.906* (0.47)	1.012* (0.51)
GDP/capita	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)	0.000 (0.00)
Time	0.241** (0.11)	-0.071*** (0.02)	-0.094* (0.05)	-0.068 (0.15)	-0.020 (0.03)	-0.038 (0.03)
Polity (Yr Prior)	0.033 (0.14)	0.051 (0.05)	0.075 (0.08)	0.011 (0.11)	0.0882* (0.05)	-0.023 (0.05)
Polity (Transition Yr)	-0.188 (0.27)	0.027 (0.06)	0.048 (0.13)	0.054 (0.18)	0.034 (0.06)	0.000 (0.08)
Multiple Transition	-0.622 (1.34)	0.078 (0.31)	0.247 (0.54)	-0.995 (0.74)	0.085 (0.37)	0.078 (0.41)
Americas	3.665 (2.22)	-0.216 (0.60)	0.102 (0.92)	0.461 (1.36)	0.795 (0.59)	-0.142 (0.61)
Asia	1.058 (1.89)	-0.156 (0.54)	-0.609 (0.81)	-1.364* (0.71)	1.325** (0.53)	-0.125 (0.48)
Africa	-3.076 (2.17)	-0.896 (0.62)	-2.366** (0.98)	-1.971 (1.19)	0.428 (0.68)	-0.461 (0.55)
Constant	4.015 (3.09)	1.468* (0.76)	2.181* (1.26)	2.382 (2.49)	-0.659 (0.73)	0.642 (0.90)
N	66	62	62	38	43	51
<b>R<sup>2</sup></b>	0.337	0.272	0.311	0.259	0.363	0.168

**NOTE:** \* = significance at 90% level; \*\* = significance at 95%; \*\*\* = significance at 99%.

Robust standard errors, clustered by country, in parentheses.