

Ill Treatment and Torture in Sweden: A Critique of Cross-Case Comparisons

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ABSTRACT

Common perceptions of Sweden seldom include images of ill treatment and torture. However, human rights reports published by Amnesty Int'l and the US State Dept. describe recurring allegations of ill treatment and torture perpetrated by security forces in Sweden. What explains this unexpected case of human rights abuse? The answer to this question reveals an important theoretical concept that has not previously been discussed in human rights documentation and measurement projects: *the level of institutional transparency*. We provide evidence of the process by which the bureaucracy in Sweden ensures an extremely high level of transparency about allegations of human rights abuse by government agents. We argue that this transparency likely varies systematically over time but especially across countries. The major implication of our study therefore travels beyond Sweden: documentation and measurement projects that do not account for differential levels of transparency of government institutions may not be comparable across cases, possibly introducing bias to cross-sectional comparisons.

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I. INTRODUCTION

For the past three decades, agents of the security forces in Sweden have in certain years allegedly engaged in acts of ill treatment and torture. Consequently, human rights reports published annually by Amnesty Int'l and the US State Dept. provide documentary evidence of a pattern of abuse perpetrated by security forces in Sweden.¹ What explains this unexpected case of human rights abuse? The answer to this question reveals an important theoretical concept that has not previously been discussed as part of the human rights documentation and coding process: *the level of institutional transparency*.²

We have selected Sweden for our analysis because it has an unexpectedly high value on reports-based measures of ill treatment and torture. We explore this deviant or unexpected case because we believe it will provide insight into important theoretical concepts not previously considered.³ The Swedish government makes all allegations of human rights abuses freely accessible to everyone upon request, and in recent years has proactively published summary statistics and analyses in an open-access website.⁴ The high level of institutional transparency is important for understanding the case in Sweden and the documentation process more generally, because the US State Dept. includes much of this online information in its annual human rights reports.⁵

Each year, political scientists use the information contained in the annual human rights reports to categorize Sweden, and nearly every other country in the world, based on the documentation of allegations of ill treatment and torture and many other types of human rights abuses.⁶ Analysts then use these

1. For specific years where Sweden is registered as engaging in ill treatment, see Table I. Amnesty Int'l annual reports are available at <https://www.amnesty.org/en/> and the US State Department's are available at <https://www.state.gov/j/drl/rls/hrrpt/>.
2. Courtenay R. Conrad, et al., *Disaggregating Torture Allegations: Introducing the Ill-Treatment and Torture (ITT) Country-Year Data*, 14 INT'L STUD. PERSPECTIVES 199 (2013). Clearly note that their data is designed to capture "reporting" of torture and not the true levels of torture or census of allegations of ill-treatment and torture. Relatedly see Kristine Eck & Lisa Hultman, *One-Sided Violence Against Civilians in War: Insights from New Fatality Data*, 44 J. PEACE RES. 233, 236 (2007), which acknowledges the uncertainty of the estimation process of indicators of political violence.
3. Our case selection is based on a specific type of case study design known as the deviant case study: "[t]he deviant case method selects that case that, by reference to some general understanding of a topic (either a specific theory or common sense), demonstrates a surprising value. The deviant case is therefore closely linked to the investigation of theoretical anomalies." Jason Seawright & John Gerring, *Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options*, 61 POL. RES. Q. 294, 302 (2008). See also Arend Lijphart, *Comparative Politics and the Comparative Method*, 65 AM. POL. SCI. REV. 682 (1971).
4. Rapportör Om Mänskliga Rättigheter, Demokrati Och Rättsstatens Principer I Världen, available at <http://www.government.se/government-policy/democracy-and-human-rights/>.
5. US State Dept., *Human Rights Reports*, available at <https://www.state.gov/j/drl/rls/hrrpt/>.
6. David L. Cingranelli & David L. Richards, *Measuring the Level, Pattern, and Sequence of Government Respect for Physical Integrity Rights*, 43 INT'L STUD. Q. 407 (1999).

categorical scores to compare different cases to one another (country-year units). However, to make these cross-sectional comparisons, the analyst must implicitly assume that the information used to generate the human rights categories is produced in an identical process. Analysts—the authors of this article included—have assumed that differences in the information contained in human rights reports, and by extension, the categorized data, are only present when the “true” level of human rights abuse between two cases is different. Thus, if the reports are systematically different because of some other variable, then an instrumentation threat exists that might potentially bias cross-sectional or over time comparisons. Christopher Fariss demonstrates how changes to the standard of accountability make over time comparisons of the coded human rights data problematic.⁷ However, to date, no analysts have assessed the potential for cross-sectional bias. Sweden is therefore an excellent case to highlight why this assumption—always implicitly present—is not a strong one and should be addressed with new data collection and measurement research.

The contribution of this critique is two-fold. First, we highlight the human rights documentation processes that occur within the Swedish political context and suggest that these processes are likely systematically different when compared to other similarly coded cases such as Benin, Laos, or Argentina and in recent years, even cases such as Haiti or Belarus (each of these cases is often categorized at the same value on a commonly used human rights categorical variable published by David Cingranelli and David Richards).⁸ The details from the Swedish case provide important observational evidence that offers useful theoretical and practical developments for new measurement strategies designed to address this issue. Second, we offer suggestions for researchers interested in understanding the human rights monitoring, documentation, and accounting processes for future research. Specifically, we suggest that the main conceptual difference that should be accounted for when theorizing about existing and future human rights measurement projects is one of variation in the institutional transparency within states. Sweden is an exemplar of government transparency and we suggest that the relative position of Sweden along the continuum of institutional transparency is much higher than other states. Therefore, the observed similarity obtained from comparing the categorized human rights documents for Sweden with the categorized human rights documents from some other, less transparent countries is possibly an artifact of not accounting for the level of institutional transparency within the different states being considered.

The measurement tools necessary to make adjustments to human rights data exist and we believe should be used to address the construct validity

7. Christopher J. Fariss, *Respect for Human Rights has Improved Over Time: Modeling the Changing Standard of Accountability*, 108 *AM. POL. SCI. REV.* 297 (2014).

8. Cingranelli & Richards, *supra* note 6.

issue in conjunction with the collection and incorporation of data on the institutional transparency of government institutions. In the conclusion of our critique, we offer additional suggestions on next steps to take.

II. THE MONITORING, DOCUMENTATION, AND CODING PROCESS

Each year, beginning in the mid 1970s and for nearly every country in the international system, staff at Amnesty Int'l and the US State Dept. collect and organize allegations of different forms of human rights abuses that are described in yearly reports.⁹ The human rights reports are the result of enormous information gathering campaigns driven by an increasingly interconnected international and domestic civil society in the case of Amnesty Int'l¹⁰ and an increasingly professionalized bureaucracy in the case of the US State Dept.¹¹ As a result of these efforts, the reports contain rich, structured, qualitative information about how and to what degree states violate different types of human rights.

Beginning in the early 1980s, political scientists began systematically coding the content of these reports to study the relative level of human rights abuse both over time and between countries, notably in the Cingranelli-Richards (CIRI) dataset and the Political Terror Score (PTS) dataset.¹² The categorized human rights variables contained within these datasets have been widely used in quantitative analyses of human rights abuse. To understand where the data originate, we trace the process by which information about

9. US State Dept., *supra* note 5; Amnesty Int'l, *Countries*, available at <https://www.amnesty.org/en/countries/>.

10. ANN MARIE CLARK, *DIPLOMACY OF CONSCIENCE: AMNESTY INTERNATIONAL AND CHANGING HUMAN RIGHTS NORMS* (2001); MARGARET E. KECK & KATHRYN SIKKINK, *ACTIVISTS BEYOND BORDERS: ADVOCACY NETWORKS IN INTERNATIONAL POLITICS* (1998); Amanda Murdie, *The Ties that Bind: A Network Analysis of Human Rights International Nongovernmental Organizations*, 44 *BRIT. J. POL. SCI.* 1 (2014); Amanda M. Murdie & David R. Davis, *Shaming and Blaming: Using Events Data to Assess the Impact of Human Rights INGOs*, 56 *INT'L STUD. Q.* 1 (2012).

11. Judith Innes de Neufville, *Human Rights Reporting as a Policy Tool: An Examination of the State Department Country Reports*, 8 *HUM. RTS. Q.* 681 (1986); LAWYERS COMMITTEE FOR HUMAN RIGHTS, *CRITIQUE: REVIEW OF THE U.S. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1996* (1997); Steven C. Poe, et al., *How are These Pictures Different? A Quantitative Comparison of the US State Department and Amnesty International Human Rights Reports, 1976-1995*, 23 *HUM. RTS. Q.* 650 (2001).

12. CIRI combines the content of the human rights reports published by Amnesty Int'l and the US State Dept. to code four distinct types of physical integrity violations on a three-point ordered scale for each country-year observation: torture, extrajudicial killing, disappearances, and political imprisonment. The Political Terror Scale (PTS) is coded using the same human rights documents. However, instead of using the documents to code specific rights by country-year, the PTS creates two 5-point ordered scales of "political terror" using information from each set of reports to categorize country-years based on the overall use of the same four physical integrity rights: torture, extrajudicial killing, disappearances, and political imprisonment.

possible violations are obtained and subsequently included in Amnesty Int'l and US State Dept. reports. To do so, we turn to Sweden, a country which CIRI has coded as having "occasionally" engaged in ill-treatment and torture in nearly a third of the years of its coverage.

III. TREATMENT AND TORTURE IN SWEDEN

For the past three decades, agents of the security forces in Sweden have engaged in acts of ill treatment and torture against citizens and migrants within its borders. This is not hyperbole. According to the Cingranelli and Richards torture variable, Sweden is coded as engaging in torture for eleven years of the thirty-one-year period (1981 to 2011) covered by these data.¹³ These data also suggest a pattern of abuse that is occurring more frequently year to year in Sweden. How do we explain this pattern of ill treatment and torture in Sweden, a country that is one of the top performing countries along many other country-level indicators?

The answer to this question is suggested in general terms by Amnesty Int'l:

Amnesty International is often asked to compare and contrast the human rights record of different countries or of successive governments. It does not and cannot do this. Government secrecy and intimidation obstruct the flow of information from many countries and can impede efforts to corroborate allegations; this fact alone makes it impossible to establish a reliable and consistent basis for comparison. Furthermore, prisoners are subjected to widely differing forms of harassment, ill-treatment and punishment, taking place in diverse contexts and affecting the victims and their families in different ways; this fact would render any statistical or other generalized comparison meaningless as a real measure of the impact of human rights abuses.¹⁴

Unlike Amnesty Int'l, we firmly believe that the systematic categorization of the qualitative human rights reports has helped scholars produce important insights into the patterns of repression. It is nonetheless critical that we, as scholars, evaluate the information production process itself in order to understand when case comparisons might yield biased inferences. This admonition from Amnesty Int'l also holds true for countries that maintain exemplary reporting practices such as Sweden. In the past decade, the Swedish government has centralized its documentation procedures for registering claims of police violence. These data are incorporated into the State Dept.'s annual human rights report and are thereafter coded into the CIRI dataset. To understand how Sweden has become coded as a state which

13. David L. Cingranelli, et al., *CIRI Human Rights Data Project: Data & Documentation* (2014), available at <http://www.humanrightsdata.com/p/data-documentation.html>.

14. AMNESTY INT'L, AMNESTY INTERNATIONAL REPORT 1984 (1984).

occasionally engages in torture, we trace the process by which claims of abuse are made, are documented by international actors as ill treatment and torture in Sweden, and are ultimately transformed into quantitative data for use by researchers. For the purposes of this paper, we are agnostic to the veracity of the human rights claims in the reports; we focus solely on the data generation process.

A. Cases of Torture in Sweden

We turn first to the annual human rights reports produced by the US State Dept. (USSD) and Amnesty Int'l (AI) for the years in which Sweden is coded as having engaged in torture. Table I provides an overview.

Broadly speaking, cases of ill-treatment and torture in Sweden fall into two categories. The first are claims that Immigration Board decisions to deny residency permits and remit individuals back to their countries of origin violate Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states that “[n]o State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”¹⁵ While a number of cases (usually under a dozen) are filed against the government annually on these grounds, the UN Committee against Torture has upheld the government’s position in the vast majority of these cases. Exceptions where the Committee has ruled in favor of the petitioner include the 2000 case of an Iranian woman who feared that she might be sentenced to death by stoning for adultery if she was returned to Iran, and the well-publicized case of the December 2001 expulsion of an Egyptian national. The latter incident caused a media storm after it was revealed that the Cabinet remanded the individual into the custody of alleged US agents, upon the recommendation of the Swedish Security Police (Säpo), and that he was subsequently tortured in Egypt.¹⁶ Although Sweden has neglected its obligations under international law on these occasions, Swedish security forces themselves did not engage in ill-treatment or torture in these cases and thus are not included in CIRI.

15. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 Dec. 1984, G.A. Res. 39/46, U.N. GAOR, 39th Sess., art. 3, U.N. Doc. A/39/51 (1985), 1465 U.N.T.S. 85 (entered into force 26 June 1987).

16. For Sweden’s role see Human Rights Watch, *Sweden Implicated in Egypt’s Abuse of Suspected Militant* (5 May 2004), available at <http://www.hrw.org/legacy/english/docs/2004/05/05/egypt8530.htm>; see also *Agiza v. Sweden*, Com. No. 233/2003, U.N. Doc. CAT/C/34/D/233/2003 (2005), available at <https://www1.umn.edu/humanrts/cat/decisions/233-2003.html>; for US involvement see *Sweden: Expulsions Carried Out by US Agents, Men Tortured in Egypt*, STATEWATCH NEWS, 12 May 2014, available at <http://www.statewatch.org/news/2004/may/12sweden.htm>.

Table 1.
III-Treatment and Torture in Sweden: 1981–2011

Year	Source	Event
1983	USSD	Non-specific claims of excessive police force. Claims of excessive force in training of military recruits.
1997	AI	Three men alleged that they were ill-treated and subjected to racist abuse by police officers. They were subsequently charged with making a false complaint. Claims of excessive police force in a fatal 1995 case.
2000	USSD	Five cases of excessive use of force by policemen were under investigation. Three officers were fined for excessive use of force in October 1999.
2003	USSD	Claims of excessive force relating to the shooting and wounding of protesters. The U.N. Committee Against Torture received 11 new cases against the Government (unspecified in report but probably relating to immigration decisions).
2005	USSD	Two police officers convicted for assault and excessive violence (no information on incident); investigations into another 2005 incident were ongoing.
2006	USSD	Law enforcement authorities conducted 82 investigations of police officers and charged and convicted nine for crimes, including unlawful threat, causing bodily injury, and procurement and sexual molestation.
2007	USSD	Law enforcement authorities conducted 40 investigations of police officers and charged and convicted nine for crimes, including minor assault, theft, and sexual molestation.
2008	USSD	Law enforcement authorities conducted 537 investigations of police officers, charged and convicted nine for crimes, including minor assault, theft, and sexual molestation.
2009	USSD	The national prosecutor's office received 4,828 reports of misconduct during the year. The reports covered all police employees, officers and civilians, and involved incidents that occurred on active service and outside of work; 15% of the reported cases were work-related accusations that officers had used excessive violence.
2010	USSD	The national prosecutor's office received 4,824 reports of misconduct during the year. The reports covered all police employees, both officers and civilians, and involved incidents that occurred on active service and outside of work; 15% were accusations that on-duty officers had used excessive violence. AI also reports claims of excessive police force in a fatal 2008 case.
2011	USSD	The national prosecutor's office received 5,373 reports of misconduct during the year. The reports covered all police employees, both officers and civilians, and involved incidents that occurred both on active service and outside of work; 17% involved accusations that on-duty officers had used excessive violence.

(Compiled by authors using data from US State Dept. Country Reports on Human Rights Practices and Amnesty International Reports)

The second category of ill-treatment and torture in Sweden consists of cases of excessive police violence. Several of these incidents were well publicized in the media and by AI, specifically the case of Osmo Vallo, who died while in police custody in 1995.¹⁷ The two arresting police officers in the Vallo case were convicted in 1996 in connection with their failure to control a police dog, which bit Vallo. Charges were not brought against them, however, in relation to Vallo's death, and they served no prison time. The case of the death of Johan Liljeqvist, a twenty-four-year-old man who died in April 2008 following his arrest by police in Gothenburg, prompted an in-depth media investigation by Swedish Radio. This investigation cited a report by the Swedish National Police College, which stated that over thirty people had been killed while in the custody of police or private security guards in the past twenty-five years.¹⁸ A government inquiry also found police guilty of excessive violence and unlawful detention in association with demonstrations during the meeting of the European Union (EU) Council for Economic and Financial Affairs in Malmö in April 2001 and at the EU summit in Gothenburg in June 2001.¹⁹

As a response to both domestic and international critique, the Swedish government conducted an extensive mapping of human rights practices in Sweden in 2001,²⁰ which resulted in a National Plan of Action for Human Rights²¹ and over 135 substantive points of action.²²

B. Reporting Torture in Sweden

How did the data described above come to be reported in the USSD and AI annual human rights reports? Globally, the USSD's sources include "U.S. and

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17. Amnesty Int'l, *Five Years on, Still No Justice for Osmo Vallo* (30 May 2000), available at <https://www.amnesty.org.uk/press-releases/five-years-still-no-justice-osmo-vallo>.
 18. See Sverigesradio, 30 Har Dött I Polisingripanden (14 Dec. 2010), available at <http://sverigesradio.se/sida/gruppsida.aspx?programid=3437&grupp=9055&artikel=4237998>.
 19. JUSTITIEDEPARTEMENTET [SWEDISH MINISTRY OF JUSTICE], GÖTEBORG 2001 [GOTHENBURG 2001]. SOU 2002:122 (2002), available at <https://www.regeringen.se/rattsdokument/statens-offentliga-utredningar/2002/01/sou-2002122/>.
 20. KULTURDEPARTEMENTET, REGERINGSKANSLIET, MÄNSKLIGA RÄTTIGHETER I SVERIGE - EN KARTLÄGGNING (2001), available at <http://www.regeringen.se/rattsdokument/departementsserien-och-promemorior/2001/01/ds-200110/>.
 21. GÖRAN PERSSON, REGERINGENS SKRIVELSE, EN NATIONELL HANDLINGSPLAN FÖR DE MÄNSKLIGA RÄTTIGHETERNA 2006–2009 (2006), available at http://www.manskligarattigheter.se/dm3/file_archive/060314/cd54a7dcaf2c74ce0d4d8e4fb235b55b/s200506_95.pdf.
 22. REGERINGSKANSLIET, UPPFÖLJNING 2010, UPPFÖLJNING AV DEN NATIONELLA HANDLINGSPLANEN FÖR DE MÄNSKLIGA RÄTTIGHETERNA (2008), available at <http://www.regeringen.se/rapporter/2008/02/uppfoljning-av-den-nationella-handlingsplanen-for-de-manskliga-rattigheterna/>. See also the Swedish government's online portal <http://www.manskligarattigheter.se>, which collects all domestic and international laws and documentation (including governmental reports) regarding Sweden's human rights commitments and practices.

foreign government officials; victims of human rights abuse; academic and congressional studies; and reports from the press, international organizations, and nongovernmental organizations (NGOs) concerned with human rights.²³ The State Dept.'s practice is to solicit the information from its embassy in each country. Instructions to the embassies are detailed and standardized across countries. The report is compiled under a congressional mandate to the Bureau of Democracy, Human Rights, and Labor (which falls under the State Dept.). Under this mandate, embassies are requested to collect certain information; instructions about which information to collect may vary from year to year.

In recent years, the US Embassy in Sweden has relied primarily on publicly accessible Swedish sources (although sometimes publicly available data from international organizations like the UN are also included). For ill-treatment and torture, sources have been produced by the Swedish bureaucracy, namely, the Swedish National Prosecutor's Office (Åklagarmyndigheten) and the Swedish National Police (Polismyndigheten).²⁴

AI also solicits information from its country offices regarding human rights issues that should be included in the annual report. All information reported by country offices to AI is then vetted and sometimes supplemented by AI researchers in London; a dialogue is conducted between the local and international offices to determine the exact content of the text. In Sweden, most of the data found in the annual report originates in the Stockholm office. As befits a watchdog organization, government sources are not used by AI Stockholm unless they can be corroborated by additional non-governmental sources. AI Stockholm collects its data through a variety of sources, including the media, NGOs, and public institutions, however, it places a great deal of emphasis on its own interviews and investigations and is often contacted by individuals with claims of human rights violations.²⁵

C. Transparency in Sweden

When comparing the source material of USSD and AI, it is interesting to note that their primary sources differ. Both globally and in Sweden, AI data are primarily based on witness and victim testimonies, public reporting, and

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23. US State Dept., *2013 Human Rights Report: Appendix A: Notes on Preparation of Report* (27 Feb. 2014), available at <https://www.state.gov/j/drl/rls/hrrpt/2013/appendices/220481.htm>.
 24. Interview with US Embassy employee in Sweden (10 Sept. 2015). Information about previous years' data collection practices was not available due to staff turnover and because the reports submitted from the Embassy to the State Department are not archived at the Embassy.
 25. Telephone interview with Amnest Int'l Stockholm employee (11 Sept. 2015). (Interview notes are available upon request from the lead author.)

independently verifiable NGO reporting.²⁶ USSD data, however, appear to differ depending on the type of government in a given country. In a highly democratic country like Sweden, the USSD takes its data directly from the government without any apparent attempt to verify the data. It appears that the USSD turns to non-governmental sources primarily when working in countries which cannot be trusted to self-report their own abuses.

The Swedish government asserts that the nature of maintaining order and security necessitates providing police with a mandate to use violence to fulfill their duties when necessary. But as a consequence, citizens in Sweden have the right to demand high standards of moral rectitude on the part of the police, as well as citizen transparency and control over the police.²⁷ Statistics describing claims of police misconduct have been collected nationally and produced in publicly available reports since 2011.²⁸ Table II shows the data on the number of reports of misconduct for 2011–2013; note that this includes all accusations of misconduct, not just excessive force claims. Swedish law on freedom of the press specifies the principle of public access (*Offentlighetsprincipen*), which grants public access to all government documents upon request, unless they fall under secrecy restrictions. In addition to being exceptionally broad in scope, this legislation is a modern version of the Swedish Freedom of the Press Act of 1766, which is “considered the oldest piece of freedom of information legislation in the world.”²⁹

Table 2.
Police Misconduct in Sweden: From Report to Conviction: 2011–2013³⁰

	2011	2012	2013
Reports	6376	6876	6212
(of which ill-treatment)	(810)	(867)	(841)
Preliminary investigations	1644	1832	1831
Forwarded to prosecutor	102	93	134
Convicted (on duty crimes only)	46	38	53

26. *Id.*

27. KULTURDEPARTEMENTET, *supra* note 20, at 117.

28. It is informative to compare with the US in this regard, where centralized data on fatalities incurred under police custody are reported from US states to the Federal Bureau of Investigation. Twenty-six of 50 US states, however, do not maintain any centralized system of recordkeeping on arrest-related deaths and instead relied solely on public media to fulfill their reporting obligations. See KRISTIAN LUM & PATRICK BALL, HUMAN RIGHTS DATA ANALYSIS GROUP, ESTIMATING UNDOCUMENTED HOMICIDES WITH TWO LISTS AND LIST DEPENDENCE (2015), available at <https://hrdag.org/wp-content/uploads/2013/01/2015-hrdag-estimating-undoc-homicides.pdf>.

29. See University College London (UCL), *Sweden: International Focus*, available at <http://www.ucl.ac.uk/constitution-unit/research/foi/countries/sweden>.

30. RIKSPOLISSTYRELSEN [SWEDISH NATIONAL POLICE], ÅRSRAPPORT 2013 [ANNUAL REPORT 2013]: AVDELNINGEN FÖR INTERNA UTREDNINGAR [INTERNAL AFFAIRS DIVISION], A-192–128/14 (2013); RIKSPOLISSTYRELSEN [SWEDISH NATIONAL POLICE], AVDELNINGEN FÖR INTERNA UTREDNINGARS ÅRSRAPPORT 2012 [REPORT OF THE INTERNAL AFFAIRS DIVISION 2012] (2012); RIKSPOLISSTYRELSEN [SWEDISH NATIONAL POLICE], AVDELNINGEN FÖR INTERNA UTREDNINGARS ÅRSRAPPORT 2011 [REPORT OF THE INTERNAL AFFAIRS DIVISION 2011] (2011).

In addition to its high levels of bureaucratic transparency, Sweden also has a free press, which acts as a watchdog for government abuses and which has conducted numerous well-publicized investigations into ill-treatment by the police. Although the press corps is well-developed in Sweden, the extent to which it and other similar media entities are able to gain information from the government is an open and important question for students of comparative politics, repression, and contentious politics to explore.³¹ For example, the media, in some authoritarian settings, is complicit in the direct censorship of criticism of the government and the private censorship of other private entities and individuals as well.³² How the media interacts with security organizations and other institutions in democratic states, and the extent to which the media can obtain and reveal information about government repression is not clear. Moreover, the way in which individual agents are incentivized to work with members of the media and other private entities who work to reveal information about abuse is also not clear. Our own experience with querying government agents—within both autocratic and democratic states—is mixed. We believe that this is an emerging and important area of research.

The implications of press openness in Sweden are that every allegation of a violation made about the government becomes public record and is available for dissemination to those interested in compiling such data, including the US State Dept. and Amnesty Int'l. On the basis of these reports, the incidents are in turn translated into categorical scores of ill-treatment and torture in Sweden in datasets like CIRI. In effect, the democratic nature of the Swedish polity and the freedom and public oversight enshrined in its laws ensure transparency with regard to abuses, in turn facilitating its placement on the list of states which torture.

IV. PRODUCTIVE DIRECTIONS FOR FUTURE RESEARCH

As long as ill treatment and abuse from agents of the security forces in Sweden occur, it will constitute a social ill that needs to be addressed. If these security agents are not punished, then there will be a need to improve the laws and institutional procedures, which regulate appropriate police behavior. This process is still ongoing in Sweden. However, because of its high level of institutional transparency, we have a much clearer picture of how allegations of ill-treatment arise and how they are addressed by

31. CHRISTIAN DAVENPORT, *MEDIA BIAS, PERSPECTIVE, AND STATE REPRESSION: THE BLACK PANTHER PARTY* (2010).

32. Charles Crabtree et al., *Truth Replaced by Silence: Private Censorship in Russia*, Working Paper (27 Feb. 2015), available at https://wp.nyu.edu/cesspolicon2015/wp-content/uploads/sites/1008/2015/02/Fariss-Russia_11.pdf.

Swedish institutions. Sweden is an important case because of its status as a highly transparent institution and it is therefore useful for theory building and hypothesis generation. We can learn much from this case and apply it to measurement models of human rights more generally.

Future research strategies for dealing with the issues of comparability across information contexts are worth considering. Step one involves acknowledging that a construct validity problem exists. Step two involves finding new case specific information and bringing together data from different sources in theoretically informed ways. Step three involves building and exploring new measurement models that accommodate (i.e., parameterize) the incomparability of these data.

As Schnakenberg and Fariss argued several years ago, a science of human rights requires valid comparisons of repression levels across different spatial and temporal contexts.³³ Although theoretically informed latent variable models of difficult to measure concepts, such as human rights, dissent, and treaty compliance, are helping to provide new insights into the global patterns of repression and reform, these models will only ever represent incomplete pictures of the world. Our suggestions specifically involve thinking more carefully about the timing of domestic institutional changes that correspond not only to direct changes in state human rights practice, but also to changes in state institutions that facilitate or hamper access to information about abuse. Institutional changes that facilitate reporting are just now receiving attention from political scientists and legal scholars.³⁴ For example, Creamer and Simmons focus on the reporting provision in the Convention Against Torture (CAT), noting that “the reporting record for the CAT is not negligible. Between the first reporting cycle in 1988 and January 2012, the [CAT Committee] received 313 of the 506 initial and periodic reports due.”³⁵ In the case of Sweden, the changes in monitoring that occurred in the 2000s appear to be entirely domestically motivated. These examples point to an important research agenda open for future investigation. When do states modify monitoring capacity? When do such institutional alterations facilitate access and improve transparency? When do changes restrict access or decrease transparency? How do repressive agents within states react to such changes? In the United States, increased reporting of US police actions has led to increased demand for access to information about these agents and their superiors. Yet in many jurisdictions, these agencies have hesitated to enact changes to the monitoring and reporting of police actions.

33. Keith E. Schnakenberg & Christopher J. Fariss, *Dynamic Patterns of Human Rights Practices*, 2 *POL. SCI. RES. & METHODS* 1 (2014).

34. Daniel Berliner, *The Political Origins of Transparency*, 76 *J. POL.* 479 (2014).

35. Cosette D. Creamer & Beth A. Simmons, *Ratification, Reporting, and Rights: Quality of Participation in the Convention against Torture*, 37 *HUM. RTS Q.* 579, 586 (2015).

The major implication of our deviant case study travels beyond the borders of Sweden: documentation and measurement projects that do not account for the transparency of the government institutions from which monitoring agencies take information about government actions will not be comparable across cases. There is no simple fix for this challenging measurement issue. However, several measurement projects that seek to code the level of transparency across countries currently exist.³⁶ These projects offer a useful starting point for researchers because these projects contain information that could be used to potentially modify existing human rights scores. One improvement to research designs involves using a transparency variable, among other related pieces of information, to select samples of similar units for comparison. Do the patterns of human rights levels and other covariates work in the same way for transparent and non-transparent countries? Looking at theoretically motivated subsamples is one principled way to analyze the relationship between governmental transparency and human rights practices. We recommend that researchers consider conditioning the inclusion of units in their samples based on theoretically relevant concepts, such as institutional transparency. Testing for conditional relations is analogous to this research design choice.³⁷

These suggestions are only first steps. Pushing forward, new information about the transparency of institutions with respect to human rights practices needs to be conceptualized, collected, and incorporated into human rights models. We view this project as one contribution to this broader research agenda. Case specific knowledge helps to augment large analysis and measurement projects designed to refine existing data.³⁸ Moreover, case-specific knowledge is essential for developing additional refinements for existing and new human rights measurement models.³⁹

Another related avenue of inquiry concerns the reporting patterns of individuals living in different political and social contexts, which is an issue that we do not directly address in this critique. Sweden is another likely deviant case on this point: incidences of reported domestic partner violence and rape are quite high in Sweden. However, the true rate of violence of these types is likely much closer to the reported rate in Sweden because of social

36. See, e.g., John M. Ackerman & Irma E. Sandoval-Ballesteros, *The Global Explosion of Freedom of Information Laws*, 58 ADMIN. L. REV. 85 (2006); Berliner, *supra* note 34; James R. Hollyer, et al., *Measuring Transparency*, 22 POL. ANALYSIS, 413 (2014).

37. Thomas Brambor, et al., *Understanding Interaction Models: Improving Empirical Analyses*, 14 POL. ANALYSIS, 63 (2006).

38. Christopher J. Fariss & Geoff Dancy, *Measuring the Impact of Human Rights: Conceptual and Methodological Debates*, 13 ANN. REV. L. & SOC. SCI. 273 (2017); Jason Seawright & John Gerring, *Techniques for Choosing Cases*, in CASE STUDY RESEARCH: PRINCIPLES AND PRACTICES 86 (John Gerring ed., 2007)

39. Fariss, *supra* note 7.

norms of reporting in Sweden.⁴⁰ Theoretical and empirical research into the reporting patterns of individuals and the norms that dampen or heighten an individual's willingness to report abuse will be useful for many different groups of scholars, including those of us interested in the information production process as it relates to human rights and other types of violence. Again, and we cannot overemphasize this point, it behooves us as analysts to carefully consider how monitoring and reporting processes vary when using different pieces of information to understand human rights abuse and violence across different temporal and spatial contexts. This paper emphasizes an important distinction between *measures* of human rights abuse and *reported* human rights abuse, which is beginning to be both recognized and addressed by scholars of human rights and contentious politics.⁴¹

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40. Sweden has the highest reported rate of rape in Europe by far and is also one of the highest in the world. Institutional transparency is, however, only a small part of the story. This type of violence has mostly been explained by different norms, which encourage self-reporting. In addition, Sweden has a legal definition of rape that is broader than most other countries. The reported rate in many other social contexts is likely biased lower because of different norms and other contextual factors related to taking about domestic abuse. See Holly B. Shakya, et al., *Social Network Clustering of Sexual Violence Experienced by Adolescent Girls*, 186 AM. J. EPIDEMIOLOGY. 796 (2017); Hanns Von Hofer, *Crime Statistics as Constructs: The Case of Swedish Rape Statistics*, 8 EUR. J. CRIM. POL'Y & RES. 77 (2000).
41. Conrad, *supra* note 2; Kristine Eck, *In Data We Trust? A Comparison of UCDP GED and ACLED Conflict Events Datasets*, 47 COOPERATION & CONFLICT 124 (2012); Zachary Elkins & John Sides, *The Vodka is Potent, but the Meat is Rotten: Evaluating Measurement Equivalence across Contexts*, Working Paper (2009) available at <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=A1C4CBBE099C5C1973C28D6279B90066?doi=10.1.1.385.9388&rep=rep1&type=pdf>; Fariss *supra* note 7; Fariss & Dancy *supra* note 38; Schnakenberg & Fariss *supra* note 33.