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THE EFFECT OF HUMAN RIGHTS PROSECUTIONS ON TRUST IN DEMOCRACY

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## **ABSTRACT**

This study examines the effect of human rights prosecutions on people's trust in democracy. Specifically, it is hypothesized that the occurrence of human rights trials will lead to greater preference in, and satisfaction with democracy in Latin American nations. Using multivariate analysis and controlling for economic factors, satisfaction with the armed forces, and country fixed effects shows that human rights trials are positively associated with satisfaction with democracy as well as a preference for democracy. These results demonstrate that nations in transition to democracy must hold accountable previous perpetrators of human rights violations in order to strengthen citizen trust and therefore participation in the new democracy.

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## **Chapter 1**

### **Introduction**

The issue of human rights and the ways in which nations choose to handle abuse have been on the forefront of the international agenda since the end of World War II. The UN Declaration of Human Rights was signed by the General Assembly on December 10th 1948 and was meant to protect the natural rights of all individuals around the world ("History of the document,"). This declaration was mainly a response to the genocide and atrocities committed by the Nazis during WWII. Some of the rights guaranteed by the declaration include the right to life, liberty, and protection from torture or degrading treatment and the right against arbitrary arrest and detention ("The universal declaration," 1948). However, as history and even the present times show, the Declaration of Human Rights, while well intentioned, is difficult and often times even impossible to uphold. Many human rights abuses continue to be perpetuated all over the world. For example, after pro-reform demonstrations in Syria developed into protests, security forces killed many of the protestors ("Syria human rights," 2013). The government intentionally used force against its own citizens. Another example is China, where about 500,000 people are imprisoned without a fair trial and many of the imprisoned continue to be executed even for non-violent crimes ("China human rights," 2013).

Recently the issues of human rights have been especially important when discussing global problems. There is great support among people, particularly in the Western nations, for enforcement of human rights (Hafner-Burton & Ron, 2009). Many groups such as Amnesty International bring to light various atrocities going on globally and try to gather support in stopping them.

Latin America is no exception to human rights violations and actually suffered some of the worst abuse during the military dictatorships of the 1970's and 1980's. The 1970's saw a period of repressive regimes throughout all of Latin America and particularly in the Southern Cone nations of Argentina, Chile, Brazil and Uruguay. When the military and repressive regimes began to fall in the 1980's and 1990's, information about human rights abuses was revealed (Roniger & Sznajder, 1998 p 133). It is well known that in Argentina in particular, there were many "desaparecidos" or people who had disappeared during the military regime. The Mothers of the Plaza de Mayo are the mothers and grandmothers of those who had disappeared and they have been marching in front of the Casa Rosada since 1977 to try and gain some justice for their missing loved ones (Ortiz, 1995). These mothers symbolize the desire of grieving parents to know what happened to their children and to have some closure in their lives. They also represent the desire for accountability. As one mother stated, "we want ...a list of the murderers and executioners and life imprisonment for those who are still free" (Ortiz, 1995), in reference to members of the military and government who took part in the repression and torture of civilians.

While studying in Argentina, I had the opportunity to tour previous torture centers as well as a memorial created in memory of the missing citizens. I also attended a trial of previous members of the military junta, all of whom were very elderly, probably somewhere in their 80's. In 2005, the Argentine Supreme Court removed the amnesty that protected former members of the military from prosecution (Desantis, 2009). While many of the members were already very elderly, this nevertheless served as a type of symbolism that brought to light their former abuses. While in court, I heard the testimony of many victims, one of whom was a woman who was born in a concentration camp and then given back to her grandmother. However, other children were not so lucky and it is estimated that about 500 children were stolen and given to government or military officials (Barrionuevo, 2011). Such atrocities are what keeps efforts of the Mothers of the Plaza de Mayo alive and continues to fuel public need for accountability. All of the people

who testified in court were eager to present their stories to the judges. The citizens of Argentina represent one example of a desire to hold past perpetrators accountable for their crimes, even if they are all elderly and likely to die of natural causes.

It is apparent that the scars left behind by human rights violations are not easy to heal. When those violations originate with one's own government it creates a sense of fear and confusion in the minds of the people. This fear is not easy to erase and creates great distrust in the governing institutions, which permeates deep into society. After the collapse of the Soviet Union, many Russian citizens felt unsure about democracy and had little trust in state institutions because of the repressive regime through which they lived (Hiatt, 1995). The people were unsure that they could ever have true democracy in their nation and were accustomed to being afraid and terrorized by their government. This pattern is likely to occur in many other nations coming out of repressive regimes. Misztal observes that, "open and reflexive public recollection can help make social life less alienated, autocratic, or dogmatic and more meaningful, decent, and creative" (2005, 1336). This implies that society as a whole must examine and evaluate the past in an open and honest manner. Avoiding concrete action and accountability for past atrocities could even serve as an obstacle to an open society and to the ability of people to have trust in social institutions.

It is difficult to say for sure what factors are needed to restore trust in one's government and therefore to enable democracy. This paper argues that accountability in the form of human rights trials is one such factor. Accountability for past human rights crimes allows people to move forward and to gain trust in democracy within their own nations. This research is important because it sheds light on ways with which nations can recover from past atrocities. It also provides insight into ways in which democracy can be established and supported within those nations and may serve as a guide for future nations that are transitioning from dictatorship to democracy. It is important to understand what causes citizen trust and how to establish trust in

government so that citizens are able to fully exercise all of their political and civil rights.

## Chapter 2

### Theories and Literature Review

The perpetuation of government terror on the civilians of its own nation is horrendous and leads to tremendous casualties often simply due to political dissent or civil unrest. It is critical to find ways of preventing such atrocities from occurring in the future and several studies have examined the effect that the prosecution of human rights abuse has on future governments and civil rights in those nations.

Some studies claim that human rights trials may not actually improve democracy or prevent future human rights abuse. For example, Snyder and Vinjamuri argue that trials for past abuses are unlikely to improve human rights because in many cases of civil conflict if a political agreement between opposing factions is not already in place the parties threatened by punishment will have a stronger incentive to continue the conflict. They find that human rights trials are not correlated with democracy and that amnesties lead to better resolutions (2004). This implies that human rights trials might prevent a peaceful transition to democracy and would in turn only serve to stall the process. Another study argues that human rights trials and international tribunals also do not improve human rights practices; however they do not seem to cause negative effects either (Meernik, Nichols & King, 2010). This suggests that human rights trials do not add anything in terms of a country's civil and political rights, but they also do not worsen the conditions within a nation as other studies have suggests.

In contrast to the previous examinations, other studies show that human rights trials improve human rights conditions and the overall conditions of democracy within nations. For example, Sikkink and Walling created a dataset of human rights trials and truth commissions in

Latin America, and demonstrated that there is no case in which democracy has been undermined due to a human rights trial. On the contrary, they find that in the majority of cases human rights actually improved (2007). Later research by Kim and Sikkink used a quantitative study to demonstrate that human rights trials and truth commissions in countries that have already transitioned to democracy reduce repression (2010). This means that those nations that hold human rights trials suffer from fewer human rights abuses later on.

Previous research has been inconclusive on the effect of human rights trials, with several studies noting that human rights trials have a positive effect while other studies claim a negative effect in terms of human rights and democracy. These studies have focused on different aspects of transitions to democracy, but none have examined how human rights trials influence the opinions of the citizens in democratic countries that use human rights trials to address prior crimes. While a country might be considered democratic by certain economic or political criteria, the general population might still be scared or unsure of exercising its rights, which would in turn prevent a true democracy from functioning properly. This study therefore focuses on whether human rights trials influence citizen trust in democracy, and in doing so sheds light on whether an increase in accountability through trials leads citizens to have a more favorable view of democracy within their nations.

## Chapter 3

### Data and Methods

#### *Data*

This study examines how human rights trials influence people's trust in democracy. The unit of analysis is the country, specifically 11 Latin American nations: Argentina, Brazil, Chile, Paraguay, Uruguay, El Salvador, Guatemala, Bolivia, Mexico, Honduras and Nicaragua. These countries were chosen because they experienced repressive regimes followed by transitions to democracy in the 1980's and 1990's. Choosing countries from the same geographic region also holds constant factors such as similar experiences with colonialism, relatively long histories as independent countries, and similar positions vis-à-vis the U.S., especially during the Cold War period. I examine data from 1990- 2006 to allow for wide variation across time.

The human rights data is collected from the Human Rights Prosecution Database, created by Dr. Hun Joon Kim. This database examines countries undergoing democratic transition during the years 1974-2006. This research focuses on domestic prosecutions of human rights abuse, which the Human Rights Prosecution Database obtained from the U.S Department of State Annual Country Reports. Only criminal activity is included in the trial data. The data excludes "Civil trials, the granting of reparations, compensation, government/official apologies, and memory museums" (Kim). Also, only the presence and not the amount of judicial activity are measured. Those countries which have trials for human rights abuse in a given year are marked

with a “1” and those which have no trials in a given year are marked with a “0” (Kim). Of the 127 country-years in the sample, 54 (or roughly 43 percent) have human rights trials the prior year.

Trust in government is measured using several key variables identified from the Latinobarometer. The Latinobarometer is a public opinion survey that annually gathers data from 18 Latin American nations from the years 1995-2008. The year 1999 is missing from the dataset, and the year 1995 is missing from the data for El Salvador, Guatemala, Bolivia, Honduras, and Nicaragua ("Latinobarometro," 2012). For this study two variables were selected to measure trust in democracy. The first is called “support for democracy”, which asks whether democracy is preferable to any other form of government, whether in some instances an authoritarian government is preferable or whether it does not matter either way. The second measure of trust is a question that asks respondents how satisfied they are with the way that democracy works in their country, with the respondents given a choice of answering either as being satisfied or not satisfied.

To control for factors that influence both trust in democracy and human rights trials, I include several additional variables. The first is taken from the Latinobarometer and measures confidence in the armed forces. This question asks respondents whether they have a lot, some, a little, or no confidence in the military of their nation. This question is important in understanding the public opinion of the armed forces in order to see if this also, affects their trust in democracy. The other control variables measure economic well-being because citizens’ assessment of the economy may influence their assessment of government. To control for economic factors, I include GDP per capita and the annual GDP per capita growth. This data is gathered from the World Development Indicators of the World Bank data which collects annual information for nations around the world ("World development indicators," 2012). GDP per capita is measured in current US dollars.

## *Methods*

This paper hypothesizes that human rights prosecutions within a nation will lead to higher satisfaction with and preference for democracy. I combine data for all 11 nations. Human rights prosecutions are measured by whether human rights trials occurred or did not occur in a given year. The prosecutions are then lagged by one year to account for the influence of human rights prosecutions in the previous year on the satisfaction with and preference for democracy in a given year.

Satisfaction with democracy is measured by condensing the response categories of very satisfied, rather satisfied, not very satisfied, and not at all satisfied into two categories of satisfied and not satisfied. The percentage of those respondents that are satisfied with democracy is then used for the linear regression. Preference for democracy is measured by examining the categories: *democracy is preferable to any other kind of government; under some circumstances, an authoritarian government can be preferable to a democratic one, and for people like me; it does not matter whether we have a democratic or a non-democratic regime*. Only those respondents who answered that democracy is preferable to any other form of government are then used to calculate the percentage of respondents in each year who prefer democracy. To account for the fact that this data is bounded by 0 and 1, I logit transform the percent to allow it to have unbounded values in a linear model.

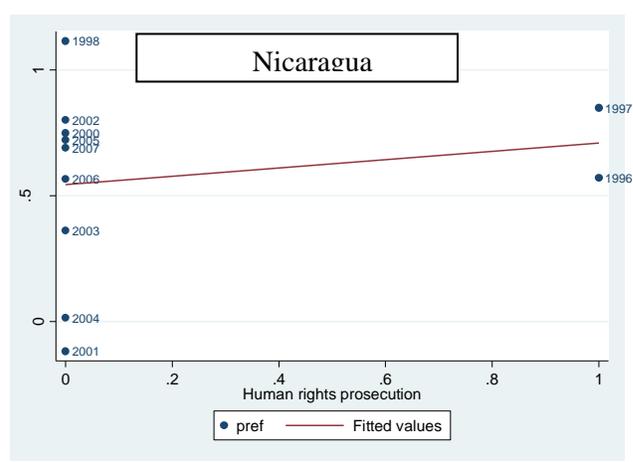
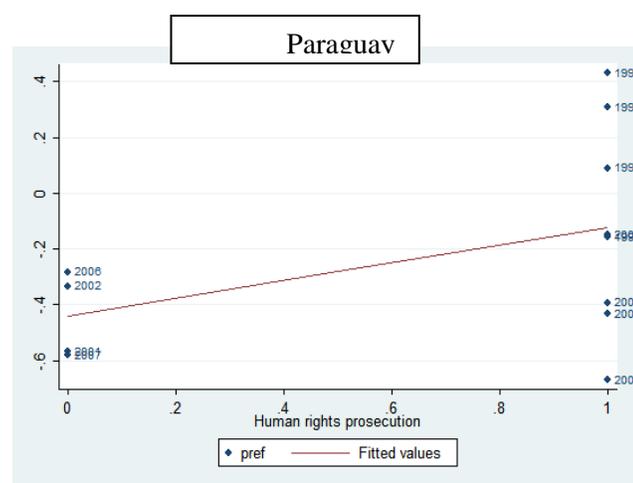
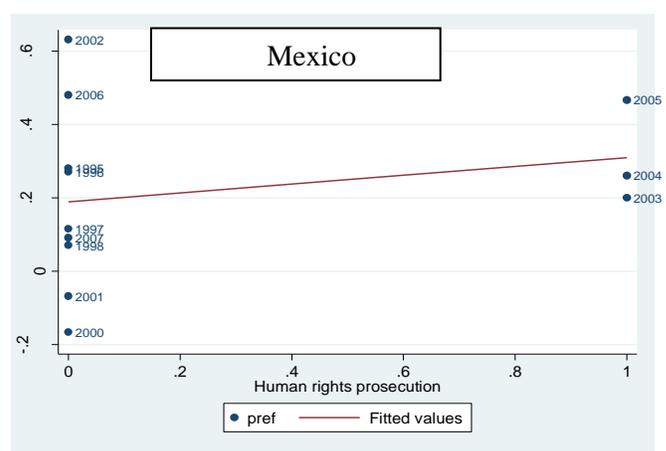
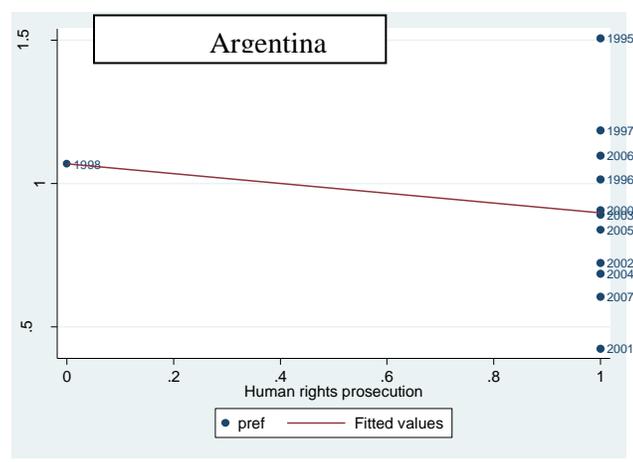
Figure 1 depicts the effect of human rights prosecutions on preference for democracy in each nation individually when not accounting for any control variables. Paraguay, Mexico, Nicaragua, Guatemala, Bolivia and Honduras have positive correlations meaning that human rights prosecutions lead to an increase in preference for democracy. On the other hand, Argentina and Uruguay have negative correlations meaning that human rights prosecutions actually lead to a decrease in preference for democracy in those two nations. Chile has human rights prosecutions

in every year of the sample, while Brazil and El Salvador do not have any human rights prosecutions when lagging the data, and all three are therefore not included in the figure.

In the pooled analysis, country fixed effects are used to control for outstanding factors that could influence the occurrence of human rights trials and the satisfaction with and preference for democracy of respondents that may vary across different countries but not over time. This includes factors such as political culture, past presence of democracy, as well as the influence of the military. This means that the regression is estimating the effect of human rights prosecutions across time within specific countries rather than comparing the effect of prosecutions in one country to the effect in another country that does not prosecute human rights abuse.

Several control variables are used to control for the effect of outstanding time-varying factors that could influence the occurrence of human rights trials as well as the satisfaction with and preference for democracy of respondents. Growth Domestic Product (GDP) per capita in current U.S dollars is used to measure the economic conditions within each nation. GDP annual growth is then used to measure changing economic conditions within the nation to see if the growth within a previous year, affects how respondents perceive democracy. Military confidence is used to measure confidence in the armed forces and is condensed from the following response categories: a lot of confidence, some confidence, little confidence and no confidence at all, into a binary variable of confidence and no confidence. The percentage of respondents who have confidence in the armed forces is then used for the analysis.

**Figure 1: The Effect of Human Rights Prosecutions on Democratic Preferences in Individual Countries**



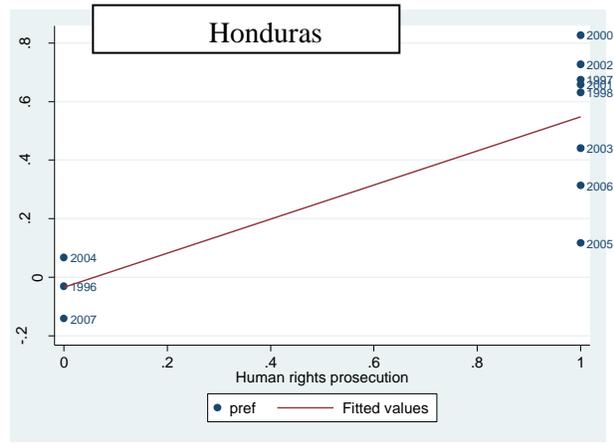
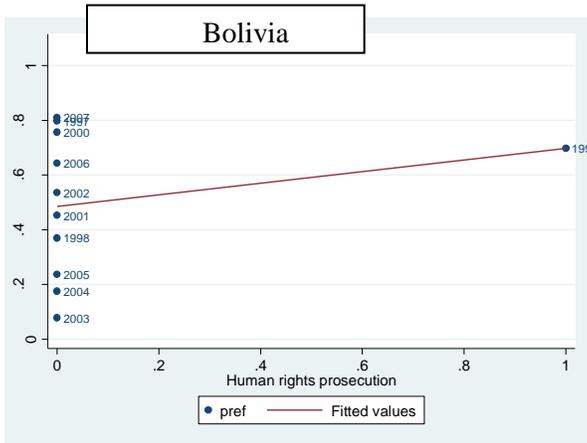
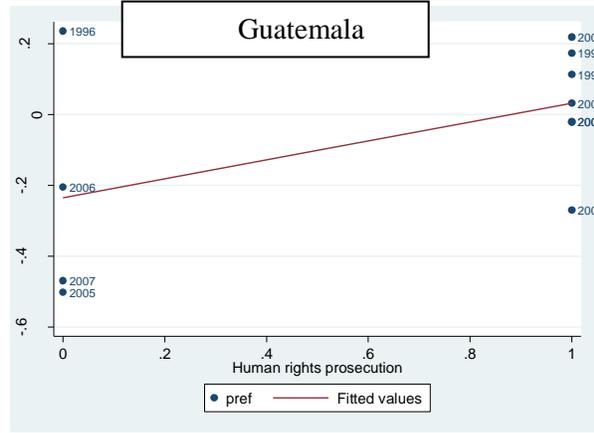
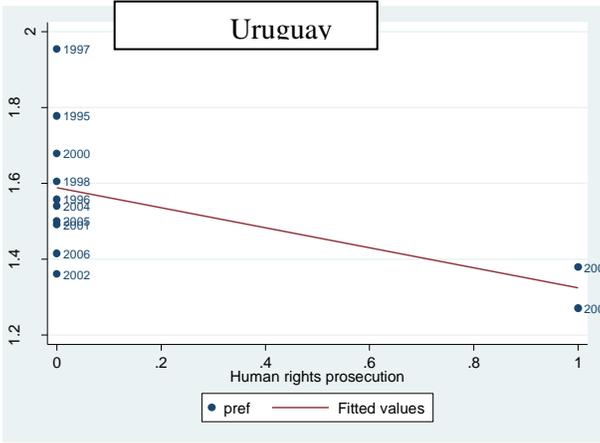


Figure 1 depicts the preference for democracy for each year for each nation individually, when accounting for human rights prosecutions. Human rights prosecutions are labeled on the X-axis while preference for democracy for each specific year is shown by a blue diamond. The fitted line represents the slope of the effect of human rights prosecutions on democratic preference over time. Chile had human rights prosecutions in every year of the sample, while Brazil and El Salvador did not have human rights prosecutions when lagging the human rights data and all three were therefore excluded from the Figure.

## Chapter 4

### Analysis

#### *Multivariate Analysis*

To test whether human rights trials lead to greater satisfaction with and preference for democracy, I examine a linear regression. Table 1 shows the effect of human rights prosecutions on satisfaction with democracy. Model 1 accounts only for human rights prosecutions without using any control variables, except for country-fixed effects. As demonstrated in Model 1 of Table 1, satisfaction with democracy is expected to increase by 0.204 units for every year of human rights prosecution. The data shows a slight positive correlation and is statistically significant at the  $p \leq 0.1$  level. Model 2 examines the effect of human rights prosecution on satisfaction with democracy when accounting for the annual growth of the gross domestic product of the country. In this model, satisfaction with democracy is expected to increase 0.223 units for every year of human rights prosecution. As compared to Model 1, Model 2 shows a slightly stronger positive correlation between human rights prosecutions and satisfaction with democracy and it is statistically significant at the  $p \leq 0.1$  level. Finally, Model 3 examines the effect of human rights prosecutions on satisfaction with democracy, when accounting for all of the control variables. This model also shows positive correlation but it is not as substantively strong as in the first two models: satisfaction with democracy is only predicted to increase by 0.167 units for every year of human rights trials. The results are not quite statistically significant at the 0.10 level. The effect of annual GDP growth appears to have a positive correlation with satisfaction with democracy in Models 2 and 3. It is also statistically significant at the  $p \leq 0.05$  level.

Table 2 shows the effect of human rights prosecutions on preference for democracy. Model 1 only examines human rights prosecutions without accounting for any control variables except country fixed effects. It shows that preference for democracy is expected to increase by 0.179 units for every year of human rights prosecution and this is statistically significant at the  $p \leq 0.05$  level. Model 2 accounts for human rights prosecutions as well as the annual growth of the GDP. In this model preference for democracy increases by 0.184 units for every year of human rights prosecution and it is also statistically significant at the  $p \leq 0.05$  level. Finally, Model 3 accounts for the effect of human rights prosecutions when including all of the control variables. In this model, preference for democracy is expected to increase by 0.178 units for every year of human rights prosecution and it is also statistically significant at the  $p \leq 0.05$  level. None of the control variables in Table 2 are statistically significant.

The hypothesis that human rights prosecutions increase satisfaction with democracy is not statistically significant when accounting for all of the control variables. However, the sample size is relatively small (105 in Models 3 from Tables 1 and 2) which means that statistical significance is hard to demonstrate. The regression nevertheless shows a positive correlation between human rights trials and satisfaction with democracy, meaning that further research is necessary to demonstrate a direct relationship. Preference for democracy remains statistically significant even when accounting for all control variables. This shows that there is a positive relationship between human rights prosecutions and preference for democracy and supports the original hypothesis, that human rights prosecutions cause greater trust in democracy.

The substantive effects in Figure 2 show how human rights prosecutions influence the preference for and satisfaction with democracy by taking the inverse logit of the estimated coefficient. This means the substantive effects of prosecutions can be interpreted in terms of the original scale of the data, which has values that can theoretically fall between 0 and 1 (or 0 and 100 percent). In this figure it is clear that the probability that democracy preference will be

affected by human rights is 4.5 and the probability that satisfaction with democracy will be affected is 5.1.

**Table 1: Linear Regression of the Effect of Human Rights Prosecution on Satisfaction with Democracy**

<b>Independent Variable</b>	Model 1	Model 2	Model 3
Human Rights Prosecution	0.204 (0.110)*	0.223 (0.070)*	0.167 (0.231)
<b>Controls</b>			
Growth	-----	0.060 (0.002)**	0.057 (0.007)**
GDP per Capita (log)	-----	-----	-0.093 (0.662)
Military Confidence	-----	-----	0.263 (0.713)
<b>N</b>	127	127	105
<b>R-Square</b>	0.5791	0.6137	0.6511

(\* $p \leq 0.1$ , \*\* $p \leq 0.05$ , \*\*\* $p \leq 0.001$ ) (Probability in parenthesis)

**Table 2: Linear Regression of the Effect of Human Rights Prosecution on Preference for Democracy**

<b>Independent Variable</b>	Model 1	Model 2	Model 3
Human Rights Prosecution	0.179 (0.017)**	0.184 (0.014)**	0.178 (0.045)**
<b>Controls</b>			
Growth	-----	0.014 (0.219)	0.007 (0.584)
GDP per Capita (log)	-----	-----	0.025 (0.852)
Military Confidence	-----	-----	0.193 (0.672)
<b>N</b>	127	127	105
<b>R-Square</b>	0.7837	0.7866	0.7817

(\* $p \leq 0.1$ , \*\* $p \leq 0.05$ , \*\*\* $p \leq 0.001$ ) (Probability in parenthesis)

**Figure 2: The Effect of Human Rights Trials on Change in Democracy Preference and Satisfaction**

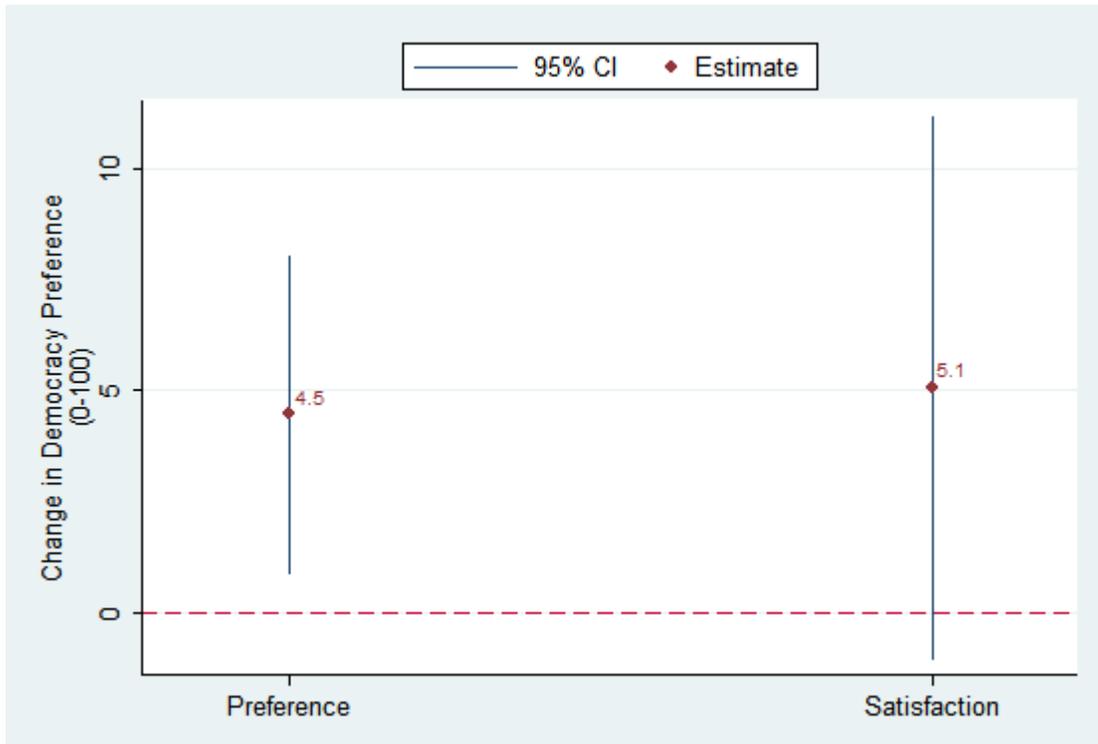


Figure 2 compares the effect of human rights trials on both democracy preference and satisfaction in all of the nations under study. The fitted line is the 95% confidence interval and shows that on average, the probability that democracy preference will be affected by human rights is 4.5 and the probability that satisfaction with democracy will be affected is 5.1. Estimates are based on Models 3 from Tables 1 and 2.

## **Chapter 5**

### **Conclusion**

This research examines the effect of human rights prosecutions on trust in democracy in Latin American nations. Specifically, it was hypothesized that the occurrence of human rights prosecutions would increase both satisfaction with and preference for democracy. The results partly support this hypothesis because while satisfaction with democracy did not show a statistically significant effect, such an effect was seen in the preference for democracy model.

However, the fact that the effect of human rights prosecutions on satisfaction with democracy is not statistically significant can be attributed to the small sample size. After accounting for the fact that the Latinobarometer is missing data for the year 1999 and the year 1995 for some nations, and that the Human Rights Prosecution database only includes data up to the year 2006, the final multivariate analysis sample size is only 105. In order to confirm or disprove the positive correlation between human rights prosecutions and satisfaction with democracy it is necessary to gather data for a larger sample size and possibly for more nations within Latin America.

Some other limitations of this research include the inability to control for all possible outstanding variables. Many factors play into citizen trust into democracy and this research only examined a narrow set of factors including human rights prosecutions, GDP and confidence in the military. Future studies should focus on other outstanding variables and examine case studies of individual nations in order to compare these case studies to other Latin American nations. A lot of the human rights trials also occurred ten or twenty years after the nation's transition to democracy so it is unclear if the prosecutions would have had a stronger effect in the years directly following transition. A final limitation is that this study only examines one region of the world and does not account for factors that affect other regions. The democratic transition of

Latin American nations differs from any other transitions to democracy and these results must therefore be used cautiously when applying them to other world regions.

The significance of this research is that it demonstrates that there is a positive correlation between human rights prosecutions and satisfaction with democracy and that there is also a statistically significant positive relationship between human rights prosecutions and preference for democracy. Citizen trust in democracy is therefore tied in to accountability for past human rights violations. This supports previous research by Sikkink and Walling that human rights trials lead to better human rights conditions (2007). It is clear that human rights prosecutions do have an effect on citizen trust in democracy but further studies are needed to expand on this research and present greater sample sizes. The future policy implications of this research are that nations in transition to democracy must hold accountable past perpetrators of human rights abuse. Doing so is likely to strengthen citizen trust in democracy and allow for full democratic participation.

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### **Education**

B.A., International Politics, 2013, The Pennsylvania State University, University Park, PA

B.A., Sociology, 2013, The Pennsylvania State University, University Park, PA

Minor in Spanish

Minor in History

Studied abroad in Buenos Aires, Argentina, Spring 2012

### **Honors and Awards**

- Phi Beta Kappa Honor Society, Penn State University, 2012
- Schreyer Honor's College Ambassador Travel Grant, 2012
- College of the Liberal Arts Enrichment Funding, 2012
- National Society of Collegiate Scholars, 2010
- College of the Liberal Arts Scholarship, 2010-2013
- Dean's List, Penn State University, 2009-2013

### **Association Memberships/Activities**

- President of the Amnesty International chapter at Penn State, 2012- 2013

**Professional Experience**

- Telephone Interviewer, Survey Research Center, Penn State, 2013
- Intern, Community Help Centre, State College, PA, 2013
- Research Assistant, Population Research Institute, Penn State, 2011

**Research Interests**

I have broad interests in social and political processes, specifically in areas relating to Latin American and Eastern European studies.