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# **The Arab Spring and Degrees of Change in Human Rights Conditions: examining the cases of Libya and Tunisia**

***Abstract** This research aims to examine and elaborate on possible changes in the degrees of respect for human rights in Libya and Tunisia before and after the events that took place in 2011, which are known as the Arab Spring uprisings. By examining the spiral model by Risse and Sikkink (1999) this research is set up to trace a process of change in the degree of respect for human rights towards compliance to human rights norms in both countries. Results show in the case of Libya that the mobilization of both national as well as international actors evidently contributed to regime change during the Arab Spring and improved human rights conditions to a certain extent. Comparable transnational mobilization took place in Tunisia, where domestic opposition was likewise blocked. Tunisia's post-Arab Spring period marks a time of considerable improvements in human rights conditions and the general respect for human rights. Although human rights violations are still occurring in both countries, the evaluation of past research and the tracing of current transnational involvement with respect to human rights conditions can contribute to the scientific and public understanding of the importance of human rights advocacy. In the long run, the mobilization and support of transnational human rights organizations continues to contribute to future compliance to human rights norms, in these countries and around the globe.*



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## ▪ List of Abbreviations

AI	Amnesty International
AISPP	International Association for the Support of Political Prisoners
ALTT	Tunisian Association for the Struggle against Torture
ATFD	Tunisian Association of Democratic Women
CAT	Convention against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CNLT	National Council for Freedom in Tunisia
CRC	Convention on the Rights of the Child
GPC	General People's Congress
HRW	Human Rights Watch
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
ICRMW	Convention on the Protection of the Rights of Migrant Workers and Members of their Families
ILO	International Labor Organization
INGO	International Non-Governmental Organization
LTDH	Tunisian Human Rights League
NATO	North Atlantic Treaty Organization
NHRI	National Human Rights Institution
NTC	National Transitional Council
OMCT	World Organization against Torture
PHR	Physicians for Human Rights
RCD	Democratic Constitutional Rally
RUD	Reservations, Understandings and Declarations
SJT	Union of the Tunisian Journalists
TAN	Transnational Advocacy Networks
UNCHR	United Nations Commission on Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNFT	National Union of Tunisian Women
UNICEF	United Nations International Children's Emergency Fund

## ▪ Introduction

Starting January 2011, protests and civil uprisings occur along the North African continent and in the Middle East. Predominantly authoritarian regimes were challenged by their citizens, who pressed for more state adherence to ‘principles of freedom and democracy’<sup>1</sup> as well as the augmentation for respect for human rights levels, legitimate rule and other values and norms. These same ideas, tactics and motivations were shared across borders by citizens to counter dictatorial regimes. The revolutionary protests were soon labelled as the Arab Spring uprisings. Intentionally regarded as peaceful, the protests often led to bloodshed generating an even further increase of state violations and repression towards human rights. Most promising, regime change occurred in Egypt, Libya and Tunisia as a result of the uprisings which led to improvements of human rights conditions.<sup>2</sup>

Besides the fact that domestic factors have influenced the degree of respect for human rights within these countries during and after the Arab Spring period, external forces crucially may have contributed whilst domestic influence got blocked by the government. Previous research has shown that the role and activity of international actors (Risse & Sikkink 1999; Risse & Ropp 2013) and their

abilities to pressure other states possibly contributed to change in the degree of respect for human rights towards compliance to these rights. This may also be the case in these countries following the events towards, during and after the Arab Spring.

### *Research Questions*

To what extent did changes occur in the degree of respect for human rights in the post-Arab Spring period in contrast to the pre-revolutionary period? If change occurred, which factors could explain changes in the degree of respect for human rights in post-Arab Spring regarding to the cases of Libya and Tunisia?

### *Argument*

In this research I will argue that mobilization of international actors and the use of mechanisms which are elaborated on in the spiral model are both crucial for understanding change in the degree of respect for human rights towards possible compliance with international human rights norms in Libya and Tunisia.

### *Brief Overview of Methods*

The research questions will be elaborated on using a comparative, small-N case study method. This case study will predominantly be qualitative. Only minor quantitative data will be taken into account with respect to the different independent variables. I will examine

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<sup>1</sup> José Maria Aznar. 5 May 2011. ‘Why We Must Continue the Fight Against Terror; We are not facing a clash of civilizations, but rather a global battle for civilization.’ *The Wall Street Journal*. (Accessed: 25 March 2014).

<sup>2</sup> Michael Slackman. 18 March 2011. ‘Bullets stall Youthful Push for an Arab Spring.’ *The New York Times*. (Accessed: 25 March 2014).

if change in human rights conditions actually occurred by using this spiral model (Risse & Sikkink 1999; Risse & Ropp 2013) which elaborates and tries to articulate human rights change through processes of international mobilization, treaty commitment and mechanisms used by mobilized transnational actors. This case study research will elaborate on Libya and Tunisia as both countries witnessed a regime change as a result of the Arab Spring uprisings. Research will therefore mainly come down to the process tracing of these different factors and indicators.

#### *Brief Overview of Findings*

In both Libya and Tunisia, evidence shows the importance of the mobilization of transnational actors, as most national actors got blocked from obtaining governmental influence. Whilst different modes of pressure were portrayed results suggest the degree of respect for human rights has been changed in both occasions. Although some minor state repression still occurs, both the Libyan and Tunisian state are more profoundly respecting human rights norms nowadays.

In general, I presume that this research can contribute to the understanding of the complexity of human rights conditions worldwide as a new set of comparative cases has been elaborated on using existing models and process tracing measures. Prescriptively, the evaluation of past research can give insights into the diagnosis of conditions and the different advocating measures taken.

Research in this specific field can thereby contribute to the assessment of future support for human rights.

#### ▪ **Earlier Research on Change in Human Rights Conditions**

Whilst this research draws upon how degrees of respect for human rights can change within states, compliance to human rights norms can be seen as the final goal. Whilst Risse and Sikkink (1999) illustrate compliance as rule consistent behavior (1999, 20), Dai (2013) defines compliance as “the degree to which a country’s behavior actually conforms to an explicit provision in an international agreement” (2013, 87). Risse and Sikkink (1999) qualitatively researched the degree of change in human rights conditions towards the norm of human rights compliance by designing the spiral model (1999, 20). Extracted predominantly from constructivist socialization theories, the model is based upon the repeatedly applied boomerang pattern (Keck & Sikkink 1998, 12) creating a spiral motion. If citizens are domestically blocked from obtaining political influence, they can in particular circumstances mobilize international actors, which at their turn further mobilize a greater amount of transnational actors that are collectively advocating for the human rights conditions top-down in a particular state. Combined, these actors can form so called Transnational Advocacy Networks (TAN’s) (1999, 17). Furthermore, these transnational actors can apply different mechanisms in order

to pressure for change at the suppressive government. As a result of continuous mobilization and the appliance of different mechanisms (1999, 20), such as coercion, the model suggests a possible change in the degree of respect for human rights norms towards compliance. Regarding these degrees of respect for human rights norms, the spiral model distinguishes five different phases or outcomes; repression, denial, tactical concessions, prescriptive status and rule consistent behavior. In phase four the signing and ratification of treaties takes place, known as commitment. Commitment can ultimately lead to the fifth phase of compliance where states wholly internalize human rights norms (Dai 2013, 87-88; Keck & Sikkink 1998, 11-12; Risse & Sikkink 1999; 17-20; Risse & Ropp 2013, 10-15).

Various cases have been researched in terms of the qualitatively examined spiral model. Gränzer (1999) elaborated on the working of TAN's and the spiral model in Tunisia and Morocco in the pre-Arab Spring period whilst Jetschke (1999) examined Indonesia and the Philippines in the post-World War II period. Past research primarily focused on repressive regimes and failed states. Due to an adjusted spiral model (Risse & Ropp, 2013) new research by Kinzelbach (2013) and Sikkink (2013) proved that great powers such as China and the democratically governed United States were also applicable to investigation. Van Hüllen (2013) has applied the revised spiral model to Tunisia and Morocco in the (post-) Arab Spring period.

The adjusted model (Risse & Ropp 2013, 8) addresses new mechanisms and added scope conditions which give more clarity on the outcomes of the spiral model (Gränzer 1999; v. Hüllen 2013; Jetschke 1999; Kinzelbach 2013; Risse & Sikkink 2013; Risse & Ropp; 2013, 11-15; Sikkink 2013).

Gränzer (1999) emphasizes on the work of TAN's by elaborating on the spiral model in Tunisia and Morocco. Due to intensive networking, both national as well as international organizations have put pressure on the government enhancing the human rights conditions in Morocco. Moroccan conditions could be linked to the prescriptive status at the end of the 20th century. In Tunisia the government did not deny any human rights violations, the second phase of the model was skipped and tactical concessions were already made. The former president, Ben Ali, who was in office from 1987 till 2011, recognized human rights as 'a fundamental duty to his government' (Gränzer 1999, 126). Domestic progress was made; Amnesty International was permitted as a legitimate organization and considerable rights were given to prisoners. The '*Ligue Tunisienne des Droits de l'Homme*' or LTDH, a native Tunisian human rights organization, was incorporated into the governmental policy making body. Despite these improvements which were actually just tactical concessions, human rights violations continued and the influence of human rights organizations was diminished or purposely blocked. This was problematic for the TAN's as they could not fully equip and portray their

persuasive power enough. This meant that the TAN's were not able to influence further policy setting in the Tunisian state. Referring to the model, Tunisia kept being stuck in the 'tactical concessions phase' towards the year 2000 (Gränzer 1999, 126-132; Risse & Sikink 1999, 20-24).

Van Hüllen's (2013) research was done in order to look if the Arab Spring uprisings changed the commitment and compliance levels whilst regimes had changed. In the case of Tunisia the old authoritarian regime was overthrown, however the Moroccan regime remained intact. According to this research Morocco increasingly integrated human rights norms throughout the years, tactical concessions were made and the regime was cooperative with international actors. Van Hüllen (2013) concludes that Morocco is now complying with human rights norms in the post-Arab Spring period. Arguably, this had to do with their material vulnerability. The Moroccan economy greatly relies on external demands and imports, besides the regime is more liberalized compared to its neighboring state. Therefore Moroccan compliance to international human rights was more easily achieved. Tunisia has increasingly repressed human rights activists and networks as shown in Gränzer's (1999) research. Due to declining economic prosperity levels, the political uprisings eventually led to the fall of Ben Ali's regime. The new regime's commitment to human rights is taking place slowly whilst the role of TAN's remains important, to both security against backlashes and to possible

further enhanced degrees of commitment towards compliance to human rights norms (Gränzer 1999, 131-132; v. Hüllen 2013, 197-201).

Besides the qualitative research a lot of quantitative research has been done emphasizing on the degree of respect for human rights norms towards human rights compliance or change in human rights conditions in general. DeMerrit and Young (2013) examined the impact of oil and gas resources, which can cause higher levels of human rights violations due to more autonomous state rule and revenues. Revenues gained by natural resources in some occasions led to more state violations, as these states were less dependent upon taxes from their citizens. Regime type (Davenport 2007) and political institutions also relate to human rights conditions and the degree of respect for human rights. Research (2007) suggests democracies are safer states, in contrast to semi-democracies or authoritarian regimes which seem to repress and violate human rights norms more frequently. In addition, research by Carey, Gibney and Poe (2010) articulates that economic wealth and population size correspondingly relates to the degree of respect for human rights. Whilst poorer states seem to repress more than rich ones, the decreasing number of natural and economic resources available per capita also enhances possible levels of violations within a state. Surprisingly, repressive regimes which will be elaborated on in this research seem to sign and ratify human rights treaties on an equal basis as non-

repressive states according to Hafner-Burton, Tsutsui and Meyer (2008). Findings suggest this is due to the reduced costs of committing to international human rights treaties. With regard to the domestic presence of human rights institutions Cole and Ramirez (2013) analyzed the impact of National Human Rights Institutions (NHRI's) (2013, 703). These domestic actors can also play a role with respect to the commitment and compliance to international human rights treaties. Domestically, human rights can therefore be preserved, promoted and defended through the presence of a classical ombudsman, human rights commissions and human rights ombudsmen (Carey, Gibney and Poe 2010, 152-156; Cole & Ramirez 2013, 716-721; Davenport 2007, 7-13; DeMeritt and Young 2013, 112-114; Hafner-Burton Tsutsui and Meyer 2008, 131-135).

The degree of respect for human rights norms towards compliance can also depend upon the basis on which states have ratified and have committed themselves to treaties. When states sign and ratify treaties they are able to constraint the scope and magnitude of human rights norms, by imposing so called reservations, understandings and declarations (RUD's) (Neumayer 2007, 415). If RUD's are imposed upon a treaty, they restraint the power of that treaty for a particular state and thereby specific exceptions towards the level of compliance with human rights are created. In an imposed state of emergency so called derogations (Hafner-Burton, Helfer and Fariss 2011, 676) can also limit and invalidate human

rights law, overruling compliance to these norms. Whilst liberal democracies are predominantly committing to human rights, particularly these democratic states have the highest number of RUD's in place according to Hafner-Burton et al. (2011). Furthermore, Dai (2013) emphasizes on a so called compliance gap (2013, 87). When a state signs and ratifies human rights treaties, this ratification does not imply states will automatically comply with these rules and norms. Although states might commit to human rights treaties and norms their behavior may be counteractive, in contradiction to international human rights norms (Dai 2013, 87; Hafner-Burton, Helfer and Fariss 2011, 676-678; Neumayer 2007, 415-417; Risse & Sikkink 1999, 20-24).

#### ▪ **The Spiral Model of Human Rights Change**

From a constructivist point of view, processes of socialization concerning norms underline the fundamentals of human rights norms and the spiral model. Whilst the Universal Declaration of Human Rights in 1948 (Buergethal 1997, 705) defined the norm entrepreneurs, the 'standard of appropriate behavior for actors within a given identity' (Finnemore & Sikkink 1998, 891) with respect to human rights was set in motion, resulting in the development and the ratifications of many human rights treaties worldwide (Buergethal 1997, 705; Finnemore & Sikkink 1998, 891; Risse & Ropp 2013, 8).



The spiral model (Risse & Sikkink 1999; Risse & Ropp 2013, 11) forms the main theoretical framework in this research. The model elaborates on five phases or outcomes of human rights change that can be differentiated; repression, denial, tactical concessions, prescriptive status and rule consistent behavior (2013, 8). Outcomes range from repression towards full internalization of human rights norms. Within these phases the model illustrates two major aspects which can possibly influence outcomes with regard to human rights. These aspects encompass the mobilization of transnational actors and mechanisms which portray 'modes of social action' (Risse & Ropp 2013, 16) used by mobilized transnational actors to bring about possible change in the degree of respect for human rights. In addition, signing and ratifying treaties, known as commitment to human rights can also bring about human rights change (Risse & Ropp 2013, 11-16; Risse & Sikkink 1999).

### *The Mobilization*

The spiral model draws upon an underlying theory, known as the boomerang pattern (Keck and Sikkink 1998). The boomerang pattern can occur when domestic opposition is blocked from obtaining political influence to governmental policy, if for instance human rights are violated. At this initial stage, the oppressed opposition can awaken international actors through mobilizing these actors, by throwing out 'a boomerang'

towards these actors metaphorically. The oppressed domestic opposition must have the ability to initially mobilize international actors; otherwise international mobilization is near to impossible. Involved mobilized actors can include International Non-Governmental Organizations (INGO's), multinational corporations and even sovereign nation states. Respectively, international actors can create TAN's, which can further mobilize transnational actors and most importantly counter the repressive government top-down in order to let citizens regain control by pressuring for human rights change. These TAN's may also include domestic opposition groups at some time, pressuring the government bottom-up. If this boomerang pattern is repeated, a spiral motion occurs (See Appendix A) creating the spiral model. This leads to the formation of hypothesis I (Keck & Sikkink 1998, 20-25; Risse & Sikkink 1999, 20-23; Risse & Ropp 2013, 9-14).

Hypothesis I: Change in the degree of respect for human rights towards compliance is more likely to occur if international actors have been mobilized than if international actors have not been mobilized.

### *Mechanisms and Scope Conditions*

The above mentioned outcomes or changes in human rights conditions towards compliance are often achieved through processes of socialization, through which the internationally and nationally mobilized actors can impose pressures upon a domestic political sphere.

Four different mechanisms can be distinguished; coercion, persuasion, incentives and capacity building (Risse & Ropp 2013, 13-14).

Coercion (Risse & Ropp 2013, 13) can be seen as the legal use of force which can be used on legitimate grounds if international human rights treaties are neglected. The 'responsibility to protect norm' (2013, 13) can for instance be used to arrange an intervention on legitimate grounds under UN control. Such an intervention on legitimate grounds for instance took place in Libya, where the UN and NATO induced a no-fly zone above Libya. Coercion is also present when state officials get prosecuted at the International Criminal Court (Risse & Ropp 2013, 13-15).

Persuasion (Risse & Ropp 2013, 14) encompasses the discourse that is put forward against violating regimes such as naming and shaming measures. Taking into account the logic of appropriateness as a result of institutional networks, the naming and shaming measures may push forward violating states into the appropriate behavioral patterns of compliance or commitment to human rights. In fact, naming and shaming can also be counterproductive if for instance authoritarian regimes do not identify themselves with certain logics of appropriateness, as they tend to be less socially vulnerable (Risse & Ropp 2013, 10-14).

Incentives (Risse & Ropp 2013, 14) can be both perceived as both positive and negative. Positive incentives may be given to a country

in terms of increased foreign development aid and or increased foreign direct investments levels. On the other hand negative incentives include sanctions in relation to trade. For instance trade embargoes can be installed if a country is not willing to comply to human rights norms (Risse & Ropp 2013, 12-15).

Capacity building (Risse & Ropp 2013, 15) measures can equally enhance human rights conditions. Internationally mobilized actors can through capacity building forces reduce the lack of domestic institutional or governmental capabilities and thereby reduce the number of human rights violations. Governmental capacity can be enhanced by creating institutions or developing higher levels of education (Risse & Ropp 2013, 14-16).

As a result of the spiral model process in general and due to the changing nature of world politics Risse, Ropp and Sikkink (2013) added a set of scope conditions to their model. These conditions also portray the effectiveness of the different mechanisms that can be used. Under certain conditions, particular mechanisms might have a more profound working than others. Firstly, regime type (2013) is important to differentiate. According to research conducted by Davenport (2007), non-democratic or authoritarian states seem to repress more than democratic ones. The capacity of the state marks a second condition. States either have consolidated or rather limited statehood. (Risse & Sikkink 2013, 21) If limited statehood is present, non-state actors

such as rebel groups can actively violate human rights within state borders. Therefore states may have difficulty countering these actors and stopping violations. In this case capacity building (2013, 15) mechanisms can be useful to counter violations, as well as levels of coercion (2013, 13). Besides, analyzing the centrality of governance is crucial. If states are more decentralized, and violations emerge at a local domestic level, the problem solving mechanisms can be more effective if they mainly focus on the decentralized governance instead of the centralized regime and vice versa. Material vulnerability also has to be examined. If states have a powerful military apparatus, they will feel less pressured by the mechanisms and the transnational mobilization than countries with a weak military apparatus. Correspondingly, countries that are very dependent upon other economies have less power to withstand economic incentives (Risse & Ropp 2013, 14) such as possible boycotts and embargoes on trade. Constructivists argue that the logic of appropriateness exemplifies the condition in which states seem to care about their social reputation often due to interdependencies and thereby states try to be more co-operative with international pressures. Countries and state officials might therefore socially be vulnerable as possible exclusion or prohibition from international associations and organizations can be a consequence if they do not react to international concerns regarding their domestic human rights issues. Social vulnerability (2013, 21) also encompasses the secureness of

the re-election of state leaders. The above mentioned factors lead to the structuring of hypothesis II (Davenport 2007, 7-13; Risse & Ropp 2013, 15-21).

Hypothesis II: Change in the degree of respect for human rights towards compliance is more likely to occur if various mechanisms have been used to counter human rights violations.

#### *Five Phases of the Spiral*

The phase of repression (Risse & Ropp 2013, 8) marks the first phase of the spiral model. At this stage citizens of a certain country are violently oppressed and cannot maneuver or influence their governmental regime directly. At this very moment TAN's can be activated, setting in motion the boomerang effect, mobilizing international actors which at their turn can further address and possibly counter human rights violators (Risse & Sikkink 1999, 22-23).

If the first mobilization was effective with certain pressures being put on the government, the denial phase (Risse & Sikkink 1999, 22) can be reached. At this stage the state is commonly denying accusations to human rights norms violations and meanwhile often neglecting obligations to these international norms. If international actors are mobilized, international networks further inform other groups, both internationally and domestically which put pressure on the state's governance which is done by the various mechanisms

(Risse & Ropp 2013, 8-11; Risse & Sikkink 1999, 22).

Supposing that the international networks keep mobilizing and pressuring the violating state, the phase of tactical concessions (Risse & Ropp 2013, 8) can become an outcome. At this third stage, the repressive regime is often inclined to make concessions towards their citizens. More righteous norms are introduced however repressive actions are still occurring. Also noticeable changes are visible with respect to the strengthening of domestic opposition. Towards the fourth phase, policy change or regime change can be a result of continuous pressure and mobilization (Risse & Ropp 2013; 7-10; Risse & Sikkink 1999, 21-26).

A regime change is likely to occur before violating states reach phase four, known as the prescriptive status (Risse & Ropp 2013, 8). This outcome can be interpreted as the endorsement of the international human rights as legally binding both internationally and domestically. Phase four is predominantly linked to the commitment (2013, 10) to human rights. Whilst some violations may still occur during phase four, commitment includes the signing and ratification of human rights treaties, which takes place in both phase three and four. Domestic implementation of human rights norms is also visible during this phase as National Human Rights Institutions (NHRI's) (Cole & Ramirez 2013) can emerge such as a national human rights commissioner (Cole &

Ramirez 2013; Risse & Ropp 2013, 10-11; Risse & Sikkink 1999, 9-12).

Rule consistent behavior (Risse & Ropp 2013, 10) or compliance is achieved if state behavior is at some point in line with the human rights treaty provisions and validation of these human rights into national law. Compliance is often the result of the continuous use of mechanisms and mobilization. Violations decrease whilst full internalization of international human rights norms is realized. Correspondingly, international mobilization of actors decreases at this final phase (Risse & Ropp 2013, 7-10).

#### *The Arab Spring and the Spiral Model*

Whilst the Arab Spring started in late 2010, and began to affect parts of Northern Africa and the Middle East in the first months of 2011 with large civil uprisings, only in three cases a regime change occurred. In Egypt, Libya and Tunisia the government was overthrown during the civil uprisings. Tunisian president Ben Ali was forced to step down as well as the Egyptian president Hosni Mubarak who resigned in February 2011. In October of that year, the former Libyan president, Gaddafi was killed in action. This could imply that in these cases the eventual outcomes with respect to human rights change due to the efforts of mobilization will be either noticeable in phase four or phase five of the model. Whilst citizens of these countries pledged for more rights and freedom during this period of upheavals, it is interesting to examine the status quo of human

rights conditions, as in all cases uprisings caused the regime to change and international organizations were actively surrounding these events. By virtue of tracing the different processes and analyzing the elements of the spiral model I give an overview of both countries concerning their human rights conditions and the possible emergence of human rights change in Libya and Tunisia (Risse & Sikink 2013, 10-15).

### ▪ **Research Design**

The research method applied comes down to a comparative small-N case study. The most important reason for selecting the cases was the regime change which occurred in Egypt, Libya and Tunisia as a result of the Arab Spring revolutionary period. Concerning the length of the research a more in-depth analysis is chosen covering two instead of three cases. Therefore, Libya and Tunisia are examined in this research. I consider them as most similar cases; both examined states are North African, predominantly Muslim countries with considerable amounts of oil wealth. Furthermore, in both countries dictators ruled for decades and serious human rights violations were carried out by the authoritarian regimes. In both states international mobilization efforts were present. I do acknowledge that the civil war outbreak in Libya is a unique event which will be taken into account with respect to the findings, the conclusions and the comparability of the two cases. Interestingly, the Tunisian revolution

was a more stable occurrence, which pledges for a different outcome on the dependent variable.

### *Data*

By reason of the theoretical model, this research will predominantly be a qualitative study. As I have traced processes involving transnational mobilizations of actors and their mechanisms used during these mobilizations, different data sources have been taken into account. For main human rights records and reports I reviewed and analyzed annual US Department of State reports for human rights practices in both subject countries. Additionally, both annual Amnesty International human rights reports as well as Human Rights Watch reports were examined. Furthermore, data from the CIA World Factbook <sup>3</sup> has been used to give more comprehensive insights on these two states and their status quo's regarding the human rights conditions. Secondary literature consists of news reports, such as articles from the New York Times as well as academic books and journals that address the protests and uprisings.

Considering the process tracing analysis that was executed in this research with regard to the spiral model and the possible degrees of human rights change and conditions in Libya and Tunisia, a long time frame is taken into account, beginning in 2000 till present. The main part of the data covers the 2000-2014

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<sup>3</sup> Central Intelligence Agency. 'CIA Factbook 2014.' <https://www.cia.gov/library/publications/the-world-factbook/geos/ly.html> (Accessed: 27 April 2014).

time period. The examination of this time frame is purposely chosen to capture a more complete picture and give a more comprehensive view of the spiral model process. As the model consists out of different outcomes, these different outcomes will be increasingly comparable whilst a longer time period has been covered. Furthermore, changes in human rights conditions are more easily and profoundly identifiable, as they take into account the pre-Arab Spring period, the uprisings and the post-Arab Spring period.

### *Variables*

Whilst the main analysis will involve the tracing of several processes with regard to human rights conditions which are described by the spiral model theory, the following variables have to be kept in mind.

The dependent variable in this research is regarded as the *degree of respect for human rights*. This will be assessed by the specific phase of the spiral model in which a certain state can be categorized within a certain time frame. As human rights are a rather broad concept I will therefore look upon a specific set of human rights in this research including; civil and political rights; the freedom of expression and speech; freedoms of association and assembly; freedom of religion and the rights of women and children.

The explanatory variables that will be addressed in the research are the various mobilization efforts, earlier treaty commitment and the different mechanisms framed by Risse

and Ropp (2013); coercion, persuasion, incentives and capacity building and treaty commitments (Risse & Ropp 2013, 20-25). The conceptualization stays rather constant, as defined by the two scholars. Also the different scope conditions will be taken into account (Risse & Ropp 2013, 20-25).

### ▪ **Analysis**

#### **Libya**

##### *Brief Overview*

Once being a colony of Italy, Libya received its independence in 1951 when it was constitutionally changed into a kingdom (Deeb 2007, 434). Since the revolution in 1969, which was an organized military coup, the Revolutionary Command Council (2007, 444) had obtained the power to change the country's political foundations. The governance of King Idris was overthrown and the head of the military coup, colonel Muammar al-Gaddafi, claimed the reign and installed a military dictatorship. Gaddafi had his own political views and ideas which are based on principles of socialism, communism as well as capitalism. Gaddafi's thoughts on statehood and governance were described in his so called Green Book, but they were never defined constitutionally. Although on paper the country is governed by the people, Gaddafi possessed most of the power till the beginning of the Arab Spring uprisings in 2011 (Deeb 2007, 444-445; US Department of State 2001a).

The former Libyan government had signed and ratified the following human rights treaties between 1969 and 1994; the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture (CAT), the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (Human Rights Watch 2006, 81). In 2004 the Libyan government under the rule of Gaddafi also signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Some optional secondary protocols to these international human rights treaties were not in all cases signed. Besides it has to be said that certain reservations, or restrictions and carve outs to the legal obligations of the treaties were made to some of the above mentioned treaties. Most likely this had to do with the influence of *sharia* or Islamic law in Libya. Nearly all of the inhabitants of the estimated six million Libyans at the time were Sunni Muslim. Berber and Arab ethnic groups were also present in Libya, as well as Christian minorities. Apart from the many treaty ratifications, the existence of the Libyan Arab Human Rights Committee which was founded in 1989 also pledged for a state that is committed to international human rights and implements these rights on a national basis

(Deeb 2007, 434; Human Rights Watch 2006, 81; US Department of State 2001a).

Whilst only considering the amount of treaties which Libya has officially signed and ratified throughout the years, the human rights conditions could at that time be categorized as phase four, the 'prescriptive status' (Risse & Ropp 2013, 8) of the spiral model. Theoretically, Libya seems to have committed to most of the human rights norms and laws throughout these years. However the opposite seems to be the case (Risse & Ropp 2013, 8-13).

#### *Times of Repression (2000-2004)*

The degree of respect for human rights in Libya can be seen as rather constant throughout the first four years since the start of the new millennium. Citizens seem to witness a state of severe 'repression' (Risse & Ropp 2013, 6) which relates to the worst outcome or initial starting point of the spiral model (Risse & Sikkink 1999, 20). On several fields severe repression was noticeable, not only civil and political rights were suppressed, also the rights of women, children and migrants were heavily harmed. Despite this repression, there have been developments in terms of mobilization efforts (Risse & Ropp 2013, 10) or at least the activity and scrutiny by international actors and domestic opposition groups which have been countering Gaddafi's regime due to its human rights violations (Human Rights Watch 2006, 2-5; Risse & Ropp 2013, 6-11; Risse &

Sikkink 1999, 20-22; US Department of State 2001a, 1-4; US Department of State 2002a).

Civil and political rights were severely harmed within the period of 2000-2004. Citizens within Libya were not able to make changes to their government. Due to the total ban on political parties it was not possible to set up any kind of political group. Political influence could therefore only be obtained through so called people's committees. These committees can be seen as executive ministries. Through these committees citizens could get further access if they would be elected into the General People's Congress (GPC) (Human Rights Watch 2006, 4), which was the national legislative branch or parliament. Although there were regional committees, most of the evidence pledged for a centralized form of governance with respect to Gaddafi's power (Risse & Ropp 2013, 18). Despite the fact that these institutions existed, Gaddafi had the power to overrule all of the decisions which were put forward in this national decision making process. Furthermore the state structure in Libya did not allow the judicial branch to be separate and independent from the executive and the legislative powers at this point in time. Independent judges did not exist whilst Gaddafi possessed the judicial power. Efforts made to enhance the security and scrutiny by the regime led to the attacking of political opposition groups such as Islamist opposition groups whom protested against Muammar Gaddafi's regime in 1999. These oppositional groups which were officially prohibited by the government led to the

imprisonment of many opposition members. Political detainees were reportedly held without being charged. Neither were they able to speak to their lawyers as they were kept incommunicado nor was the majority of the prisoners given a fair trial. On top of that, imprisonment often was accompanied with the torturing of those who were imprisoned. Amnesty International as well as Human Rights Watch and the UN Commission on Human Rights (UNCHR) (US Department of State 2002a) reported on poor prison conditions and the fact that in some occasions this led to the death of the prisoners, such as regime opponents. In 2002, Libya was selected as board member of the UNCHR, but accordingly accusations of human rights violations were denied. In 2003, the son of Gaddafi neglected that there were serious human rights violations present in the country at that time according to the UNCHR. Both events can be recognized as an act of denial (Risse & Sikkink 1999, 22) which can be traced back to the second phase of the spiral model (Human Rights Watch 2006, 4-7; Risse & Sikkink 1999, 22-23; US Department of State 2001a; US Department of State 2002a).

More specifically, the freedom of speech and press were heavily suppressed during this period. In these times of repression (Risse & Sikkink 1999, 22) the media was to a large extent controlled by the Libyan authorities. Although some external news sources were available in the stores such as some Western and Arabic newspapers, these sources were likely to be censored by the Libyan regime.



Satellite television and internet was available, though not many people had access to the latter. For journalists, anti-regime reporting could lead to imprisonment and even the death of these reporters. Freedom of assembly and association was largely prohibited. Both the formation of associations and assemblies, such as labor unions or political groupings was blocked by Gaddafi's regime. Violations of both prohibitions, with respect to illegal strikes and the formation of political dissent groups or associations could lead to capital punishment, which was seen as a human rights violation in itself (Risse & Sikkink 1999, 22; US Department of State 2003a; US Department of State 2004a).

Religious freedom was restricted for some citizens, except for the Muslim majority. During the beginning of the millennium a large majority, 97% of the population in Libya was Sunni Muslim which was logically explainable because nearly all of Libya's inhabitants had a Berber or Arab ethnic background. The regime, however, did not allow fundamental Islam groups to attain much power, and often attacked or imprisoned members of these groups. Christian churches were allowed to give services, but restrictions were made regarding the construction of new churches. For Buddhism and Hinduism, neither religious practitioners nor religious temples existed. The same accounts for Jewish citizens who were discriminated heavily within Libya (US Department of State 2004a; US Department of State 2005a).

With respect to the human rights of women and children in particular, there were violations occurring regarding their personal integrity. Female genital mutilation was a well-known violation, especially within certain Islamic and tribal groups living in Libya, harming both women and children. Although women did not have equal chances as men, they were totally equal to men according to the 1969 Constitutional Proclamation. In practice, women often faced discrimination due to the *sharia* law practices and other influences of the Islamic culture in customary law. Though it must be said that young women were increasingly able to go and study and have a career, just as their male counterparts. Women made up a fifth of the working force in 2004. In the governmental branches such as the GPC (Human Rights Watch 2006, 4), there was no reliable information traceable concerning representation of women. With respect to children's rights there were some minor reports on violations mainly elaborating on the illegal trafficking of immigrant children within Libya's territory (Human Rights Watch 2006, 4; US Department of State 2005a).

#### *Mobilization and Transnational Activity*

During these times of repression, besides the domestic mobilization (Risse & Ropp 2013, 10) of national opposition and anti-regime groups, activity of transnational actors was visible. Several INGO's and other organizations were involved to investigate alleged accusations of torture and other

violations to human rights. These organizations tried to monitor and put pressure on Gaddafi's regime due to several concerns regarding the degree of respect for human rights. These findings are in line with hypothesis I. Undoubtedly human rights organizations including international NGO's were already involved in addressing human rights issues in Libya before the year 2000. Presumably, the first and main mobilization of national as well as international actors had already started. Evidently mobilization (2013, 10) led to transnational activity on various issue areas within Libya. Due to its powerful image the United Nations was able to portray influence in Libya during these years. As a response to pressure and as a result of the high number of refugees present in Libya during these years, Gaddafi was willing to co-operate with the United Nations High Commissioner for Refugees (UNHCR) (US Department of State 2002a) which increased living standards for a considerable number of refugees and detainees. The International Labor Organization (ILO) was also active and involved in supporting human rights in Libya. They tried to control and improve labor conditions, decreasing violations such as forced labor. Other NGO's involved, such as Human Rights Watch as well as the UN Committee against Torture addressed the gravity of the violations and requested for extensive monitoring of prison conditions. Both Amnesty International and the International Committee of the Red Cross (ICRC) were repeatedly denied access to Libyan territory during these four years, which

disabled their examination possibilities. Consecutively, the World Organization against Torture (OMCT) reported on a case of extrajudicial killings most likely caused by harsh prison conditions and torturing of prisoners. As prison conditions remained poor, Physicians for Human Rights (PHR) were actively supporting prisoners with medical care in Libya, as they were granted access to detention facilities in 2004. Later in 2004, Libyan authorities granted Amnesty International access to the country, since a decade and a half. This can be seen as a breakthrough concerning the possibilities for INGO's to monitor human rights conditions and further scrutinize Libya's actions and pressure the country for its violating behavior (Risse & Ropp 2013, 10-14; US Department of State 2002a; US Department of State 2004a).

#### *Slight Improvements in Human Rights Conditions (2004-2010)*

Roughly between summer 2004 till 2010, there are noticeable changes in the human rights conditions within Libya's borders. Though not to be said that human rights violations have been stopped during these times, there are clear and various indications of improvements regarding the degree of respect for human rights. According to Risse and Sikkink (1999), due to extensive pressure from NGO's, which was evidently visible in Libya since the year 2000, governments are inclined to make certain 'tactical concessions' (1999, 23) towards their citizens with respect to the

demands of these organizations. Arguably, as a result of continuous national and international pressure on Libya, this phase of tactical concessions has been reached within the period of 2004 towards the Arab Spring uprisings. Starting in 2004, the first signs of 'concessions' made by Gaddafi's regime were visible, in relation to both civil and political rights. In theory, laws and governance structures in the 2004-2010 period slowly shifted in line with the international treaties which the Libyan government had ratified decades ago (Human Rights Watch 2006, 6-8). Since 2004, the judiciary was pronounced to be independent, which can be seen as an improvement, although in practice this independence was not yet fulfilled. Another important change was the abolishment of the People's Court (US Department of State 2006a) in 2005. As a result, many prisoners were re-trialed after this abolishment, besides the fact that more frequently amnesty was given throughout this period. Many prisoners, including imprisoned opposition groups members, journalists and political detainees were given amnesty by the Libyan regime (Risse & Sikkink 1999, 23-24; Human Rights Watch 2006, 6-8; US Department of State 2006a; US Department of State 2007a).

Libya also granted several NGO's and other transnational organizations access to its territory, leading to visits and scrutiny of human rights NGO's such as Amnesty International and Human Rights Watch (Human Rights Watch 2006, 7). Whilst these organizations were able to visit multiple times

an extensive review on the conditions of political detainees and human rights in general could be made which enhanced the degree of respect for human rights conditions. Human Rights Watch and other NGO's in those years repeatedly pressured the regime with recommendations and reform programs. These can be interpreted as 'capacity building' measures (Risse & Ropp 2013, 15). For instance, Human Rights Watch tried to cooperate with the Libyan government to help reform and implement changes to prison and detention facilities which could have led to an increase of living conditions for both imprisoned citizens as well as refugees. In line with hypothesis II, evidence shows that more mechanisms illustrated by the spiral model (Risse & Ropp 2013, 10) have apparently been productive in reducing human rights violations. Negative incentives (2013, 14) in the form of economic sanctions have been used by foreign states to counter certain human rights violations and poor economic governance in Libya. Conditions started to change since the United States and the European Union lifted specific trade and travel sanctions in 2004 (US Department of State 2005a), for the reason that Libya implemented laws which were positively influencing the liberalization of governance and the economy. In this same period Libya wanted to counter human trafficking, and therefore it repeatedly asked for the abolishment of the arms embargo between Libya and the EU. Accordingly, the EU lifted this embargo in 2004, in order to aim to contribute to a decrease of human rights

violations. Earlier economic measures showed that Libya was clearly materially vulnerable (Risse & Ropp 2013, 20) as an arms embargo had easily put the country under pressure due to the low number of trading partners which mainly were EU countries. However, the large number of oil reserves present in Libya pledged for lesser material vulnerability (Risse & Ropp 2013, 10-14; US Department of State 2005a; US Department of State 2010a).

Despite some slight improvements with respect to the pressure and efforts made by the continuously mobilized NGO's, it was still not possible for the Libyans to change their government. Except for the fact that voting for the GPC elections was a mandatory affair, there was still no constitution. Political parties were still banned and political activity was only possible through getting into Gaddafi's own ministries and committees (US Department of State 2008a; US Department of State 2011a).

Judicially, free trials during this period were still not taking place and the conditions for the imprisoned remained poor, as they were often not able to contact their lawyers or in some cases died while being detained. Additionally, neither commitment nor compliance (Risse & Ropp 2013, 7) towards the CAT was visible as torture practices were continuously carried out during these years and capital punishment was still executed. Nine Libyans lost their lives as a result of the death penalty in 2008. Many violations including crimes associated with offences against the

right of freedom of association could lead to the death penalty according to Amnesty International (Amnesty International 2008, 194; Human Rights Watch 2009, 2-4; US Department of State 2008a; US Department of State 2010a; US Department of State 2011a).

Although more freedom of speech and press was theoretically installed by new laws there were still signs of severe government suppression and scrutiny upon the press. However, different opinions and criticism on the regime were increasingly tolerated in contrast to earlier years. Since 2006, foreign news sources such as Western and Arabic written reports were increasingly allowed to be printed and sold in Libya. The same accounts for the availability for citizens to use satellite television and internet. Whilst some internet sites were blocked by the regime citizens frequently managed to install easily accessible satellite proxy sites. Most likely as a result of international pressure (Risse & Ropp 2013, 14) practices by transnational actors, journalists and political detainees such as Fathi Al-Jahmi (US Department of State 2004a) were released. The detainment of numerous political and ideological prisoners such as local human rights activists like Al-Jahmi also pledges for continuous domestic mobilization of oppositional groupings and citizenry during the 2004-2010 period, corresponding with the transnational mobilization process. Despite these improvements and new laws which were put in place, the unlawful detention and several killings of journalists underlined the still ongoing human rights violations. Regarding

the rights of association and assembly, new laws partially enabled citizens to join and start associations. This is in line with the earlier improvements found, linking to ‘tactical concessions’. Workers unions could for instance be installed without governmental authorization but ideological group associational activity was still highly prohibited as well as the establishment of domestic human right NGO’s (Amnesty International 2009, 212). The right to protest against governmental policy, and the rights for assembly were less restrained, although the government kept on scrutinizing assemblies (Amnesty International 2008, 194; Amnesty International 2009, 212; Risse & Sikink 1999, 10-12; US Department of State 2004a; US Department of State 2005a; US Department of State 2007a; US Department of State 2011a).

The rights of women and children also improved somewhat. Before the year 2004, women were not taking part in the General People’s Congress. However in 2007, 4.2% of the representatives were female. This trend continued and resulted in a further increase of female representatives up to 32% in 2010 (US Department of State 2011a). Despite some improvements the women experienced high degrees of discrimination. Other violations still included female genital mutilation and illegal trafficking of women and children within Libya’s borders. Although the government prohibits human trafficking this still continued to occur. The NGO ‘Human Rights Solidarity’ (US Department of State 2011a) investigated and actively contributed to reform policy and

helped create awareness of the fact that women had experienced sexual harassment in these times (US Department of State 2009a; US Department of State 2011a).

### *The Arab Spring, Improvements, Change and Renewed Violence (2011-present)*

Early 2011, the Arab Spring uprisings began in Tunisia and were soon affecting Egypt and Libya and other parts of Northern Africa. In February protests and public dissent towards Gaddafi’s dictatorial reign started to occur. During the first months of the Arab Spring uprisings in Libya, excessive use of force by Gaddafi’s military units killed hundreds of peaceful protesters and citizens. The protests were presumably linked to the unlawful detainment of members of political opposition groups and the human rights violations which had been occurring in the country for decades. Whilst these uprisings started to emerge there were already a large number of NGO’s involved with regard to the ongoing human rights violations by Gaddafi’s regime. As a result of the civil uprisings in Libya there have been numerous reports on heavy violent acts, which eventually led to a civil war outbreak within Libya’s borders, between Gaddafi and oppositional groups, the latter were often portrayed as rebels. Due to the severity of Gaddafi’s attacks and the increasing number of civilian casualties, international interference in the conflict started to increase. As a result of persuasion (Risse & Ropp 2013, 14) practices, the news reports on

Gaddafi's atrocities spread around the globe and without a doubt enlarged a great amount of transnational pressure and activity in the area.<sup>4</sup> Considering the atrocities and international pressure, the United Nations Security Council agreed upon a no-fly zone above Libya and enabled NATO forces to help protect Libya's airspace and attack Gaddafi forces if necessary for the protection of civilians.<sup>5</sup> This UN Security Council resolution and the succeeding military aid can be seen as an act of coercion (Risse & Ropp 2013, 13) inducing a great amount of transnational resistance against Gaddafi as Gaddafi continuously kept on harming human rights norms. Despite this international support, there were still grave violations of human rights taking place on both Gaddafi's side and the side of the opposition forces (Amnesty International 217-219; Risse & Ropp, 2013, 13-15).

Whilst the fighting went on and the oppositional groups with support of the UN started to win ground, regime change was inevitable. This regime change marks an important improvement, corresponding to the spiral model (See Appendix A). The National Transitional Council (NTC) (Amnesty International 2012, 217) was founded at the beginning of August, 2011. In October 2011, Gaddafi was killed in action. The NTC and its new elected leader declared Libya's new regime to be a more democratic one. After roughly eight months of fighting the new

council was committed to making Libya a democratic and multi-party governed state. Crucially, they were willing and co-operative about the protection of human rights and freedoms of their citizens. In theory and to some extent in practical terms, Libya is nowadays committing itself to human rights treaties. But it has to be said that grave violations to human rights are still occurring. Although this is not necessarily provoked by the government this mainly is a result of limited and decentralized power and the rule of law that is lacking in some parts of the country. In 2012, a General National Congress (US Department of State 2013a) was freely elected as well as Libya's new Prime Minister (Amnesty International 2012, 217-219; US Department of State 2012a; US Department of State 2013a).

After the regime change in 2011, the civil and political rights conditions pragmatically remained fractured although theoretical progress towards a more stable human rights situation has been gradually expanding towards commitment. Despite the fact that violations still occur, improvements were visible when speaking in terms of suffrage. Besides the active right to vote which was already granted, the right to be elected as a representative was also acknowledged, incorporating the right to form a political party. Even with these human rights improvements in place, the same government had major problems with internal power structures and controlling the newly constitutionalized rule of law (US Department of State 2012a). As a

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<sup>4</sup> Ian Black and Owen Bowcott. 18 February 2011. 'Libya Protests: Massacres Reported as Gaddafi imposes News Blackout.' *The Guardian*. (Accessed 25 May 2014).

<sup>5</sup> United Nations Security Council. '*Resolution 1973 (2011)*'. 17 March 2011. (Accessed: 25 May 2014).

result of this limited statehood (Risse & Ropp 2013, 17) Gaddafi loyalists and local rebel groups are still able to actively counter the new government with numerous violent attacks leading to the extrajudicial deaths of many civilians within the last few years. Prisons are mainly detaining thousands of these loyalists but without fair trial possibilities the level of impunity is an increasing one. The new form of governance also led to growth of various opposition groups, which once fought against Gaddafi and are still attacking the newly installed government nowadays. The existence of these oppositional groups which once fought against Gaddafi now poses a threat to the internal security of the newly installed government. As a result, armed groups are still in control of different parts of the country besides the governmental security forces, causing Libya to become heavily decentralized with respect to its monopoly of power, its rule of law and its governance in general. This lack of capacity on a centralized governed security apparatus as well as the lack of capacity regarding the rule of law led to equivalent human rights violations similar to those occurring before the Arab Spring. Many detention facilities are held by various groupings and therefore the rule of law including the right for fair trial is close to absent in these areas. Importantly, various human rights organizations are still active in Libya at the moment, including Amnesty International and the Red Cross. Some even had to withstand attacks by the rebel groups as medical supplies were stolen. Again, Amnesty

International has reported on violations with respect to torture, which has been occurring on a massive scale. In combination with the poor and uncontrolled prison conditions, prison casualties are still a common affair. Despite these violations and capacity problems, theoretically the new government has created an independent judicial body. Accordingly, Libya abolished military tribunals for citizens in 2012, and the United Nations Mission in Libya reported on peaceful transfers of prisoners to government controlled prisons. With respect to the old regime, the son of Gaddafi was summoned before the ICC in The Hague, marking measures of coercion (Risse & Ropp 2013) Saif al-Islam Gaddafi is however still evading prosecution (US Department of State 2012a; US Department of State 2013a; US Department of State 2014a)

Various signs show improvements in the freedom of expression and the rights concerning the freedom of press. The number of news sources rapidly grew in the post-Arab Spring period. This led to an increase in the number of media outlets and news reporting possibilities (US Department of State 2012a). Despite the improvements with regard to press and speech there still is some censorship present which mainly focused on banning pro-Gaddafi reporting. This censorship was also visible with respect to internet freedom, which is still heavily scrutinized by the government. The government correspondingly accepted the freedom of association and assembly; this led to a major increase in the number of national associations such as domestic NGO's

according to Amnesty International (Amnesty International 2013, 163). In addition, the people obtained the right to protest or strike against the regime. Likewise but in contrast to decades before, academic freedom was constitutionally granted by the new government (Amnesty International 2013, 163; US Department of State 2012a; US Department of State 2014a).

The uprisings which eventually resulted in the creation of the new regime, also led to a high number of internally displaced persons including children. This contributed to pressures between the government and the United Nations Refugee Agency (US Department of State 2014a), which operated in the country and visited aid facilities for refugees. Other INGO's which have been mobilized (Risse & Ropp 2013, 10) to tackle problems concerning the large number of refugees and internally displaced persons include the International Organization for Migration, Human Rights Watch as well as the Red Cross. Today, thirty-three of the two-hundred elected representatives in the Libyan parliament are women. Although universal suffrage was already present under Gaddafi's rule, the increased number of female representatives can be seen as an improvement compared to the pre-Arab Spring conditions (Amnesty International 2013, 161; Risse & Ropp 2013, 10; US Department of State 2012a).

## **Tunisia**

### *Brief Introduction*

Tunisia's modern political history in the post-World War II period portrays a crucial beginning for understanding Tunisia's human rights conditions today. After a short war for independence against France, Tunisia finally became a sovereign state in 1956. Tunisia was reigned by a king, but shortly after gaining its independence the first president Bourguiba was chosen. During his thirty-one years of presidency, Bourguiba was known for his authoritarianism and repression (Entelis 2007, 520). During his period in power, the repression of human rights and freedoms was a fact and political opposition grew. Bourguiba was removed from power by Ben Ali in 1987. The governmental structure changed to a republican multiparty system, which was heavily dominated by Ali's party, the Democratic Constitutional Rally (RCD). Not long after Ben Ali was elected as Tunisia's second president in 1987, Ali announced a series of measures with respect to more democratic governance and human rights compliance in contrast to predecessor Bourguiba. Thousands of political prisoners were granted amnesty by Ben Ali. Life presidency was abolished and the United Nations CAT was signed and ratified. Not long after that, the CEDAW and the CRC were signed and ratified in like manner, whilst the ICCPR was already signed when Bourguiba was still in charge. Although these treaty ratifications were made some reservations



were put into place with respect to above mentioned treaties. Tunisia did, however, not sign the Rome Statute concerning the International Criminal Court rulings. Despite that these improvements in the degree of respect for human rights mark a possible state of compliance towards human rights during the first years of Ben Ali's presidency; these changes were unrecognizable during the first decade of the 21<sup>st</sup> century. This is when Tunisia once again experienced a considerable back-lash as human rights were violated (Entelis 2007, 520-524; US Department of State 2001b; US Department of State 2002b).

#### *Decade of Violations and Concessions (2000-2010)*

The first decade of the 21<sup>st</sup> century marks a turbulent period. Minor changes in the degree of respect for human rights are recognizable throughout this time period whilst violations of certain human rights treaties and more commitment to other human rights and freedoms tend to take place side-by-side. This nearly constant state of affairs causes the degree of respect for human rights to change very slightly among the different treaties and freedoms which can be distinguished. With respect to the main violations and acting on human rights there are numerous events indicating a degree of respect for human rights which can be categorized as phase three of the spiral model (Risse & Ropp 2013, 10). Tactical concessions (Risse & Sikkink 1999, 23) marked the most common occurrence as they

were made throughout this period whilst mobilization of transnational actors and national human rights activists were fully focusing on the Tunisian case and thereby positively influencing human rights norms. Presumably, the mobilization of international actors took place way before the start of the 21<sup>st</sup> century. Evidence shows mobilization efforts have been present in substantial degrees at the beginning of Ben Ali's rule and throughout this decade. Arguably in some particular human rights fields, signs of repression, denial and commitment are likewise present during this period. This possibly encompasses a more fluid interpretation of the phases examined in the spiral model (Risse & Ropp 2013, 10; Risse & Sikkink 1999, 23).

Both minor and more major concerns with respect to civil and political rights are visible during the 2000-2010 period. Citizens were close to unable to change the government during Ali's rule despite the existence of a multiparty system which included around seven lawful parties in total. With an approximate 90% of the votes on average in favor of Ben Ali's political party, Ali's party overruled the 2004 and 2009 presidential elections and was likely not to be severely opposed by any other political parties in the system. Many observers doubted the fairness of the election results in both occasions. Ben Ali also passed a law enabling another five-year term as president. In contrast to what the constitution defines, the judicial branch was in practice not fully independent. In practice this

judiciary body was heavily scrutinized by Ben Ali and Ali's officials as they had the power to influence court rulings. This was possible due to the president's role as an executive member of the Supreme Council of Judges (US Department of State 2005b). Cases involving accusations of torture practices were not often being held, except for the one described below. Besides, the government only accepted journalists and officials of the European Union to follow court hearings. National associations and journalists were in most cases denied access to court hearings during the first years of the 21<sup>st</sup> century (US Department of State 2005b; US Department of State 2006b; US Department of State 2010b).

Events illustrate that other civil and political rights were more heavily harmed. Whilst Tunisia was one of the first Arab states to sign the CAT (Entelis 2007, 537) and the fact that torturing was prohibited by national law during this period, torture was one of the main and most severe human rights violations. Torturing was allegedly carried out by the local security agencies and by the security personnel of the government in general. Numerous reports by local human rights NGO's such as the LDTH, the National Council for Freedom in Tunisia (CNLT) and the Tunisian Association for the Struggle against Torture (ALTT) (US Department of State 2006b) as well as international organizations mark the scope of attention and mobilization efforts against torture practices. Reports from both international and national actors included cases leading to the deaths of

the imprisoned as a cause of the torture practices. Reports also revealed indications of the sexual assault of detainees and their families. In 2002, the public attention of a prisoner who was severely harmed led to the conviction of the four prison guards who allegedly tortured this prisoner. The convictions can be seen as a tactical concession (Risse & Ropp 2013, 10) as Tunisian authorities were willing to show their goodwill towards the international rule of human rights law whilst in practice torture practices were still carried out. Besides the torturing some cases show the imposing of death sentences albeit capital punishment was abolished in practical terms. Further governmental respect was established by the Tunisian commissioner for human rights (US Department of State 2003b). This state commissioner was involved in processing concerns about the poor human rights conditions throughout the country. Reports from this governmental commissioner were however not made public during these years due to governmental censorship. In 2008, a Higher Committee for Human Rights and Fundamental Freedoms was installed by the government. The existence and creation of these national human rights institutions in this decade marked by torture and violations could in theoretical terms implicate a development which is familiar with the prescriptive status (Risse & Ropp 2013, 6) outcome (See Appendix A). However as the work of NHRI's was partially blocked by the government, the fundamental control of NHRI's often did not

work in practice, encompassing all but commitment to human rights norms within this period in time (Amnesty International 2008, 299; Amnesty International 2009, 327; Entelis 2007, 537; Risse & Ropp 2013, 6-10; US Department of State 2003b; US Department of State 2004b; US Department of State 2006b).

International mobilization (Risse & Ropp 2013, 10) and the media coverage on the Tunisian torture practices successfully enabled organizations and news agencies taking measures of persuasion (Risse & Ropp, 2013, 14) to counter and address these severe violations. Public naming and shaming (Risse & Ropp 2013, 14) and repeated pressuring on the Tunisian government by actors such as Amnesty International and the UN Committee against Torture resulted in slight improvements in prison conditions. Most noticeable, a press conference by Human Rights Watch held in Tunisia's capital city Tunis in 2005 mainly addressed the poor state of affairs in detention facilities. This directly resulted in change as Tunisian officials declared the abolishment of solitary confinement. Other concessions (Risse & Sikkink 1999, 23) led to an increase in medical supplies and care within detention facilities. Also new detention facilities were built during this period and observers from the Red Cross were allowed to access the country from 2006 onward. Other 'concessions' by Ben Ali's regime appeared when many prisoners were released. Actually, the annual amount of prisoners which were granted amnesty or were sent on conditional parole suggests an annual flow of tactical concessions

(Risse & Ropp 2013, 10) being made by the Tunisian government. In 2003, the released included journalists and Islamist opposition group members. In contrast to these reports, Ben Ali and his governmental authorities denied throughout this decade that they were detaining political prisoners. Amnesty International and other human rights observers believed the number of political prisoners reached above a thousand that very year. Besides transnational NGO's, foreign states were also closely watching Tunisia's human rights conditions. The United States, the European Union and France expressed their concerns throughout this decade, where several political and civil rights were being severely suppressed. The European Union threatened it would stop its bilateral trade agreements with Tunisia as well as possible flows of development aid. Nevertheless, the trade agreements remained in place. Accordingly, the United States repeatedly warned Tunisia for violating human rights norms, but incentives stayed out and coercive steps were not taken. In the interest of the United States, Tunisia was an ally in the 'War on Terror'. Taking harsh measures against Tunisia could harm this important co-operative relationship. This co-operation also exemplifies a rather weak sense of social vulnerability (Risse & Ropp, 14). Likewise, former France president Jacques Chirac was a close friend to Ben Ali, predominantly supporting Tunisia's governmental policies. This was making it more difficult to counter Ben Ali's human rights violations (Human Rights Watch 2003,

494-496; Human Rights Watch 2005, 495-496; Human Rights Watch 2008; 531-532; Risse & Ropp 2013, 10-15; Risse & Sikink 1999, 23-24; US Department of State 2001b; US Department of State 2003b; US Department of State 2004b; US Department of State 2007b).

Apart from the torture practices, freedom of speech and press was likewise impaired during this period. The rights were severely repressed and violated by the Tunisian government even though the constitution *de facto* supported these rights. Written media was heavily scrutinized by the government and occasionally newspapers or other sources were not allowed for distribution. A so called '*dépôt légal*' (US Department of State 2006b) or total screening on all printed media was in place until 2005, when it only continued to exist on books. Besides, various reporting portrays evidence of violence against Tunisian journalists including threats and physical assault. In some cases international journalists were at their turn denied access to the country whilst both national and international journalists faced imprisonment as a result of their negative statements or critical reporting in both national and international press. This imprisonment occurred fairly often within this ten year time frame. These events and actions also had implications regarding academic freedom and the publishing of academic works. As for the internet the government often blocked websites of international human rights observers, including the websites of Human Rights Watch and Amnesty International. Approaching the Arab Spring

uprisings the websites of HRW and AI were unblocked in 2008 except for the pages containing information on conditions in Tunisia. Despite this slight tactical concession (Risse & Ropp 2013, 10) in that same year censorship by the government resulted in the blockage of websites involving national NGO's, local human rights organizations, religious groups, numerous journalist blogs and YouTube. Internationally, the United Nations Special Rapporteur was involved advocating for the freedom of expression within Tunisia. State repression also led to sanctions by the World Association of Newspapers which discontinued their agreements with Tunisian authorities. Clearly articulating negative incentives (Risse & Ropp 2013, 14) towards the repressive condition in which the freedom of press and speech was to be found in those times (Human Rights Watch 2008, 529; Risse & Ropp 2013, 14; US Department of State 2009b; US Department of State 2010b).

At the beginning of the 21<sup>st</sup> century, a vast amount of national human rights NGO's were active within Tunisia's borders. The numbers have been growing slightly throughout this period. The activity of these associations and other organizations mark a moderate to strong domestic oppositional force which can be affiliated with the phase in which tactical concessions were made. Besides the pressure mounted by mobilized transnational actors, this domestically mobilized force supported the advocating for the rights of many. Despite the existence of a substantial amount of these

NGO's, freedoms of assembly and association were suppressed. Only a few NGO's were legally accepted by the Tunisian government. Whilst the LDTH was legally approved and even co-operated with state authorities many others were not, such as the ALTT, the *Association Internationale de Soutien aux Prisonniers Politiques* (AISPP) and the Union of the Tunisian Journalists (SJT) (Amnesty International 2006, 259). Joining or being active in one of these illegal domestic NGO's could lead to prosecution and imprisonment. A political party; The Tunisian Green Party (US Department of State 2005b) experienced similar obstacles. In general conferences and assemblies were often disturbed or in some cases wholly blocked by undercover police agents. In Tunis harassment and blockage by undercover police hindered the UN World Summit in 2005. Furthermore, NGO's experienced other measures of interference by governmental forces whilst executing their work. Members of organizations such as the LDTH and the CNLT were also heavily scrutinized in their private life. The same accounted for members of political opposition groups or Islamist groups (Amnesty International 2006, 259; Human Rights Watch 2008, 531; US Department of State 2005b; US Department of State 2009b; US Department of State 2010b).

Freedom of religion was theoretically respected to a large extent, as laws provided this freedom. In practice some minor abuses occurred. Despite the fact that the state religion was based on Islam and approximately 98% of

the country was Muslim, political parties based on Islam or other religious principles were prohibited. Non-Islamic backgrounds were generally respected, such as Judaism and Christianity. Various reports indicated the Tunisian government discriminated against Muslim citizens who reformed or stopped believing. As a cause of *sharia* law Muslim women were not allowed to marry a secular man. However, the Tunisian government in general respected the rights of women and children. Overall, women acquired near to equal rights as their male counterparts. Domestic violence posed the main human rights violation regarding women's rights. As exemplified, some legal discrimination against women still existed. Whilst civil law practices involved matters of domestic property, family law and inheritance partially based on *sharia* law, this law was not always equally supporting women. Statistically, women made up approximately 30% of the civil service workforce in 2002 which rose to 37% in 2007. Due to religious and cultural factors, the regime deliberately suppressed women from participating more extensively in the workforce. More females than males enrolled for university that year and women were also widely represented in the commercial sector as well as various governmental branches. In 2004, the first female governor was appointed. Two national NGO's; The National Union of Tunisian Women (UNFT) and *L'Association Tunisienne des Femmes Démocrates* (ATFD) particularly advocated for the women's rights throughout this period. In 2009, Tunisia

ratified the optional protocol with regard to the CEDAW, committing Tunisia to additional rules concerning the rights of women. Noticeably, the UNFT was sponsored by the government. Besides the fact that *sharia* law was in violation with certain rights and freedoms, the government was generally following the rules and norms with respect to women's rights. In contrast to other human rights conditions which have been occurring within this decade, the state of affairs regarding women's rights demonstrated governmental recognition for these rights. This recognition and appreciation is more closely identifiable with the prescriptive status (Risse & Ropp 2013, 6). Although Tunisia has not ratified all treaties and optional protocols with respect to children's rights, they were generally respecting the rights of children. Most reports did not show any evidence of child abuse, though in 2008 some evidence of child labor was found. Two years earlier UNICEF announced that above 93% of the children were attending primary schools. Medical care was also widely given and accessible for children (Amnesty International 2009, 329-330; Entelis 2007, 518; US Department of State 2003b; US Department of State 2005b; US Department of State 2006b; US Department of State 2007b).

### *The Arab Spring and Post-Arab Spring Conditions (2011-present)*

Late 2010 and at the beginning of 2011 the large civil unrest, also known as the 'Second Arab Awakening' (Muasher 2014, 2) began to arise within Tunisia's borders. These civil unrests were later framed by the media as 'the Arab Spring' (2014, 2). Arguably the levels of state repression towards its people contributed to the protests and large political dissent that was taking place during these times. Due to heavy resistance during the first months of the uprisings about three-hundred protestors and civilians were killed by Ben Ali's forces. Arguably, the uprisings were a result of governmental suppression and constant violations. Civil and political rights, freedoms of assembly and association and freedoms involving speech and expression have all been severely harmed and restricted under Ben Ali's rule. Ben Ali's twenty-three years of presidency was cut short when the former president was removed from power in January 2011, as a result of the uprisings. Due to the uprisings a state of emergency (US Department of State 2014b) was imposed by the interim government during the revolutionary period. During this state of emergency the rights and freedoms stated in the various human rights treaties can be suspended by the newly installed government. This mainly comforts the constitutional and institutional change. In the early months of 2014 the new constitution was adopted, and in March 2014 the state of

emergency was lifted by president Marzouki <sup>6</sup> (Human Rights Watch 2012, 632-637; Muasher 2014, 2-3).

Whilst regime change (Risse & Ropp 2013, 8) successfully succeeded, civil and political rights started to change accordingly. In a fast pace human rights change was visible as Tunisia's interim government called for free elections, held in 2011. The interim government signed and ratified important and additional documents concerning human rights treaties marking an immediate period of commitment (Risse & Ropp 2013, 10). These include optional protocols to the ICCPR and CAT treaties and the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Human Rights Watch 2012, 633). Additionally, the Constituent Assembly was put into place to draft a new constitution. Free elections for the Constituent Assembly (Human Rights Watch 2012, 632) marked further signs of human rights change and commitment to these new rights. Marzouki became the new head of state in 2011 whilst Jomaa was appointed as new prime minister in 2014. Tunisia is now governed by a multiparty parliamentary system where citizens obtained the freedom to start political parties. This caused the number of political parties to augment to approximately 170 parties in 2013 (Human Rights Watch 2012, 632-633; Risse &

Ropp 2013, 8-10; US Department of State 2013b; US Department of State 2014b).

Despite these improvements, human rights concerns are still an ongoing reality. Whilst the newly elected government was lacking capacity and total control over their security apparatus in the past years, security forces have been harshly condemning new protests against the government. Despite this fact, consolidated statehood (Risse & Ropp 2013, 17) is predominantly present. But largely due to a lack of central (2013, 18) control, imprisonment and in some cases extrajudicial killings of journalists and protesters was the result of violent actions by security forces. On top of that, two members of the political opposition were killed by terrorists in 2013. This event led to repeated increase of protests and renewed political dissent. Prison conditions remained poor throughout the first years after the Arab Spring uprisings. Amnesty International and the US Department of State still report on torturing practices carried out by the new governmental security apparatus. Although torturing occurrences are much lesser in number in contrast to pre-Arab Spring conditions, these acts still mark present day violations to human rights. The judiciary was independent by law, although this was not practically the case. During the first two years after the revolution government executives strongly influenced court cases. Cases involving civilians summoned due to protesting or verbally harming the regime received disproportional verdicts in comparison to other crimes. Later that year a

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<sup>6</sup> Carlotta Gall. 6 March 2014. 'Tunisia Lifts 3-year State of Emergency' *The New York Times*. [http://www.nytimes.com/2014/03/07/world/africa/tunisia-ends-emergency-rule.html?\\_r=0](http://www.nytimes.com/2014/03/07/world/africa/tunisia-ends-emergency-rule.html?_r=0) (Accessed: 25 June 2014).

High Judicial Council (Human Rights Watch 2014, 618) was installed to more profoundly control, monitor and regulate court structures and judges in relation to specific cases. As a result, a large number of judges were removed. The newly elected Tunisian government acceded to the Rome Statute and thereby accepted the International Criminal Court, marking another important gesture towards human rights commitment and possible future compliance (Risse & Ropp 2013, 10). Despite the fact that Ben Ali was not summoned before the court in The Hague, national courts brought the former president to justice. However Ben Ali is still evading prosecution, and reportedly stays in Saudi Arabia (Human Rights Watch 2012, 632-637; Risse & Ropp 2013, 10-18; US Department of State 2012b; US Department of State 2013b; US Department of State 2014b).

Mobilized international actors keep playing a role whilst they continuously advocate and pressure violators in post-Arab Spring Tunisia. This finding is in line with both hypotheses. HRW and the UNCHR were allowed to open offices within Tunisia's borders whilst the Red Cross and AI continued to visit and monitor the country correspondingly. The European Union got involved and particularly encourages Tunisia's current democratic government by funding reform projects concerning the governmental structure and the new constitution. Europe's capacity building (Risse & Ropp 2013, 15) measures and incentives (2013, 14) conjointly contributed and are still contributing to greater knowledge and fundamentals for judicial,

executive and legislative governmental structuring and progression towards human rights compliance (Risse & Ropp 2013, 10) within Tunisia. Special EU rapporteurs are still visiting the country to monitor and assist the heavily funded reformation processes. The EU froze a vast amount of Ben Ali's monetary reserves present in Europe, negatively sanctioning (Risse & Ropp 2013, 14) the former president and his officials. (Human Rights Watch 2014, 619-621; Risse & Ropp 2013, 10-15; US Department of State 2012b; US Department of State 2014b)

Freedom of speech and expression are still restricted by the current government despite the fact that they are granted by law. In 2012 and 2013 journalists, bloggers and critics were harassed or detained due to their statements in public or via the press. The current democratic regime does still not tolerate public statements or reports which include offending or criticizing content harming the regime or public order. In contrast to earlier years, the internet was not censored and approximately 4.4 million Tunisians were linked to the web by late 2013. The freedom of assembly was lawfully restored although the government did carry on scrutinizing and regulating the amount and the allowance of strikes and demonstrations. This probably was an effect of the installed state of emergency. New laws regarding the freedom of association deleted the prohibitions which were put into place by Ben Ali's regime. In fact, former politicians loyal to Ben Ali were banned from future political activity. Overall, the rights and



freedoms regarding associations and assemblies were generally well respected, tending towards compliance (Risse & Ropp 2013, 10) with international human rights treaty regulations. This degree of human rights change clarifies the massive increase in the number of political parties and other national organizations in the post-Arab Spring period. In the same degree progression was made as academic freedom was granted. No reports show any restrictions on this freedom in the post-Arab Spring period (Amnesty International 2013, 272-273; Risse & Ropp 2013, 10-11; US Department of State 2012b; US Department of State 2013b; US Department of State 2014b).

The new constitution continues to portray Islam as Tunisia's state religion. Freedoms of religion are generally respected though societal unrest in the years after the Arab Spring caused Muslims to attack and harass and damage religious minorities and their belongings. In 2011, the Tunisian interim government removed certain reservations which were put into place by Ben Ali's regime with regard to the CEDAW treaty. Whilst some reservations with respect to *sharia* law conditions remained in place during the first years after the uprisings, the entrenched *sharia* law repeatedly caused women to face discrimination by these laws. During these times, the international organization advocating for women's rights, FEMEN, protested within Tunisia marking continuous transnational mobilization and activity (Risse & Ropp 2013, 16). Political participation of women was also consequently

falling behind in comparison to men. Only forty-nine women were chosen as representatives to be seated in the 217 headed Constituent Assembly in 2011. However, in 2014 the Tunisian government decided to lift all reservations with respect to the CEDAW. By doing so, Tunisia became the first country in the North African region to alter these reservations. This development exemplifies a degree in change regarding Tunisia commitment towards women's rights. Women now enjoy more thorough protection and equality on the basis of the CEDAW treaty and national law. However, some laws still have to be implemented in line with treaty provisions.<sup>7</sup> Harmoniously, the rights of the child were respected despite the fact that Tunisia had not ratified the Convention on the Civil Aspect of International Child Abduction (US Department of State 2013b) yet (Amnesty International 2013, 273; Human Rights Watch 2012, 632-637; Human Rights Watch 2014, 618; Risse & Ropp 2013, 16-18; US Department of State 2013b; US Department of State 2014b).

#### ▪ Conclusion

At the beginning of the new millennium there were good indications that Gaddafi's regime severely repressed the lives of many, as grave violations to human rights had taken place on numerous areas. Political and civil rights as well as the rights for the freedom of assembly and association and personal

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<sup>7</sup> No Author. 'Tunisia: Landmark Action for Women's Rights.' *Human Rights Watch*. May 1<sup>st</sup>, 2014. <http://www.hrw.org/news/2014/04/30/tunisia-landmark-action-women-s-rights> (Accessed: 25 June 2014).

integrity rights were suppressed or harmed leading to the unlawful deaths of civilians. Since 2004 improvements in human rights conditions can be measured. Change started to emerge as certain institutional changes were made with respect to court structures and amnesty was surprisingly often given to many of the imprisoned. Tactical concessions as a result of transnational pressure marked this period towards the Arab Spring. Accordingly, continuous pressure took place from the various transnational actors as well as political opposition groups within Libya. This included the activity and visits of numerous transnational NGO's, such as Amnesty International, Human Rights Watch, the Red Cross as well as observers from organizations as the United Nations. In addition, independent nation states were involved in this process. Also on a national basis, domestic political opposition groups and some local human rights organizations were mobilized. Foreign sanctions against Libya were a fact, whilst other governments lifted their embargoes to positively influence human rights change. The actions of the mobilized international actors portray that the various mechanisms are and have been efficiently working and illustrate to be important tools positively contributing to a further degree of improvements with regard to the degree of respect for human rights norms throughout this period. Both the mobilization and the mechanisms can arguably be interpreted as consistent with both hypotheses.

Arguably, the coercive steps taken by the international community at the level of the United Nations to assist the Libyan population in times of the violent civil uprisings can be seen as one of the most crucial mechanism put into place by the mobilized transnational community. Although Gaddafi's son is still in Libya, the charges pressed against Saif Al-Islam Gaddafi at the International Criminal Court also pledges for coercive success and earlier commitment towards the Rome Statute. As a result of the Arab Spring uprisings, and possibly due to the processes of mobilization and transnational assistance, regime change has occurred within a rather small time period. Thereby reducing any further war atrocities and giving way for the installation of a new more democratically governed regime whose aim it is respecting and committing to human rights.

Nowadays Libya is still struggling with human right violations. Partly these violations can be linked to violations performed by the newly installed government. Most noticeable the decentralized and limited reign of the new government is caused by the existence of oppositional groups which have obtained power over some parts of the country. Whilst the current state of affairs involves issues concerning the monopoly of violence and signs of limited statehood, improvements in human rights conditions are evolving gradually towards commitment. Whilst theoretically Libya commits to a certain degree of human

rights norms, in practice human rights are still being violated.

Comparable to Libya, results show transnational mobilization efforts were correspondingly made during the pre-Arab Spring period within Tunisia's borders. Presumably, the first mobilization was started earlier in time, way before the start of the 21<sup>st</sup> century. Whilst major human rights treaties, such as the ICCPR and the CAT were signed by Ben Ali's government before the 21<sup>st</sup> century, Tunisia correspondingly showed commitment as they signed and ratified, in like manner as Libya. The first decade of the 21<sup>st</sup> century marked a period of tactical concessions together with violations to human rights and the growth of political dissent. Torture practices, restrictions to civil and political rights as well as major constraints on freedoms of assembly and association and the freedom of press encompassed the majority of the violations. This predominantly led to the unlawful harassment, threatening and imprisonment of journalists, political opposition members and other civilians. This relates to the further suppression of the freedoms of expression and speech. Despite the international mobilization, also a number of domestic NGO's such as the LDTH and CNLT have been set-up advocating for human rights within the country. This development was not particularly seen in Libya. Due to this domestic mobilization in Tunisia the developments partially undermine hypothesis I, as domestic actors got involved in like manner. As domestic human rights

organizations such as the LDTH had been founded, many assemblies and most of the other associations were prohibited or otherwise stopped and harassed by the government. Whilst these national human rights organizations were severely repressed, it can be perceived as likely that in line with both hypotheses I and II, the mobilization of transnational actors has possibly contributed to transnational activity of actors supporting and advocating for human rights within Tunisia. It must be said that in the case of Tunisia the spiral model must be perceived as a more fluid process instead of strictly following the phase outcomes. Inconsistent with the signs of repression that inflicted most other rights, women's and children's rights were generally more respected throughout the 2000-2010 period. Degrees of respect for these specific set of human rights tended more towards the phases involving commitment and compliance to human rights.

The period after the Arab Spring uprisings and governmental change in Tunisia marks a period of improvements. A new more democratically governed state was born, easing many restrictions on different treaties concerning human rights. This caused the number of political parties and associations to increase massively. Correspondingly, treaties were signed and reservations upon treaties were annulled. Post-Arab Spring mobilization remains to be an ongoing process. A vast array of human rights INGO's, including AI and HRW, are still actively responding to human

rights violations which still occur within Tunisia. Besides the INGO's also foreign nation states were and are still involved advocating and pressuring for human rights. Despite some occurrences of remaining repression on particular human rights such as the rights of freedom of speech and expression, the degree of respect for human rights within Tunisia is generally enlarged towards commitment. It could be stated that in some occasions Tunisia is complying with human rights.

Regarding the research questions, change in the degree of respect for human rights within Libya and Tunisia is a fact, when examining the period of 2000 till 2014. Arguably, different factors played a role explaining this change. These include the transnational mobilization of actors, earlier commitment to human rights norms and different mechanisms used to pressure the former regime. As the spiral model exemplifies mobilization efforts in both countries have been visible throughout the whole research period (2000-2014). Mobilization of both transnational and national actors was traceable and evidently present to protect and crucially act in support of human rights improvements in Libya and Tunisia. In both countries evidence has shown that various mechanisms which are portrayed in the spiral model have been used although some mechanisms had more effect than others.

Prescriptively, when analyzing Libya's and Tunisia's current status quo on human rights conditions, capacity building measures could improve human rights conditions in both countries. The recovery of the rule of law and the monopoly of violence at the state level will arguably contribute to a more profound restoration of human rights commitment and decrease the level of violence in the future within Libya. With respect to Tunisia, further transnational activity and support could further enhance human rights conditions, particularly with respect to the judiciary and prison conditions, as part of the civil and political rights.

By having done this research I hope to have demonstrated change in human rights conditions, by implementing the renewed spiral model on the cases of Libya and Tunisia. Concerning the external validity of the conducted research, these two cases might be generalizable to other countries which witnessed the events of the Arab Spring including repressive and authoritarian regimes in the North African and Middle Eastern region. Although in every country other conditions apply regarding earlier commitment, the degrees of respect for human rights and the mobilization efforts of international and domestic organizations may vary. Besides, I presume research on human rights in itself can enhance the acknowledgement of worldwide violations and can support the understanding by giving crucial insights into problem-solving

mechanisms and their effectiveness in a prescriptive manner. I do however acknowledge that there are a lot different factors that can play a role with respect to state compliance and degrees of human rights change in general. As I have not used quantitative analysis in this research I have therefore not been able to address any specific correlations or exact causal relationships between the variables that have been covered in this research.

I acknowledge that the spiral model in itself does portray certain limitations and shortcomings. It has been shown that only in limited occasions it portrays a solid answer of the full understanding of human rights change and compliance to human rights. However the model does give a considerable view on the political, economic and other social factors which play a role with respect to changes and differences in human rights conditions around the globe. I agree that earlier qualitative and predominantly quantitative research has portrayed that there are a lot more variables that have to be taken into account to give a more complete picture of the change in the degree of respect for human rights in a specific country or sets of states. It could therefore be argued that the factors including mobilization and the mechanisms which are elaborated on and incorporated into the spiral model by Risse Ropp and Sikkink (2013) do not wholly account for the degrees of change in human rights conditions and the respect for these rights.

Other explanations and future research with regard to human rights conditions may be linked to more quantitative studies on human rights. Also research with respect to International Relations can be done, e.g. realism and liberalism or rational choice theory could give alternative insights towards the world of human rights. Staying within the boundaries of the model, a possible extension of the scope conditions and mechanisms of the spiral model and the use of new cases may portray and possibly illustrate interesting results in the future.

▪ Appendix A: The Spiral Model

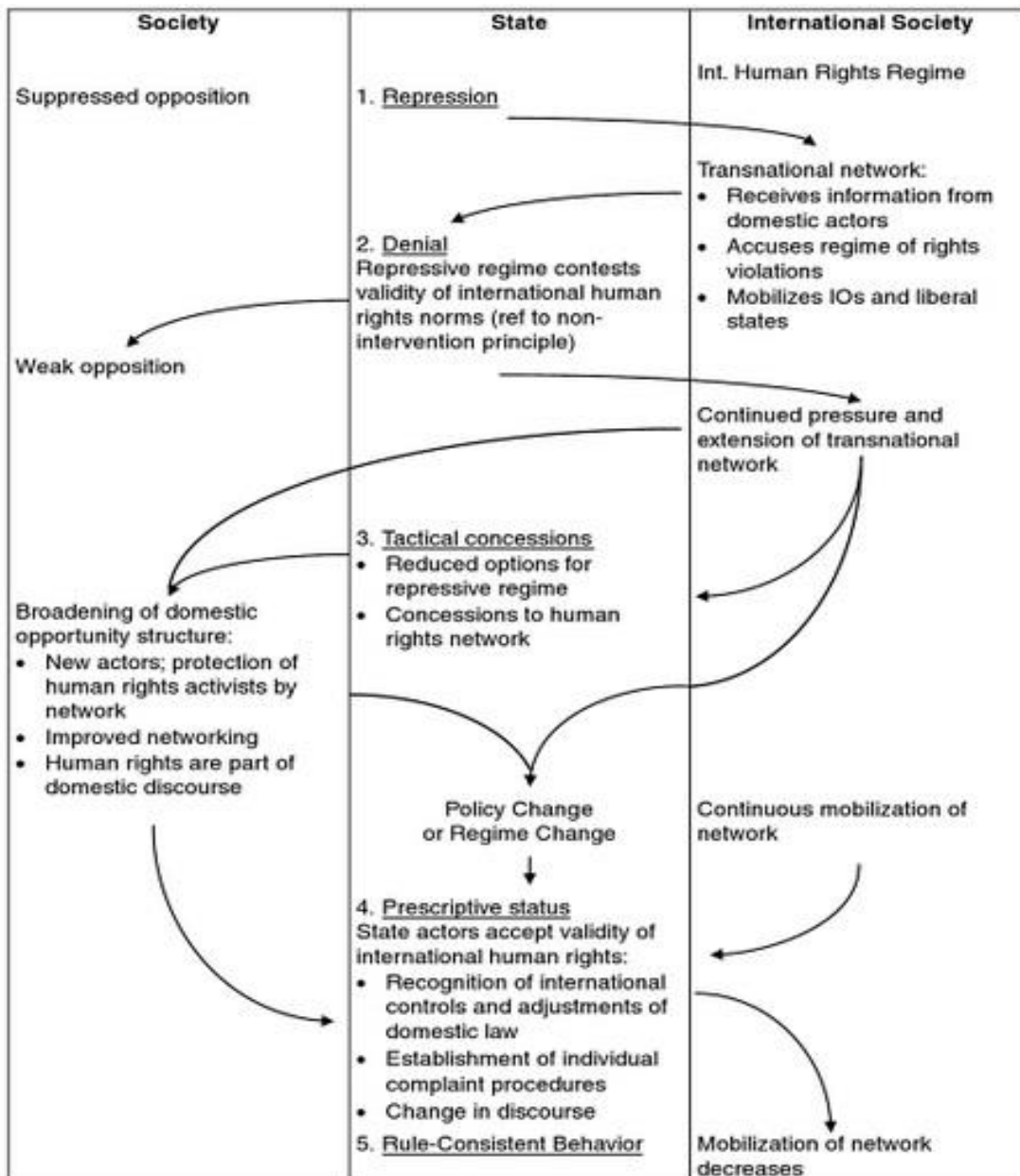


Figure 1. The Spiral Model of Human Rights Change (Risse & Ropp 2013, 8).

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