

**The Theory Behind Naming and Shaming:**  
**A Qualitative Analysis of the Effect of Political Legitimacy and Domestic**  
**Activism on Human Rights Compliance in Bolivia and Colombia.**  
Master Thesis

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## Summary

Naming and shaming is the principle of publicly stating and shaming human rights violations in a country in order to improve compliance with the human rights treaties these countries have ratified. The question this thesis will try to answer is what the mechanism behind this principle is. In order to find this answer, a co-variational design, more specifically a cross-sectional comparison is used. Two cases are compared to see the influence of naming and shaming and the theories that make this work. The two cases that are compared are Bolivia and Colombia in the timeframe 2015-2019. The countries are similar as they are both named and shamed, they have ratified the Bill of Rights, and they have almost signed the same economic agreements to try and create more economic cooperation. To research the mechanism behind the principle, two theories will be investigated through a congruence analysis to see which one explains the workings of naming and shaming the best. The two theories are related to political legitimacy and domestic activism. By using annual reports from human rights organizations to show the naming and shaming and by using newspaper articles to show the situation in both countries, the two theories were analyzed. Bolivia proves to have relatively low levels of legitimacy over the last five years but high levels of activism, while Colombia starts with low levels of legitimacy but improves to higher levels and proves to have low levels of activism. In both countries, human rights compliance is proven to be relatively low; in Colombia more than in Bolivia. The theories state that countries with low legitimacy and countries with much activism would be more likely to comply with human rights. This would be the explanation for the naming and shaming principle. The analysis showed that, both Bolivia and Colombia, in times of low levels of legitimacy, would adapt their behavior and comply more with human rights. It can, thus, be concluded that legitimacy influences compliance. For domestic activism, however, the countries did not show that much activism leads to more compliance. Activism was used to make the government aware of the demands of citizens, but it did not increase human rights compliance.

## Preface/Acknowledgement

I would like to thank my family and friends for all the support I received during this process and for listening to me going on and on about new information I found or specific facts I thought were interesting. Furthermore, I would also like to thank prof. dr. Haverland for addressing my issues and ensuring I would not stress out completely while writing this thesis. Thanks to both prof. dr. Haverland and prof. dr. Dijkstra for giving me very useful feedback that improved this thesis significantly.

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## Chapter 1: Introduction

In 2019, human rights organizations (HROs) released multiple statements about the situation regarding human rights in different states. As an example, Amnesty International wrote a report about human rights violations including a section about the Colombian government attacking children (Amnesty International, 2019). Colombia tried to deny this human rights violation, which came from its own government. The Colombian minister of defense was hiding information about the deaths of children resulting from a government attack on a guerrilla camp (Amnesty International, 2019). The Congress, the national legislature in Colombia, stated that the minister knew that there were children in the camp before allowing the attack, while not sharing this information with the rest of the government. The minister resigned due to pressure from the Congress and other parties (Amnesty International, 2019). An HRO, in this case, Amnesty International, spread the information about the violation through a report to the world, which led to the Congress looking into the actions of the minister of defense.

Different HROs create annual reports about human rights in every state. This leads to more information about what is happening in different states and this information is being spread by HROs. It is harder to hide human rights violations when HROs are focused on creating awareness and letting the rest of the world know about the situation regarding human rights. Governments are confronted with the human rights violations that are currently happening within their country. The information about the violations is spread through the media to other countries. Governments can now no longer deny the situation in their country. The statements in the HROs' reports and in the media are used to name the violations and create awareness on what is happening in the world. Moreover, the statements help to shame a country about the situation and attack the reputation of the governments that do not comply with human rights. Especially the countries that ratified human rights treaties and, thus, claim they are implementing these rights. The process of publicly stating human rights violations in a state is called naming and shaming (Katzenstein, 2013).

Human rights are universal laws for each person that ensure freedoms, respects, and other aspects stemming from societal values (OHCHR, 2012). These rights are for every single individual, and they cannot be diminished for other rights or be taken away. To monitor human rights they are written down, often in constitutions, treaties, covenants, or conventions. These treaties then need to be ratified by countries to ensure compliance. An enforcement mechanism for compliance with human rights is naming and shaming. Naming and shaming is a practice that actors use to enforce human rights on an international level (Hafner-Burton, 2008). It is done through publicly describing the human rights violations made in a country. The actors practicing this concept, mainly other states, nongovernmental organizations (NGOs), intergovernmental organizations (IGOs), or the media, hope the shaming will

influence the state to improve its behavior regarding human rights. It is the most used enforcement mechanism by international actors as evaluation of human rights practices (Dominguez-Redondo, 2012). There are several aspects influenced by naming and shaming: the legitimacy in a state, the cooperation with other states, the reputation of the state, the amount of activism, and the amount of international pressure (Dominguez-Redondo, 2012; Krain, 2012; Katzenstein, 2013). This thesis will research which of these aspects can explain how the naming and shaming principle has a positive influence on human rights compliance.

There are still many states that violate human rights all over the world and it would be very beneficial if the practice of naming and shaming positively affects states' compliance with human rights. This is especially so for people whose rights are violated. Naming and shaming would be a relatively cheap and easy way to reduce violations (Hafner-Burton, 2008). The social relevance of this research is, thus, looking into what the mechanism behind naming and shaming is to produce positive effects in states regarding the decrease of human rights violations.

Moreover, there has been done much research on human rights compliance with different theories on why states comply with human rights. One of these theories that affects compliance is naming and shaming. Actors could name and shame countries so they will comply with the treaties that they ratified. There is conflicting literature on what the mechanism behind the influence of naming and shaming is (Risse & Sikkink, 1999; Franklin, 2008; Booth & Seligson, 2009; Krain, 2012; Anderson & Murdie, 2017). The different theoretical explanations for naming and shaming depend on a variety of things: the government, whether the country ratified human rights treaties, and the different actors using this shaming practice (Murdie & Davis, 2012). There is some literature on the effect of naming and shaming in countries that did not ratify the treaties. There is, however, no literature on how the effect of naming and shaming works in states that ratified human rights treaties (Hill, 2017), which is the scientific relevance of this thesis. This is a different situation as the international sphere now expects the country to uphold the human rights mentioned in the ratified treaty. This effect will be researched using empirical cases to find evidence for the mechanism behind naming and shaming and to find out which of the theories are relevant for explaining its effect on human rights compliance.

This thesis will research and add to the literature by answering the following research question:

*'Which factors explain a positive influence of naming and shaming on human rights compliance in states that have ratified human rights treaties?'*

The question will be answered through a co-variational research design in which two cases are compared to see the effects of the variables. The theories will be researched through a congruence analysis to find out which one explains naming and shaming better. Data will come from different newspaper articles that discuss the situation of the cases in order to see if there is evidence for the existing theories. Data for naming and shaming will come from annual reports of HROs. This thesis will start by discussing the research that has already been done about this topic in a literature review. After this, the relevant theories will be elaborated in the theoretical framework. The thesis will then show the design that is used, describing the operationalization, the background of the cases, the timeframe, and the validity and reliability. Moving on to the analysis of the sources before ending in a conclusion, in which the hypotheses are discussed, the limitations are mentioned, and recommendations for further research are made.

## Chapter 2: Literature Review

Here previously done research will be summarized to create an overview of the existing literature about the subject before building upon these theories in order to learn about the mechanism behind naming and shaming. This part starts broadly with human rights treaties and human rights compliance before moving towards the naming and shaming principle and its effects in a country. The most important factors will be discussed further in the theoretical framework.

### 2.1 – The Effectiveness of Human Rights Treaties

The modern idea of human rights treaties started to develop after the Universal Declaration of Human Rights, which was created in 1948 (Hill, 2017). The number of treaties and the subjects discussed in the treaties increased over the years, which shows that states consider treaties effective for monitoring human rights. According to Hill (2017), the effectiveness of human rights treaties in states depends on three aspects: the national or local institutions that work on human rights compliance, the human rights mentioned in the different treaties and the extent of the human rights violations, and the national government's dedication to the United Nations human rights treaties. Since states are sovereign, it all depends on the national governments how the treaties are implemented. International law is applied by national institutions and through national policies, which leaves room for interpretation of the law (McKibben & Western, 2018). The United Nations does not have the power to restrict or punish states who violate the treaties (Hill, 2017). They do, however, have commissions that gather the necessary information to evaluate states and then make recommendations based on the

governments' obligations. Through these evaluations, the United Nations tries to hold national governments accountable (Hill, 2017).

The treaties can only be effective once states ratify them. When states ratify human rights treaties, it is expected from them that they uphold the rights mentioned in the specific treaty. They will be held accountable by their own institutions, other states, and international organizations (McKibben & Western, 2018). For states, ratifying treaties could lead to benefits concerning their reputation as it gives a signal to other states that they are willing to cooperate (McKibben & Western, 2018). A positive reputation can result in better relationships with other states as it shows the state can be trusted to uphold a signed agreement. These improved relationships between states are not only regarding human rights but can be extended to trade, investments, or other agreements. When states have policies that are not in line with the treaties, they will do a cost-benefit analysis on how much the violations will hurt them and how much the cooperation will gain them (McKibben & Western, 2018). Some states will even add reservations as part of the agreement to the treaty. This means that the state leaves out a certain part of the treaty that does not comply with their domestic policies so they can ratify and gain benefits but also uphold their national commitments (McKibben & Western, 2018). For example, Israel ratified the "Convention on the Elimination of All Forms of Discrimination Against Women", however, a reservation was added to uphold their religious norms and values (McKibben & Western, 2018). According to their national law, women were not allowed to be a judge in religious courts and, thus, the treaty did not apply to this aspect of society.

## 2.2 – Factors Influencing Human Rights Compliance

The commitment of a state to human rights conventions or treaties does not mean the state's behavior towards human rights improves (Hafner-Burton & Tsutsui, 2005). Compliance with human rights can depend on many different aspects. Baumgartner (2011) states that the extent of access to the justice system can have an impact on a state's compliance with human rights. The right to have a lawyer means that people can fight against human rights violations in court (Baumgartner, 2011). This means that the state is more likely to uphold human rights. They do not want those cases in court as it could lead to bad publicity for their country. Moreover, citizens will more likely bring attention to human rights violations if they can fight against it and can change the way they are treated. Another aspect is the integration of human rights in society. According to Hafner-Burton & Tsutsui (2005), human rights need to become norms embedded in society to be fully implemented. They claim human rights treaties do not have an effect on the state's compliance, however, two other factors will. The first factor is being a democracy. Democratic states are more likely to listen to their citizens, to respect their dignity, and to avoid the repression of rights than autocratic states (Hafner-Burton & Tsutsui, 2005).

The second factor is openness to the global market. Openness could lead to more development, both economic and social development in the state (Hafner-Burton & Tsutsui, 2005).

Next, compliance with human rights could also depend on the history of the state (Chilton & Posner, 2015). Several aspects of history could have an effect on human rights: the climate, the culture, and the institutions (Chilton & Posner, 2015). The relationship between climate and human rights can be found in the location of the country. If there is a harsh climate, countries have more human rights violations and vice versa (Chilton & Posner, 2015). This could come from the effect of the climate on economic growth in the country. A harsh climate often creates harder conditions for economic growth. Resources often can become abundant, which can lead to fights, lack of food and water, or less respect for each other's situation. Another aspect is the culture. Human rights compliance in the past often means human rights compliance in the present as it is included in the societal norms and values (Chilton & Posner, 2015). Furthermore, strong institutions can positively influence human rights compliance (Chilton & Posner, 2015). These institutions, however, are usually built over a period of time as they need to grow in order to become of high quality (Chilton & Posner, 2015). This means that the institutions need to have been established in the past so they can grow strong. The countries that established institutions early on are more likely to comply with human rights as their institutions are of higher quality than countries that started to build their institutions much later (Chilton & Posner, 2015).

### 2.3 – Naming and Shaming as Enforcement Mechanism for Compliance

Compliance with human rights treaties can be enforced through monitoring mechanisms. These mechanisms are characterized by three activities. First, to write down all the human rights violations in the world so there is data available on the situation over time (Sonnenberg & Cavallaro, 2012). The first action is necessary so the second and third actions can be effective. Second, to help states receive the right knowledge and expertise to be able to decrease the number of human rights violations (Sonnenberg & Cavallaro, 2012). Different actors are working on ensuring every human being receives the rights they are supposed to have. The third action is holding actors accountable for the violations they are responsible for (Sonnenberg & Cavallaro, 2012).

One of these mechanisms is naming and shaming, which is an evaluation principle that deals with all three characteristics of human rights monitoring mechanisms. Naming and shaming is the process where international actors publicly state human rights violations of a country. Actors expose the violations of a state to show the world the situation and to pressure states into compliance (Katzenstein, 2013). It focusses on putting the misbehavior on the

international agenda, usually through the media, to raise awareness on the abuse and to pressure the actors into human rights compliance (Katzenstein, 2013). This principle is the most used mechanism by international actors dealing with human rights violations (Dominguez-Redondo, 2012). Actors such as foreign governments, NGOs, IGOs, local groups, and/or human rights organizations. Moreover, actors use this to try to enhance the accountability of a state and the enforcement mechanisms in the international sphere (Heathcote, 2012). In some cases, a state does not realize it is violating rights and an explanation can already help a government to understand why an action can be considered a human rights abuse (Katzenstein, 2013). The influence of naming and shaming can be direct or indirect. States directly reconsider their own behavior, even changing it to reduce further human rights abuse (Murdie & Davis, 2012). Indirectly, naming and shaming sends information to the international community, which can lead to mobilization from different actors who put pressure on changing the misconduct (Murdie & Davis, 2012).

The effectiveness of naming and shaming can be explained by the principal-agent theory, which suggests that one actor, the principal, delegates actions to another, the agent who works for the principal (Abouharb, Cingranelli, & Filippov, 2015). For example, the United Nations as principal of the human rights treaties and the states as agents. Often, the United Nations does not need to apply any formal punishments as holding the state accountable leads to the wanted changes from the state. Another principal-agent relationship can be seen in the people as the principal who want to see compliance with human rights from their agent, the government (Abouharb, Cingranelli, & Filippov, 2015). Both the United Nations and the people want to see a change in the state's behavior regarding human rights. Changes can be simple, such as reducing the mentioned abuse, but they can also be more complex and even pressure states into ratifying human rights treaties (Katzenstein, 2013).

The practice of naming and shaming is seen as an attack on a state's reputation, which can lead to other punishments from the international community (Dominguez-Redondo, 2012). Punishments may include a decrease in trade, foreign direct investment, or development aid (Anderson & Murdie, 2017). These punishments are indirect consequences. Reputation, and indirectly legitimacy, together with enhancing their own power are the main reasons why actors respond to naming and shaming (Katzenstein, 2013). Naming and shaming leads to a decrease in reputation, which can have several consequences. First, a negative reputation can mean less cooperation with other states, which can lead to a decline in benefits for the states as the economic activities are decreasing (Krain, 2012). Second, a bad reputation could lead to a decrease in the legitimacy in the international and domestic sphere (Krain, 2012). Legitimacy is necessary for political stability in a country (Booth & Seligson, 2009). Third, a lower reputation could decrease the performance of the economy due to activism (Krain, 2012). Activists can pressure the government into complying with their demands through for example

strikes, which would decrease economic development. Domestic activism is driven by 'advocacy networks', which spreads information, awareness, and legitimacy for domestic groups (Risse & Sikkink, 1999). Lastly, a low reputation could lead to large amounts of pressure from different international actors (Krain, 2012). This pressure would be on influencing change in the state's behavior.

## 2.4 – The Effects of Naming and Shaming

Naming and shaming can either have a positive effect, such as decreasing violations, or a negative effect, such as continuing or even enhancing the abuse practices, on human rights (Hafner-Burton, 2008). Often states improve some human rights practices due to their violations being publicized while increasing other forms of violations in the shadows (Hafner-Burton, 2008). This is mainly in non-democratic countries, that will shift their violations to more discrete types of human rights abuse (Katzenstein, 2013).

The effect of naming and shaming can depend on the actors who shame. Actors such as the media or NGOs lack authority while international organizations might lack legitimacy (Hafner-Burton, 2008). The effectiveness of naming and shaming thus depends on the actor that shames, and the leverage they have over the actor that is shamed (Kahn-Nisser, 2018). Moreover, a collaboration between the shaming actors will have more influence than separate actions. Often, human rights organizations put out information so the NGOs and foreign governments can pick this up and they can name and shame together (Brysk, 1993). Research of Franklin (2008) looked at the effect of the different shaming actors in Latin America. He also found that the influence of naming and shaming in a country depends on the actors that shame. Latin American governments were more likely to decrease human rights violations if they had deep economic relationships with other governments (Franklin, 2008). They are more dependent on other states and would thus lose more if their reputation were decreasing. Furthermore, the shaming coming from religious groups and from NGOs was most effective, shaming from foreign governments was a little less effective but could still influence the state, however shaming from IGOs was not effective at all (Franklin, 2008). This was explained by the fact that religious groups and NGOs were often clearer in their human rights evaluations and their expectations on improvements from the state than other governments' statements (Franklin, 2008). Moreover, the governments that are shaming might not want to offend the government being shamed as they have political, economic, or social ties so their statement might be more reserved than statements from religious groups and NGOs (Franklin, 2008). The shaming for IGOs was not effective as they do not have the authority for material punishments and due to international power relations, which lead to smaller impacts of IGOs (Franklin, 2008). Moreover, countries avoid examination by the United Nations or the United

Nations Commission on Human Rights through using its power, or the power of allies, in the international sphere (Franklin, 2008).

Negative effects of naming and shaming has different reasons. First, the violations can come from groups that work independently from the state, such as terrorist groups (Hafner-Burton, 2008). These groups will not apply government laws or policies, and thus will also not be influenced by naming and shaming. Secondly, the state might not be strong or central enough to oversee all state officials (Hafner-Burton, 2008). State officials, such as street-level bureaucrats, can violate rights on local levels, while the central authority is unable to stop them. Lastly, leaders might use the attention they receive from naming and shaming to increase their legitimacy in the international spheres (Hafner-Burton, 2008). By shifting their methods, changing their violations, or other aspects, abusive leaders might try to show that they are decreasing their human rights abuses while in reality, they are not. They often use the publicized violations to stay in power.

The main worry about the naming and shaming practice is that it is just 'cheap talk' by the actors who shame (Hafner-Burton, 2008). It can be seen as a way to show other states that shaming countries are addressing the issue without actually spending money and ensuring human rights compliance. The change in behavior still needs to come from the state itself as they are sovereign. In most cases, however, it is seen that naming and shaming does have an effect in countries, which could be either positive or negative (Hafner-Burton, 2008). Murdie & Davis (2012) claim that to reduce misconduct, just shaming the actor is not enough. They say it depends on two things. First, the amount of national human rights organizations within the shamed state (Murdie & Davis, 2012). Second, the pressure from multiple actors especially third parties, just human rights organizations have too little influence (Murdie & Davis, 2012). The role of human rights organizations is thus to raise awareness by putting the abuse on the international agenda, help other groups go against the abuse, and to pressure other actors to join the naming and shaming process (Murdie & Davis, 2012). An effective example of this was seen in Argentina under the military dictatorship from 1976 to 1983, where human rights organizations reached the international community by sending out information about the situation in Argentina. This eventually led to pressure from foreign states and NGOs, which changed the behavior of the authoritarian ruled state (Brysk, 1993). The human rights organizations had an indirect effect on the change in the country.

## 2.5 – Conclusion

The principle naming and shaming is researched as it is the most used evaluation mechanism by international actors (Dominguez-Redondo, 2012) as it is a relatively cheap and easy way to improve compliance (Hafner-Burton, 2008). States are held accountable for complying with

human rights by different actors, which only happens if the state ratified human rights treaties (McKibben & Western, 2018). The different actors might lead to different effects of naming and shaming (Brysk, 1993; Franklin, 2008; Kahn-Nisser, 2018). There are different explanations for the mechanism behind naming and shaming: state's reputation, legitimacy, cooperation, activism, and international pressure (Dominguez-Redondo, 2012; Krain, 2012; Katzenstein, 2013). Since both the reputation and the international pressure argument is also included in the other factors, this thesis will not look at reputation or pressure separately. Legitimacy, cooperation, and activism will be investigated to see if these factors explain how naming and shaming works.

## Chapter 3: Theoretical Framework

In this chapter, the important factors will be further discussed to show which theories this thesis specifically will use and build upon. These factors are mentioned in the literature review and will be elaborated on here to create a better understanding. First, the two independent variables will be discussed: legitimacy and activism. These two factors are seen as the potential mechanism behind what makes naming and shaming work. Second, the control variables will be elaborated. Cooperation between the states is a control variable as it could explain naming and shaming, but it also has a relation with legitimacy. The other control variable is the shaming actor, which can affect the consequences of naming and shaming. Furthermore, hypothesis for the variables are formed by theoretical expectations. Third, the human rights treaties used in this thesis are explicitly stated before ending this chapter with the conceptual model.

### 3.1 – Political Legitimacy

Political legitimacy is not a concept that is easy to define in a single sentence as it is a multidimensional concept. To have legitimacy is to have support from citizens of a state towards the government. Public opinion about the government affects the credibility of the country both nationally and internationally (Booth & Seligson, 2009). Legitimacy is also important for the political stability of a state (Booth & Seligson, 2009). Citizens' support can be about multiple aspects of the government. Naming and shaming can negatively influence political legitimacy, which makes states more likely to comply with the human rights treaties as they do not want to be shamed and lose legitimacy (Krain, 2012). Legitimacy is important for states to be able to have any kind of influence in political relationships with other states. They need to be taken seriously in order to be part of any agreement. States, thus, deem political legitimacy very necessary, so they will comply with human rights treaties in order to enhance it. This is seen as a direct effect, the state changes their behavior directly as a consequence

of naming and shaming in order to maintain the current level of legitimacy (Katzenstein, 2013). If states have ratified treaties but do not comply with the rights mentioned within the treaty, there can be a negative change in the legitimacy of the state (Krain, 2012). Without legitimacy, the state might lose power, agreements, resources, and relationships with other states. Naming and shaming can, thus, decrease the legitimacy of a state in the international sphere and this can lead to being excluded from agreements (Krain, 2012). This could have serious effects on the state's international position, which is why they cannot take any risks that could decrease the political legitimacy. Next to the effect it has on the international position, losing legitimacy can also influence the support of the domestic society of the state (Krain, 2012). Legitimacy can be influenced by citizens who do not take the government seriously, which can be shown through for example elections. Coming from this is the first hypothesis:

*Hypothesis 1: Naming and shaming reduces political legitimacy and a state with low political legitimacy is more likely to comply with human rights.*

Human rights compliance allows a state to improve its political legitimacy from both the international sphere and the domestic society (Krain, 2012). More human rights compliance means less naming and shaming and thus a lower risk of losing legitimacy. States consider their legitimacy more valuable than being able to violate human rights, which is why they will try to uphold the human rights treaties they ratified.

### 3.2 – Domestic Activism

The concept domestic activism is defined as people from within the country going against the state by drawing attention in the media, protest, or other activities. In this thesis, it is activism against human rights violations. Citizens might be unaware of any unethical practices before the naming and shaming. After shaming the state, this might lead to protests and incentives for other forms of activism. The 'information stream' that spreads the necessary information is seen as very important as it could start domestic activism (Krain, 2012). Moreover, the information mobilizes citizens who will go against the state and focus their activities on activism, which leads to less economic activity (Krain, 2012). Naming and shaming could mean less economic activity and fewer resources going into the country. This could lead to much pressure on the state as the economy will decline. A bad reputation, thus, could influence the effectiveness of domestic activities (Krain, 2012).

Risse & Sikink (1999) state that the 'advocacy networks' are the driving factor behind domestic activism. These networks can be between domestic actors, transnational actors, and international actors, and have three purposes. First, they draw attention to the states violating human rights (Risse & Sikink, 1999). This is to raise awareness about the subject, but also to show states that they should promote human rights compliance. Second, the networks give

legitimacy to the domestic activist (Risse & Sikkink, 1999). The domestic groups are empowered through their networks, they are protected against the violating state, and they are given data and attention by other states and organizations. The networks can also help in mobilizing the domestic groups to stand against their government. Third, the advocacy networks can pressure states from the domestic standpoint but also the international standpoint (Risse & Sikkink, 1999; Brysk, 1993). Pressure then comes from within the country and from the international community, which has more effect than when it comes from just one side. All of this allows for the following hypothesis:

*Hypothesis 2: Naming and shaming enhances domestic activism and a state with high levels of domestic activism is more likely to comply with human rights.*

Due to the 'information streams' and 'advocacy networks', domestic activism positively influences human rights compliance (Krain, 2012; Risse & Sikkink, 1999). Naming and shaming leads to spreading information, raising awareness, and giving legitimacy to national organizations. Activism can use this information and legitimacy to have a positive effect in the country. States will be pressured by this activism to comply with the human rights treaties they ratified.

There is a difference between democratic and authoritarian states when it comes to domestic activism. In a democratic state, activism can lead to a change in government in the next elections. In an authoritarian state, activism does not have to lead to anything as there are no elections. In both cases, local activists might seek help from international activists to attract global attention towards human rights violations (Krain, 2012). This thesis will look at democratic states to see the influence of activism.

### 3.3 – Economic Cooperation

Economic cooperation is the relationship between states with respect to economic activities. This concerns many aspects and can be seen in different activities such as trade agreements, foreign direct investment, and/or development aid (Anderson & Murdie, 2017). The relationship between naming and shaming and economic cooperation is an indirect one: naming and shaming leads to a bad reputation for the state, which in turn leads to less economic cooperation (Krain, 2012). Violations of human rights described in the treaties ratified by a state is seen as not upholding the treaties and, thus, not upholding the arrangements that were agreed upon. This gives a state a bad reputation regarding compliance with agreements, which is the connection with legitimacy as a bad reputation can lead to a decrease in political legitimacy. The trust of other states will decline, which could affect the economic relationship between the states. A negative reputation gives other states the conception that there is less cooperation possible. This will especially affect countries that are dependent on their economic

ties, thus they will be more likely to comply with human rights (Franklin, 2008). Moreover, poorer countries that depend on foreign investments and/or development aid donors will also be more likely to comply. This shows that the effect that naming and shaming can have on economic cooperation depends on different aspects of the country. Another aspect influencing economic cooperation is the ratification of a treaty. McKibben and Western (2018) show that the ratification of human rights treaties sends out a signal to other states. It shows the willingness to cooperate through ratifying a document the other state also upholds. This could strengthen the relationship between states and shows that the indirect influence could work both in a positive and in a negative way. Positive as it could lead to more cooperation and negative as it could lead to a bad reputation once a state violates the treaties. The hypothesis would then be that naming and shaming can negatively influence the amount of economic cooperation in a country and a state with less cooperation is more likely to comply with human rights. The variables, however, are similar so economic cooperation is thus added as a control variable.

### 3.4 – The Shaming Actor

There are multiple actors that can shame a state when they are violating human rights. This thesis discusses five different ones. First, other states can shame as they have the authority and legitimacy to influence each other. This will have more effect when the other states have economic, political, or cultural ties with the state being shamed (Franklin, 2008). These states, however, might be hesitant to shame as they are worried it will change the relationship they have with each other. For this reason, some states do not shame at all and others shame very vaguely which leads to opportunities for the shamed state to easily get out of the accusations (Franklin, 2008). Second, the media can shame through spreading information. The media can reach many people across the world, which is why it is such an important actor. Media, however, does not have authority in the shamed state (Hafner-Burton, 2008). The actor can spread information to the right people who might be able to. Third, NGOs can influence states. These organizations are the international NGOs as the local NGOs are seen as part of the domestic activism. NGOs are known for specifically asking for change from states regarding human rights (Franklin, 2008). Therefore, they are seen as effective (Franklin, 2008), even though they also do not have any authority (Hafner-Burton, 2008). The NGOs might make special reports about human rights compliance with the information they receive from other actors, which makes it harder for the shamed state to get out of the accusations without making improvements (Franklin, 2008). Fourth, the IGOs try to shame. IGOs tend to stay vague such as other states, however, they do not have the legitimacy states have (Hafner-Burton, 2008). Legitimacy in IGOs can differ, for example the United Nations Commission on Human Rights lacks legitimacy due to power plays (Hafner-Burton, 2008), while the United Nations itself has

more legitimacy. These organizations are thus seen as the least effective shaming actors as they do not give concrete proposals for improvement (Franklin, 2008). Fifth, human rights organizations are also working on naming and shaming violations. Human rights organizations do not have legitimacy (Hafner-Burton, 2008), however, they are trying to influence states by spreading information and putting pressure through other actors. Often HROs are also seen as NGOs. These five actors all have different positive and negative aspects that influence the effect of their shaming. The hypothesis would be that naming and shaming also depends on who the shaming actor is, but this variable is used for control as it is similar to the other independent variables. Brysk (1993) mentions that for naming and shaming to work best, all actors should work together to pressure states into human rights compliance.

### 3.5 – Ratifying Human Rights Treaties

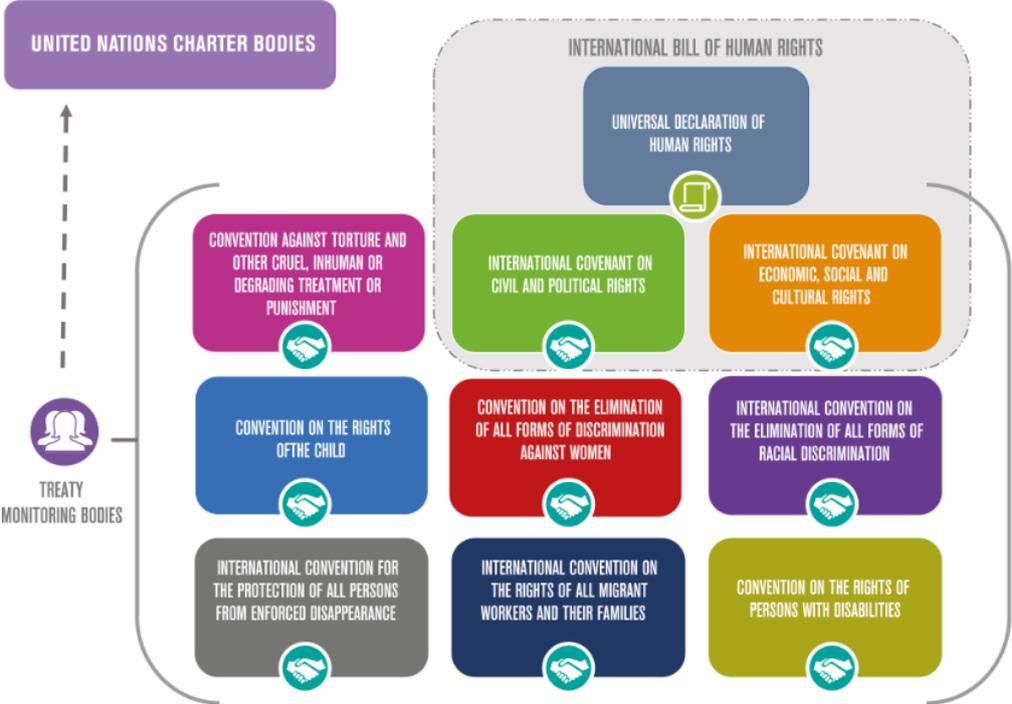
Ratifying human rights treaties is a cost-benefit analysis for states. As mentioned before, ratifying these treaties lets other states know the willingness to cooperate, which can lead to many benefits (McKibben & Western, 2018). Not ratifying these treaties, however, means you do not have to uphold them, and you cannot get a bad reputation or other negative consequences if you violate the rights. Naming and shaming can still have an effect on states that have not ratified treaties, but this effect will be moderate as they do not break any agreements. States disagreeing with human rights violations might still adapt their behavior towards the misconducting actor and they are less likely to build a relationship with states that have such different ideologies. Naming and shaming ensures that there is global attention going towards the violation, which is important as other states can put pressure on the shamed country to start with human rights compliance (McKibben & Western, 2018).

### 3.6 – The Human Rights Treaties

Last in this chapter, the human rights treaties that are mentioned in the thesis are specified. There are nine official international human rights treaties, some of which are accompanied by optional protocols (OHCHR, 2020). In this thesis, the International Bill of Human Rights will be used. This consists of two treaties: The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (see image 1 for a complete overview). When talking about the treaties that a state has ratified, these two treaties will be looked at.

Figure 1. The United Nations human rights treaties system (HIC-HLRN, 2017).

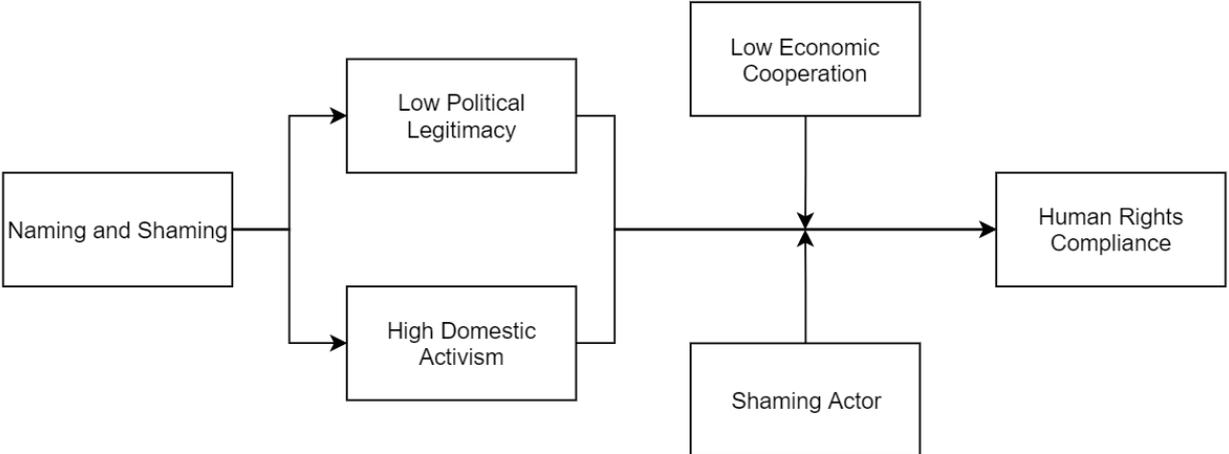
INTRODUCTION TO THE UNITED NATIONS HUMAN RIGHTS TREATIES



3.7 – The Conceptual Model

Below the conceptual model of this research is shown to visualize the possible influences of the variables on each other. The dependent, independent, and control variables can be seen in this model.

Figure 2. The conceptual model.



## Chapter 4: Research Design

In the previous chapters, different theories and concepts are discussed regarding the researched variables. Here, data is searched to provide evidence for the hypotheses mentioned in the theoretical framework. Moreover, the background of the cases that are used to research the concepts are discussed and the reliability and validity are reviewed to ensure the quality of the research. This is to justify the choices that are made regarding the research design.

### 4.1 – Co-variational Design and the Congruence Analysis

This thesis researches the concepts through a co-variational analysis, which looks at the variation between the dependent and independent variables to learn about a possible effect (Blatter & Haverland, 2012). The concepts are compared in different cases in order to find an answer to the research question. This thesis has a co-variational design but the thesis controls for variables due to selecting similar cases. To compare these cases, a case study comparison, more specifically a cross-sectional comparison, is conducted (Blatter & Haverland, 2012). In this thesis, the cross-sectional comparison is a small-N research, which means that two cases are compared: the case of Bolivia and of Colombia. The cases are looked at in the same period of time. A small- N research allows for broad and detailed data about the two cases in question and more time to reflect on this data in regard to the relationship between the dependent and the independent variables (Blatter & Haverland, 2012). This fits with this thesis as the mechanism behind the naming and shaming principle was researched. Much data about the two cases is necessary to investigate the possible relationship between the variables and to potentially confirm the theory that makes naming and shaming work. There is also the opportunity to look more in-depth into the connection between the theory and the data. Through the theory, the concepts are given a definition, which is then used to check the cases through the data. Hypotheses are used to give the research more causal direction, thus, to show the direction of the effect on human rights compliance.

There is also a congruence analysis conducted to see what the mechanism behind naming and shaming is. This approach is focused on theories that explain the researched cases in detail and it links the theoretical concepts to empirical data for evidence of the theories (Blatter & Haverland, 2012). A congruence analysis is also a small-N research to search for evidence in cases to explain why one theory should be used compared to another theory (Blatter & Haverland, 2012). The two variables, political legitimacy and domestic activism, are seen as theories and the question is which of these two will explain the working of the naming and shaming principle in the best way. It is unclear which independent variable influenced the

dependent variable the most. The congruence analysis is thus used to find out which of the two fits better to explain the possible change in human rights compliance in the two cases.

In this thesis, the principle of naming and shaming is examined. Naming and shaming means that the shaming actor picks up on human rights violations made in a country and shames the country about these practices through for example the media or their own reports. There are different shaming actors, but this thesis looks at the shaming of the HROs, which often are NGOs as well. The HROs are chosen as they are more focused on the shaming than other actors such as governments. Through the spread of information, the naming and shaming principle provides the necessary information for the two independent variables. For domestic activism, the shaming provides the information that either starts the activism or increases the current activism. This could be seen in, for example, newspaper articles that mention human rights activism in a country in connection with the NGOs/HROs as this shows that the domestic activists were aware of the naming and shaming. After this, the influence of domestic activism on human rights compliance was researched. According to the theories (Krain, 2012; Risse & Sikkink, 1999), if there is more activism, there should be more compliance.

For political legitimacy, the naming and shaming provides the information about human rights violations to the citizens or to other states, which could lead to a decrease in state legitimacy. This can for example be seen in newspaper articles discussing the violations in connection with support for the government (see table 1 for operationalization of the concept of political legitimacy). According to the theories (Booth & Seligson, 2009; Krain, 2012), having low state legitimacy should lead to more compliance. This is how the mechanisms behind the naming and shaming principle should work in theory and what is researched through the congruence analysis in this paper.

## 4.2 – Operationalization

In this part, the variables are discussed in terms of how to measure them. The thesis moves from theories and abstract concepts to empirical data and evidence to try and prove the theories in the real world. It starts with discussing the dependent variable, before moving to the independent variables. The operationalization is summarized in a table in which the control and constant variables were added.

The dependent variable is human rights compliance in the two cases of countries that ratified human rights treaties. It is about the compliance with the rights mentioned in the International Bill of Human Rights, which means that compliance is not a yes or no term, but states can also comply with some and not with other rights. The failure to comply with these rights can result in the naming and shaming of the state and its human rights violations. Failure

in this context means unwilling and unable, even if those states might need help with for example resources to be able to comply, as the data does not separate these numbers. So, compliance was checked through the violations made by states of the rights mentioned in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. If there were no violations mentioned, it was assumed that the states complied with the human rights treaties that they ratified. The variable human rights compliance was measured through the Fragile State Index by The Fund for Peace (2019). The Fund for Peace is an organization that works on increasing trust between countries to decrease conflicts. Their projects are based on research and they cooperate with a variety of actors: governments, IGOs, NGOs, academics, and national organizations (The Fund for Peace, 2019). For the Fragile State Index, three forms of data are used to create a single number for the compliance in a country. First, scores are assigned to the indicators through analyzing content, such as newspaper articles, research, reports, or other sources (The Fund for Peace, 2019). Second, data sets from other organizations are used to compare with the scores assigned through the content analysis (The Fund for Peace, 2019). These data sets come from, for example, the UN or the World Bank. Third, researchers look into these sets to review the data (The Fund for Peace, 2019). The research process is done every year to update the data. The index measures whether human rights are protected and the rule of law (The Fund for Peace, 2019). The numbers of the index go from zero to ten with zero being the best. For the indicator 'human rights and rule of law', the indicators were political rights, civil freedoms, human rights violations, openness and justice of the system, and equality (The Fund for Peace, 2019).

Political legitimacy, one of the independent variables, is a multidimensional concept, which is why it cannot be measured by one simple dimension. In this thesis, the legitimacy is domestic legitimacy only. Through the data of the Fragile States Index, a single number was set for the level of state legitimacy in a country (The Fund for Peace, 2019). This number is, again, from zero to ten with zero being best and ten being worst. This number for legitimacy is calculated by researchers through several indicators: confidence in the political process, the political opposition, transparency, fairness of the political process, and political violence coming from the state or from terrorism (The Fund for Peace, 2019). The process of getting to these numbers is described in the paragraph above. These indicators are all investigated from a domestic perspective. For example, confidence in the political process is regarding the confidence citizens have in their own government.

The other independent variable, domestic activism, is measured by a single indicator: the collective and unconventional actions by citizens against the state (Franklin, 2012). Collective meaning that more than one individual is involved in the action. Unconventional

meaning that the actions are not within the regime institutions. Examples of collective and unconventional actions are protests, which can be violent or not, attacks with activist incentives, strikes in different forms, and occupation of buildings or public places (Franklin, 2012). Domestic activism discusses the activism within a country, so not foreign or international. Citizens in the country, possibly connected through a union, participate in a form of activism as mentioned in the examples before. This is measured through whether activism happens in a country or not. Moreover, it is checked if it is only one activist or a group to ensure collective action, not individual action.

In this thesis, the two international HROs that are looked at are Amnesty International and Human Rights Watch as these are the two biggest international organizations regarding human rights. For naming and shaming, the research reports from these HROs are used, which can be found on their website. Amnesty International creates the Amnesty International Report each year, which discusses all countries on human rights. Last year, they separated their report as the previous ones were becoming too long. The last one made is called Human Rights in the Americas: Annual Report 2019. Human Rights Watch writes their report annually as well, calling them the Human Rights Watch World Report in which they describe the violations from the previous year. In these reports, the shaming of the HROs can be seen over the years 2015-2019.

Furthermore, newspaper articles are used to describe the situation in the country regarding political legitimacy and domestic activism. It is to see if there is a connection between the events that happen in a country and the levels of legitimacy, activism, and human rights compliance. These articles come from different sources to have multiple perspectives. They are found through Nexis Uni, which is a tool that allows for browsing through a database with newspapers. It makes it possible to look for articles based on specific search terms to easily find articles discussing the searched subject. The articles are then checked for any mentioning of HROs and their influence in either Bolivia or Colombia to prove naming and shaming happened. Moreover, terms regarding political legitimacy and domestic activism in connection with compliance are searched. Forms of legitimacy, such as support from citizens, and actions with activist motives, together with their influence on compliance are searched.

Table 1

*Operationalization.*

Variables	Measurement	Data sources
Political legitimacy	Through the indicators: confidence in the political process, the political opposition, transparency, fairness of the political process, and political violence (The Fund for Peace, 2019).	The Fragile State Index (The Fund for Peace, 2019) on state legitimacy complemented by various newspaper articles coming from Nexis Uni to describe the situation.
Domestic activism	Through the collective and unconventional actions within the state (Franklin, 2012), e.g. protests, strikes, and/or occupation of buildings.	Various newspaper articles coming from Nexis Uni to describe the situation.
Economic cooperation (control)	Any form of bilateral or multilateral agreement between the state in question and other states. This can be regarding trade, natural resources, or any other economic activity.	Data from the World Trade Organization about trade agreements (WTO, 2020).
The shaming actor (control)	The source(s) where the shaming comes from, in terms of actors, here NGOs/HROs.	By using the annual reports from Amnesty International and Human Rights Watch as sources, the shaming actor in this thesis is the HROs.
Ratified human rights treaties (constant)	Both countries ratified the International Bill of Human Rights (OHCHR, 2020).	The data on which countries ratified which human rights treaties from the OHCHR (2020).
Naming and shaming (constant)	Whether the country that violates human rights is shamed by other actors, e.g.	Naming and shaming can be seen in the HROs reports

	violations that are mentioned in reports by HROs.	from Amnesty International and Human Rights Watch.
Human rights compliance	Through the indicators: political rights, civil freedoms, human rights violations, openness and justice of the system, and equality (The Fund for Peace, 2019).	The Fragile State Index (The Fund for Peace, 2019) on compliance and the rule of law complemented by HROs reports from Amnesty International and Human Rights Watch, and various newspaper articles.

### 4.3 – Background and Justification of the Two Cases: Bolivia and Colombia

The data of two countries, Bolivia and Colombia, are used to research the effect of the different variables on human rights compliance. In a small-N research, it is important to carefully choose the cases so this should not be random (Blatter & Haverland, 2012). In this part, the backgrounds of the two countries are discussed, together with the necessary information for the variables to justify the choice of these two countries.

#### 4.3.1 – Similarities

Bolivia and Colombia have several things in common. First, they are located on the same continent, South America, which means they are sharing these geographical aspects. The countries also have around the same size as Bolivia has a land area of 1,083,301 square kilometers and Colombia has 1,038,700 square kilometers (CIA Factbook, 2020). Next, they have similar climates, namely tropical with cooler temperatures in the higher areas (CIA Factbook, 2020). Third, they have the same history. Both countries were occupied by Spain and their independence days are only fifteen years apart, Bolivia in 1825 and Colombia in 1810 (CIA Factbook, 2020). Moreover, they have the same official language, Spanish, and similar cultures. Also, both countries have an indigenous population. Fifth, the countries have a very similar civil law system, which was influenced by the Spanish and they both have a bicameral legislative branch (CIA Factbook, 2020). Lastly, both countries are a presidential republic (CIA Factbook, 2020). The similarities in the countries are important to keep other factors constant and to show the effect comes from the independent variables (Blatter & Haverland, 2012). For this reason, the two cases are chosen for having so many similar factors.

Furthermore, Bolivia and Colombia have both been named and shamed over human rights violations. Mentioning a few examples, their violations are mentioned in Amnesty International reports, which shows shaming by human rights organization (Amnesty International, 2020a, 2020b). There are several recommendations in the Universal Periodic Review (UPR) from states towards Bolivia and Colombia, which shows naming from other governments (UPR Info, 2020). The United Nations also created reports, monitors actions, and writes concluding observations about the situation in countries regarding human rights (OHCHR, 2012). Moreover, many news outlets write articles about human rights violations in the countries.

Next, it is important to discuss the similarities between the states regarding the control variables: economic cooperation and the shaming actors. There is much economic cooperation in both Bolivia and Colombia. Bolivia is landlocked which only enhances the importance of cooperation with other countries. The country relies on their natural resources, mostly natural gas, to sign agreements about exports to other countries (CIA Factbook, 2020). A pipeline lies between Bolivia and Brazil, which is consequently the main import partner of Bolivia's commodities. Bolivia is working on agreements regarding foreign investments in their country. Colombia also gains a lot from exporting, mainly from coal, oil, coffee, and energy, and has free trade agreements with countries to increase these exports (CIA Factbook, 2020). Moreover, Colombia helped to establish the Pacific Alliance, which is an agreement between some of the regional countries to enhance trade and economic cooperation (CIA Factbook, 2020). Bolivia and Colombia state that they are focused on economic integration within South America. They have both signed three agreements to enhance cooperation. First, the Andean Community, which is a free trade agreement moving towards becoming a customs union joined by Bolivia, Colombia, Peru, and Ecuador (WTO, 2020). Second, the Global System of Trade Preferences among Developing Countries is a preferential trade agreement between 42 developing countries over the world (WTO, 2020). Third, the Latin American Integration Association is working on the establishment of a single market for Latin-American countries, currently thirteen countries have joined (WTO, 2020). This shows that the two countries are working on economic cooperation. Colombia, however, has more bilateral trade agreements than Bolivia and formed the Pacific Alliance with Chile, Peru, and Mexico (WTO, 2020).

As a starting point for the other control variable, this thesis looked at naming and shaming coming from HROs. HROs can write their own reports to raise awareness, but often they use the media to spread information about their cases. The media, however, was not seen as the shaming actor as they simply were used by NGOs to shame and did not actually shame themselves. Both Bolivia and Colombia were shamed by NGOs. For example, they each have their own page with violations on the website of Amnesty International, these violations are

also mentioned by Human Rights Watch, and there are many news articles circling around spreading the same information (Amnesty International, 2020a, 2020b).

#### 4.3.2 – Bolivia

In the last three political terms, Evo Morales took office in Bolivia (Amnesty International, 2020a). Three terms were the limit, however, Morales wanted to run for a fourth term next election. This was rejected in a national referendum, but a national court ruled over this resulting in Morales running again. Many things changed in Bolivia after these elections on October 20<sup>th</sup> of 2019 (Amnesty International, 2020a). Morales declared he won, while the Bolivian citizens claimed the elections were not fair and started protesting. These important events can be seen in the timeline in figure three and are what lead to an increase in human rights violations in the country. These protests were met with violence coming from the police. After this, the police turned against the President, which eventually resulted in his resignation (Amnesty International, 2020a). The replacement, Jeanine Añez, allowed the army, the Armed Forces, to help the police establish order in the country. This intensified the violence used against the protesters leading to 832 wounded and even 35 deaths in one month (Amnesty International, 2020a). Moreover, many journalists and activists were attacked for the information they were spreading within the country but also to the international community. The number of protesters and human rights activists was not affected by these attacks and activism even grew in the country. All these attacks and violence against citizens meant limited access to certain towns and cities as it was dangerous to travel or highways were inaccessible. This resulted in people who were unable to access food and/or gas as they feared for their life or as they were not allowed to move outside the city (Amnesty International, 2020a). Another group of people with problems were the indigenous people living in Bolivia. They were unsafe in their own homes and were not taken seriously by the new temporary government. Many indigenous people were attacked at home, and this group of citizens did not have any form of access to the decision-making about their land and their rights as they were unable to vote and/or had limited access to town meetings (Amnesty International, 2020a). Furthermore, asylum seekers, coming from Venezuela, were arrested while peacefully protesting (Amnesty International, 2020a). They did not receive a due process, with some being sent back to Venezuela and some were locked up without a fair hearing. The Bolivian prisons are also with violations, such as torture, rape, and other mistreatment (Amnesty International, 2020a). So even with a fair trial, rights would still be violated.

Figure 3. A timeline of the important events in Bolivia.



Below in table 2, all these violations are connected to the articles from either covenant that shows that the action is a violation of a certain right mentioned in the Bill of Rights.

Table 2

*Human rights violations in Bolivia.*

Human rights violation	Article	Covenant
Force against protesters.	Article 21: 'right of peaceful assembly ... no restrictions may be placed on the exercise of this right ...' (OHCHR, 2020).	International Covenant on Civil and Political Rights.
Attacks against journalists & activists.	Article 19: 'right to hold opinions without interference' (OHCHR, 2020).	International Covenant on Civil and Political Rights.
Unable to access food and/or gas due to attacks.	Article 11: 'right of everyone to an adequate standard of living ..., including adequate food, clothing and housing' and 'rights of everyone to be free of hunger' (OHCHR, 2020).	International Covenant on Economic, Social, and Cultural Rights.
Indigenous people are denied access to decision-making processes, e.g. lack of access to political meetings and unable to vote.	Article 25: 'Every citizen shall have the right and the opportunity ... to take part in the conduct of public affairs' (OHCHR, 2020).	International Covenant on Civil and Political Rights.

Asylum seekers (and other citizens) who were peacefully protesting did not receive a due process when arrested.	Article 14: 'everyone shall be entitled to a fair and public hearing ...' (OHCHR, 2020).	International Covenant on Civil and Political Rights.
Torture in prison.	Article 7: 'No one shall be subjected to torture ...' and article 10: 'All persons deprived of their liberty shall be treated with humanity ...' (OHCHR, 2020).	International Covenant on Civil and Political Rights.

4.3.3 – Colombia

In Colombia, protests arose due to internal conflicts about territory (Amnesty International, 2020b). Citizens do not want to get rid of the government, but they want the government to uphold the peace agreement and be more active in preventing these conflicts/the killings. The agreement and protests can be seen in the timeline in figure four. Overall, the protests were peaceful, however, being a human rights activist is still very dangerous. Due to fear and threats, activism in the country declined. There are still internal conflicts in the country as the peace agreement is not fully implemented. Human rights violations were mainly found in these internal conflicts. These conflicts were between the Colombian government and several guerilla and/or paramilitary groups (Amnesty International, 2020b). The effects of the conflicts were displaced people, innocent people dying, restricting access to services, and affected the Afro-descendant and the Indigenous people the most (Amnesty International, 2020b). Many indigenous people have limited access to water and food as they were unable to move beyond their own land. Human rights activists made a stand and together handed the government a list of demands to improve human rights in the country. The government, so far, was unable to protect their citizens from all the violence in the country. Its response has even been the concealing of these violent attacks on people (Amnesty International, 2020b). They would cover up the incidents, claiming it was false news, and saying it was all under control. To improve the situation, stricter measures have been taken by the government to find and arrest people involved in the attacks. This, however, did not work as these measures indirectly allowed the Army to kill criminals once they found them. Claiming it was self-defense or an accident, many guerilla groups members were found, buried, or hidden to cover up what the Army had done.

Figure 4. A timeline of the important events in Colombia.



In table 3, the human rights violations are connected to the articles of the two covenants in which the rights are described.

Table 3  
Human rights violations in Colombia.

Human rights violation	Article	Covenant
The government does not protect citizens from abuse and violence.	Article 17: 'Everyone has the right to the protection of the law against [arbitrary of unlawful] interference or attacks' (OHCHR, 2020).	International Covenant on Civil and Political Rights.
Indigenous people have limited access to water and food.	Article 11: 'right of everyone to an adequate standard of living ..., including adequate food, clothing and housing' and 'rights of everyone to be free of hunger' (OHCHR, 2020).	International Covenant on Economic, Social, and Cultural Rights.
The government conceals attacks.	Article 2.3: 'ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy ...' (OHCHR, 2020).	International Covenant on Civil and Political Rights.
The government allows the Army to intensify search on criminals, which often leads to killings (with no proof).	Article 7: 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment' (OHCHR, 2020).	International Covenant on Civil and Political Rights.

#### 4.3.4 – The Timeframe

The timeframe of this thesis was based on the main events that lead to the largest amount of naming and shaming in the two cases: 2015-2019. In Bolivia, it starts in 2019 with the elections that lead to several violations from the state towards the citizens (Amnesty International, 2020a). There were violations before the elections, but the violations after 2019 were much more named and shamed. In Colombia, the peace agreement signed in 2016 will be the starting point. This agreement is not being upheld by the government, which leads to violations throughout the country (Amnesty International, 2020b). Besides the fact that this year has not finished, there is not enough data available to include the year 2020 into the dataset. Due to these facts, the timeframe of this thesis is set between 2015-2019.

#### 4.3.5 – Overview of the Variables in the Two Cases

Table 4

*Case criteria for Bolivia and Colombia.*

Variable	Bolivia	Colombia
Political legitimacy	?	?
Domestic activism	?	?
Economic cooperation (control)	Yes, mainly agreements about their natural resources and trade (cooperation is very necessary as the country is landlocked) (CIA Factbook, 2020).	Yes, many free trade agreements, some negotiations are still going, and a member of the Pacific Alliance which is a regional trade agreement (CIA Factbook, 2020).
The shaming actor (control)	HROs with the help of the media to spread the information.	HROs with the help of the media to spread the information.
Ratified human rights treaties (constant)	The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were both ratified in 1982 (OHCHR, 2020).	The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were both ratified in 1969 (OHCHR, 2020).
Naming and shaming (constant)	Yes	Yes
Human rights compliance	?	?

#### 4.4 – Validity and Reliability

To ensure the quality of the thesis, the validity and reliability of the design, data, and variables were discussed. Validity is to ensure the research actually measures what it says it measures, thus whether the measurement is connected enough with the concepts it is supposed to measure (Buttolph Johnson & Reynolds, 2005). The small sample that is used in this thesis gives the opportunity to more in-depth and intense conceptualization of the variables researched, which is done to achieve concept validity (Blatter & Haverland, 2012).

Furthermore, looking at the external validity of this research, this case study research was very specific (Blatter & Haverland, 2012). The results of the study could be generalized to samples with similar data, but the overall generalization of the results is limited because of the small sample. Case study research, however, can be used as a start to set up bigger research (Blatter & Haverland, 2012). Simply showing the effect of the variables on each other in a small setting can lead to other research, with more available resources, to pick it up and research it with a larger sample. Also, small-N studies are to compare these particular cases to each other and find an answer to a question in this case.

Reliability is focused on the consistency of the research, whether a research would lead to the same results if exactly repeated (Buttolph Johnson & Reynolds, 2005). In this thesis, the focus should be on the transparency of the research design due to two consequences of having a case study design. First, a case study research is hard to repeat as it is a small-N design (Blatter & Haverland, 2012). This means there is only a small sample of cases, which could be influenced by the researcher. Different researchers would thus have different results. Second, a case study research could be affected by measurement error (Blatter & Haverland, 2012). An error has a much bigger effect in small-N research than in a research with a large sample. To decrease these consequences of the case study design, it is very important to be transparent and write down as much about the justification of the choices made within this design. Another way to decrease these consequences is data triangulation, which means searching for multiple forms or sources of data that measure the same to cross check the measurement (Blatter & Haverland, 2012). Having multiple sources can correct bias in measurement. A small-N research also means that there is more time to go deeper into the cases, which allows more intensive study and thus decreases the chance of measurement errors (Blatter & Haverland, 2012).

For the data, validity and reliability can also be discussed. The sources that have been used are newspaper articles and reports from HROs. HROs' reports might be biased as they want to show their success, however, they want to have legitimacy so the facts and effects they discuss can be considered true. Moreover, from reading newspaper articles it cannot be

seen if the author was biased (Yin, 2003). Therefore, multiple different newspapers were used to have multiple perspectives about the cases. Articles were mainly found through Nexis Uni, which is a database with newspapers. This allows for selectivity as newspapers that were not in the database were not used (Yin, 2003). There were, however, also articles used from the websites of HROs to ensure more perspectives. Despite bias and/or selectivity, news articles contain details, facts, and references, while covering many events from different angles (Yin, 2003). This allows for much information that is used in the analysis to show the situation within a country.

## Chapter 5: Analysis

In this chapter, the sources will be analyzed and connected to the theories mentioned in the theoretical framework. It addresses different statements drawn from the sources to see whether there can be found evidence for the theories to prove their accuracy. Each statement will be explained in the way it is interpreted and used to show whether the independent variables influence the dependent variable. The sources are research reports of HROs and newspaper articles. The analysis starts with Bolivia, discussing naming and shaming in the country, the effect of political legitimacy on compliance, and the effect of domestic activism on compliance, before doing the same for Colombia. After this, the countries are compared, and the findings are summarized in table 5.

### 5.1 – Bolivia

#### 5.1.1 – Naming and Shaming

Evidence of naming and shaming can be seen through HROs mentioning violations or suggesting improvements for human rights in the media or in their own research reports so that every citizen can be informed about the situation in the country. HROs try to shame the government about not complying with human rights by stating the violations and coming up with improvements. The sources in this part discussing naming and shaming come from the annual reports of these HROs.

In 2015, most naming and shaming of both Amnesty International and Human Rights Watch to Bolivia is about the past human rights violations in the country. In previous Bolivian regimes, the military has violated the rights of citizens they were supposed to protect, and these violators had yet to be brought in front of a court. “*Victims of human rights violations committed during past military regimes continued to be denied truth, justice and full reparation.*” (Amnesty International, 2015, p. 78). “*Impunity for violent crime and human rights violations remain serious problems in Bolivia.*” (Human Rights Watch, 2016, p. 119). This problem has

been in Bolivia for a longer period of time and does not really change until 2017, when a 'Truth Commission' is established to solve this human rights problem. "*A Truth Commission was created to investigate serious human rights violations committed under military governments.*" (Amnesty International, 2018, p. 94). The commission had already been promised by the Bolivian government in 2015 before the Inter-American Commission on Human Rights (Amnesty International, 2017). Due to pressure from the UN, other governments, and HROs, the commission was set to make a complete report of all violations.

The past regime violations together with minority rights are what both HROs continue to report on over the years. For minority rights, the shaming is about access to certain public services, for example, sexual and reproductive rights for lesbian, gay, bisexual, transgender, and intersex people, or consent of indigenous people on projects that concerned them and their territory. "*Indigenous Peoples' rights to consultation and to free, prior and informed consent and equal access to sexual and reproductive rights remained unfulfilled.*" (Amnesty International, 2015, p. 78). The minority groups are still largely underrepresented and have a lack of access to certain services, however, small victories are being made. "*In May 2016, the Plurinational Assembly passed a bill that allows people to revise the gender noted on their identification documents without prior judicial approval.*" (Human Rights Watch, 2017, p. 132). "*There was some progress in protecting the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people and sexual and reproductive rights.*" (Amnesty International, 2017, p. 86). Amnesty International and Human Rights Watch want the government to prioritize the rights of minorities.

A relatively new topic that is shamed in Bolivia is regarding Morales running for a fourth term. First, the national court that allowed for the fourth term in 2017, which was already rejected by the Bolivian citizens in a referendum in the year before. Second, the unfair elections in 2019, where Morales declared himself President again, leading to protests and eventually his resignation.

*"A 2013 Constitutional Court ruling allowed President Evo Morales to run for a third term, although the constitution, at the time, limited presidential re-election to two five-year terms. In a 2016 national referendum, voters rejected changing the constitution to allow President Morales to run a fourth time, but in November 2017, the Constitutional Court struck down limits on re-election altogether, which will allow President Morales to run for a fourth term in 2019."* (Human Rights Watch, 2019, p. 79).

There were many human rights violations resulting from the elections and Amnesty International stated that '*Bolivia is experiencing a social, economic, political and human rights crisis since the 20 October elections.*' (Amnesty International, 2019, p. 20). The new elections

are set for 2020 and the HROs hope that after that human rights will be prioritized in the country.

There are many human rights topics named and shamed in Bolivia, especially the impunity for certain violations in the past, minority rights, and the 2019 elections. HROs are trying to push the government in the right direction. Not all shaming has an effect, but small positive progress is seen over the years.

### 5.1.2 – Political Legitimacy

In 2015 and 2016, Bolivia is dealing with low levels of legitimacy, with a number seven on a scale of zero to ten with zero being the highest level of legitimacy (The Fund for Peace, 2019). In this situation of low legitimacy, the Bolivian government is seen to discuss their current human rights situation with the Human Rights Council in order to come up with potential ideas to increase human rights compliance in the country (Premium Official News, March 26, 2015). The Bolivian government invited the High Commissioner for Human Rights to start the process of opening an office. The country wants to commit to the human rights treaties it ratified and continue talking about increasing human rights compliance (Premium Official News, March 26, 2015). Moreover, a review of the human rights in Bolivia would be done to see the state of the country in regard to the protection of rights. This review would be created with the information of multiple parties, such as the Universal Periodic Review and statements from the Bolivian citizens (Premium Official News, March 26, 2015). In the sources can be seen that Bolivia wants to work on more human rights compliance. The government is willing to implement new commitments, to open an office, and to cooperate in writing a human rights review. These proposals are carried out and after 2016, the level of legitimacy improves to 6.5, as seen in graph 3 (The Fund for Peace, 2019).

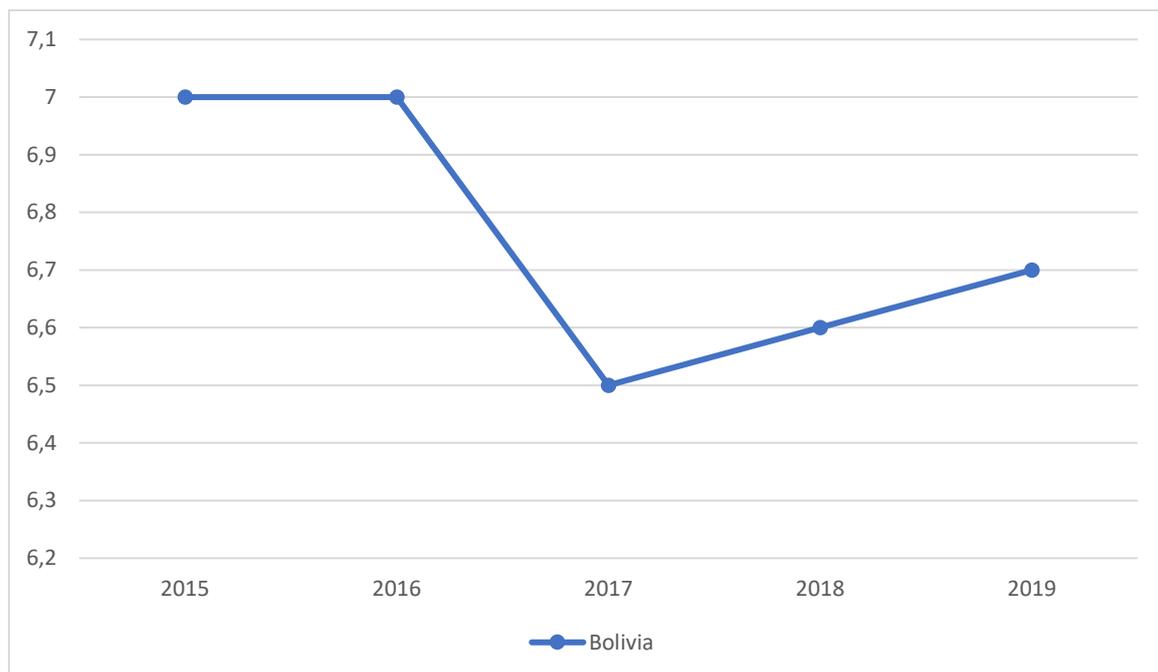
In 2016, President Morales asked for a chance to run for another term in the next elections in 2019. He reached the number of terms that was allowed and set up a national referendum so he could receive the support from the Bolivian citizens to change the rule. The citizens, however, rejected his proposal. In 2017, a national court overruled this referendum, which they claimed went against a human rights treaty signed in the 1960s (The New York Times, October 23, 2019). Hereby letting Morales run again in the elections. Going against the citizens' opinion, which was clear from the referendum, and allowing Morales possible fourth term can be seen to influence the legitimacy in the country. The government did not listen to the outcome of the referendum, which decreases the confidence of the citizens. There was less support from citizens towards Morales as they claimed that him running the fourth term made the political process unfair (The New York Times, October 23, 2019). The legitimacy of

the Bolivian government decreased after 2017 to a 6.6, due to this lack of confidence. Even though this is a relatively small decrease, it does send a message to the government that the support from the citizens is declining and this is not a good position to be in right before new elections.

President Morales realized he had two years to regain the support from the Bolivian citizens before the new elections. The government tried to stop losing more of the support of their citizens by working together with other countries and with HROs themselves. The government wanted to cooperate with other states in order to show its willingness to adapt and with non-profit organizations to show they were listening to the issues of the citizens (Dissident Voice, January 11, 2018). The government stated that these new alliances were to *'help strengthen the global forces for fundamental change.'* (Dissident Voice, January 11, 2018, p. 5). Due to the upcoming elections, Morales needed to increase his legitimacy for a chance to be reelected. He tried this through cooperation to improve human rights with different partners such as states and HROs, however, the 2019 elections damaged the confidence of the citizens once again.

The 2019 elections were seen as lacking transparency and fairness by the Bolivian citizens (The New York Times, October 23, 2019). Morales claimed he won without any possible opposition, which immediately led to protests all over the country. These protests were met with force until the army pressured Morales into resignation (The New York Times, October 23, 2019). His replacement, Añez, allowed for more violence she deemed necessary to establish order. Levels of legitimacy declined to a 6.7, which seems a small difference but this number is only getting bigger. The new elections are set in 2020 but not many citizens have confidence in the outcome.

Figure 5. Political legitimacy in Bolivia.



Note. The data is from between 2015-2019 with a range of 0 being best and 10 being worst (The Fund for Peace, 2019).

It is shown that in Bolivia when legitimacy levels are low; the government is looking into the option of improving human rights compliance. In the years 2015/2016 with low legitimacy, the state is cooperating with the Human Rights Council in order to enhance the protection of human rights. In 2018, when legitimacy is decreasing, the government tries to cooperate with other governments and international HROs. In 2017, when there are relatively higher levels of legitimacy, Morales tries to extend his power and ends up losing the support of the Bolivian citizens. This is according to the theory of Katzenstein (2013) and Krain (2012), who state that governments find it important to have legitimacy and they will want to increase it if the levels of legitimacy in the country are low. The elections in Bolivia, however, lead to many violations and the plan of increasing legitimacy in the country was set back. Legitimacy is important for governments so low legitimacy could lead to more compliance, however, this can easily change if legitimacy is not the priority in the state.

### 5.1.3 – Domestic Activism

Being a domestic activist in Bolivia can be dangerous. Activism has been growing after the results of the 2019 elections but before that, there were some actions done by activists, regardless of the threat they were facing. Activism was used to tell the government what changes the citizens wanted to see in the country. In 2015, people were occupying the highway

in order to receive more funding for development in their area, from where important key minerals were exported (Canadian Press, July 17, 2015). This was a relatively short protest as the highway was necessary to transport food to certain parts of Bolivia. In 2016, workers fought against closing the textile factory in La Paz (Canadian Press, May 18, 2016). This factory was the largest one in the country that was run by the state, which meant many people would lose their job. According to the worker union, over 800 people would become unemployed and over 5000 people started protesting against the closing of the factory (Canadian Press, May 18, 2016). This protest was met with much violence from the police. In 2017, protestors showed their disagreement towards oil and gas exploration in Tariquia (M-Brain Bolivia News, October 5, 2017). The protests started when there was research being done in the area regarding the possibility of exploration. Oil and gas exploration in Tariquia would affect more than 300 families (M-Brain Bolivia News, October 5, 2017). In 2018, citizens wanted justice for a college student who was murdered by police during a protest. The government released a statement that the student died from a firecracker set off by a protestor, however, the university stated that the student was murdered by the police (Associated Press International, May 28, 2018). These examples show that there is domestic activism in Bolivia over the years, from 2015 to 2018. Activism shows what citizens want from their government, but the government does not always listen or take these wants into consideration. From the sources can be seen that activism is often met with violence from the police and/or is ignored by the government. Activists are not being protected and have to deal with violence and threats.

Activism has been increasing due to the results of the elections in 2019. Citizens did not agree with Morales running a fourth term, which they rejected in the referendum. When he claimed to win without any potential opposition candidate, citizens stated that the elections were not transparent and not fair (Voice of America News, November 22, 2019). The protests had many consequences. The police used much force on the protestors but that did not stop them. Morales agreed to new elections, which was not enough for the protestors. They wanted to stop him from running for a fourth term. Together with pressure from the army, Morales eventually resigned (Voice of America News, November 22, 2019). This, however, increased the violence against the protestors as Añez wanted to regain control of the country by using force on the demonstrators. The government claimed they wanted to restore order in the country but there was much unnecessary force used by the police and the army against the activists. More than 20 people were killed and around 540 people were injured during the protests (CE Noticias Financieras English, November 17, 2019). Domestic activism, in this case, did lead to new elections but at the cost of human lives. Much force was used, claiming to be necessary in order to create stability in the country but lead to several injured and even deaths. The new elections are set for the beginning of 2020.

Next to all the violence and threats activists face, the Bolivian government often tries to discredit them (Impact News Service, June 14, 2019). This happened both with Morales and with Añez. The government does this through, for example, attacking their reputation or claiming they are not following the law. The Bolivian government tries to give activists a bad reputation so they can try to justify their behavior towards the group of human rights defenders to the rest of the citizens and the world (Impact News Service, June 14, 2019). Often, activists are not treated well, and the government threatens them or does nothing to protect them. Therefore, levels of activism in Bolivia vary each year. The topic that is being protested needs to be worth the risks that come from being an activist in Bolivia.

Activism does send out a message to the government and even to the world, however, this message does not automatically lead to a change in human rights compliance. Protests are met with violence and human rights activists are discredited by the government. This is all so the government can keep doing what it wants and does not have to decrease the number of human rights violations. They deny their involvement in mistreatment and claim the force is to make the country more stable again. From the sources, the theory of 'advocacy networks' by Risse and Sikkink (1999) can be confirmed. The local activist groups and international HROs collaborate through campaigns or by both putting pressure on the government. HROs can help to mobilize domestic groups by spreading information or sharing resources. The other theory by Krain (2012), the 'information streams', cannot be seen in the sources. HROs do share and spread information, which can be seen in the newspaper articles. This, however, does not lead to an increase in domestic activism, which only really happens after the 2019 elections. Local activists know more what is happening in their country than the international HROs, which is seen in the information from local newspapers (M-Brain Bolivia News, October 5, 2017). It happens more often that domestic activism tells HROs what happens than that the naming and shaming informs local activists.

## 5.2 – Colombia

### 5.2.1 – Naming and Shaming

In this thesis, the naming and shaming is done by HROs. The sources to show the naming and shaming are, thus, the annual reports of these HROs, Amnesty International and Human Rights Watch. In Colombia, the biggest subject that is shamed by HROs is the internal conflict that has been going on for over fifty years. The conflict is between the government and several guerrilla groups, mainly the group Revolutionary Armed Forces of Colombia. This conflict leads to many human rights violations from both sides.

*“Indigenous People, Afro-descendant and peasant farmer communities, women and girls, human rights defenders, community activists and trade unionists bore the brunt of the human rights consequences of the 50-year-long armed conflict. Such abuses included forced displacements, unlawful killings, hostage taking and abductions, death threats, enforced disappearances, torture and sexual violence.”* (Amnesty International, 2015, p. 115).

There were many topics to shame for HROs, and all parties, the HROs, the government, the citizens, the guerrilla groups, wanted change. This resulted in peace talks in order to stop some of the violations. *“In September 2015, the government and FARC announced an agreement to create a new peace tribunal to try those responsible for gross human rights abuses committed during the armed conflict.”* (Human Rights Watch, 2016, p. 188). The agreement was reached in 2016, which was said to put an end to the internal conflict in the country.

The agreement, however, had limitations and was not completely upheld. HROs kept shaming Colombia in order to change this. *“The agreement provides a historic opportunity to curb human rights abuses, but its justice component contains serious shortcomings that risk letting war criminals escape justice.”* (Human Rights Watch, 2018, p. 152). The peace agreement missed some important subjects and it was an agreement with just one guerrilla group. Other groups were still violating rights. *“The peace process with the second largest guerrilla group, the National Liberation Army (ELN) had not begun by the end of the year.”* (Amnesty International, 2017, p. 123). Moreover, there are paramilitary groups that used armed violence against citizens. In 2018, violence by different groups increased again with many civilian victims, even though it was claimed the peace agreement was still being implemented.

*“Although official figures indicated that there was a decrease in the number of civilians killed in military actions involving the Revolutionary Armed Forces of Colombia (FARC) and the Colombian security forces from the start of the negotiations to signing of the Peace Agreement in 2016, the armed conflict persisted in 2017 and in some parts of the country it seemed to have intensified.”* (Amnesty International, 2018, p. 130).

The agreement looked good on paper but remains hard to put into practice. The intensified violence is mostly felt by rural groups, minority communities such as the indigenous groups, and human rights activists as these groups are often poor and are the ones targeted by guerrilla and/or paramilitary groups.

Guerrilla and paramilitary groups are not influenced by naming and shaming as they have not ratified any treaties or have to uphold government laws and policies (Hafner-Burton, 2008). HROs, thus, focus on the Colombian government to shame in increasing compliance. According to the reports, the most pressing issue was that the government was not doing

enough to stop human rights violations against the citizens. “*The government has taken insufficient steps to protect them.*” (Human Rights Watch, 2020, p. 143). The HROs want the government to implement the peace agreement more and work on peace with the other guerrilla and/or paramilitary groups.

The internal conflict together with the lack of protection of citizens by the government are the most shamed topics in Colombia. HROs are trying to put more pressure on the government. The peace agreement in 2016 was a step forward but is not fully implemented. Unrest in the country remains.

### 5.2.2 – Political Legitimacy

In 2015, the level of legitimacy in Colombia was low with a 7.1 on a scale of zero to ten with zero being the highest level of legitimacy (The Fund for Peace, 2019). An internal conflict had been affecting the country for several years. This conflict was between the Colombian government and different guerrilla groups or paramilitary groups. During this situation of low legitimacy, the government tried to work on discussing a peace agreement with the biggest guerrilla group in the country. There was much violence in the country and the citizens needed the government to protect them against these groups. In 2016, the peace agreement was signed by both parties with the government stating ‘*the negotiated end of the armed conflict would ensure stability and economic growth, and would enable Colombia to address inequalities in all parts of the country*’ (Premium Official News, March 26, 2015, p. 5). The peace agreement was seen as a new beginning for Colombia. The effects of the internal conflict would be declining, and the circumstances would be better for everyone.

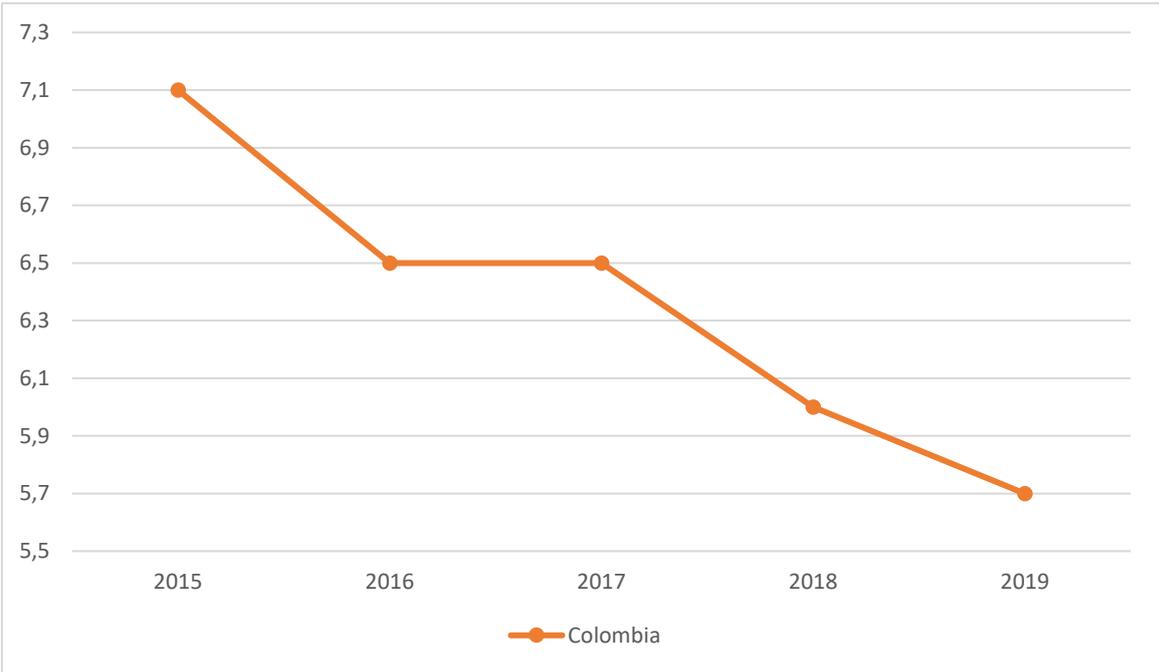
Moreover, the country was implementing three other aspects that would lead to more human rights compliance. First, the government was cooperating with the Office of the High Commissioner in order to improve the protection of the citizens’ rights (Premium Official News, March 26, 2015). The Colombian government was setting up new development plans, created more concrete human rights obligations such as a territorial approach to correct regional inequalities, and wrote reports discussing the human rights situation. Second, Colombia created a new way of researching human rights violations (Premium Official News, March 26, 2015). Through different ways of investigating, the procedure was improved and more detailed. Third, the government wanted to focus more on protecting human rights activists in the country (Premium Official News, March 26, 2015). This was in combination with the improved way of researching violations, so human rights abusers would be brought to justice. Colombia shows readiness to change, cooperating with different organizations, implementing new plans and procedures, all to show their effort into complying with human rights. After the signing of the

peace agreement and their other efforts regarding human rights works in 2015, their level of legitimacy is improving to a 6.5 (The Fund for Peace, 2019). This is a big improvement in one year and can be seen in table 4.

In the next year, however, the peace agreement is not fully implemented and the violations against citizens are growing again. Especially against the minority communities in the state. In these communities, the trust in the government is decreasing due to human rights violations such as the killings of indigenous people and/or human rights activists and the government failing to protect these people (Washington Post Blogs, September 8, 2016). The government is unable to implement the peace agreement fully and protect the minority communities from violence, which is why the level of legitimacy remains the same 6.5 in that year (see graph 4). This violence comes from the guerilla or the paramilitary groups. The government tried to cover up human rights violations by either ignoring it or downplaying the situation. The United Nations High Commissioner of Human Rights released information that said 285 human rights activists were murdered since 2016, while the Colombian government claimed that there is a 32% decline in murders since 2018 and ignored the statement of the Commissioner (States News Service, June 19, 2019). This shows that the government tries to hide and/or downplay human rights violations in the country.

Over 2017-2019, the level of legitimacy in Colombia keeps improving, from a 6.5 to a 6 to a 5.7 (The Fund for Peace, 2019). This is even though there are still many violations and the lack of further implementation of the peace agreement. The Colombian government is violating the human rights treaties they have ratified as many citizens are the victims of violence due to the ongoing internal conflict between the government and guerrilla groups (EFE Newswire, August 8, 2019). This, apparently, does not harm the level of legitimacy in the country. The government focuses on other topics, which they deem more important and much less on compliance. Whenever asked about human rights, they state that they are working on implementing the peace agreement and discussing other agreements to reduce violent attacks on citizens.

Figure 6. Political legitimacy in Colombia.



Note. The data is from between 2015-2019 with a range of 0 being best and 10 being worst (The Fund for Peace, 2019).

In a situation of low legitimacy, Colombia is seen to focus on human rights compliance in several ways: a peace agreement, protection of citizens, new ways of researching human rights violations, etc. This part is in line with the theory from Katzenstein (2013) and Krain (2012) that low legitimacy will lead to the government changing their behavior and complying with human rights. Political legitimacy is considered important by the Colombian government. After 2017, the Colombian government realizes their legitimacy is growing without a decrease in human rights violations and their priorities shift away from compliance. When there is relatively high legitimacy, the government seems to forget their obligations regarding human rights.

### 5.2.3 – Domestic Activism

In Colombia, domestic activism has been decreasing due to the violence against activists. Collective actions are scarce as they can be very dangerous. For example, a small protest in 2018 by students and several worker unions all over the country was met with force from the police and even lead three people to completely disappear (United Press International, November 9, 2018). This example shows that a relatively small strike turned violent and ended in attacks on the citizens. From 2015 until 2019, there are less and less collective actions such as strikes or protests due to these dangers. Activists are attacked in their homes, followed while doing everyday activities, and even their families are being threatened by guerilla and/or

paramilitary groups. In this thesis, the collective actions of the guerrilla or paramilitary groups are not seen as activism. This is because they increase violations instead of decreasing them. The actions of these groups are seen as unconventional and, thus, not as domestic activism.

The danger of being an activist in Colombia is high. They face violence, threats, killings, and more. Being an activist means risking your life (Targeted News Service, December 14, 2018). The government is not doing enough to protect the activists. This is especially the case for minority groups such as indigenous people and for people living in rural areas. More and more indigenous people are being killed, while only 50 percent of the killers are being brought to justice (Targeted News Service, December 14, 2018). It is hard to maintain domestic activism in the country due to these conditions as activists have to fear for their lives. Abused activists often do not even receive justice as their abusers walk free. This is why there are not many examples of protests and strikes between 2015-2018, mainly just very small ones.

In 2019, activists take the risk and start protesting against the government. They have several demands and call out for change in the country, including decreasing the violence against activists and better implementation of the peace agreement. Other demands include a more transparent university system, less police force, and more government actions (Impact News Service, December 5, 2019). Since President Duque went into office in 2018, over a hundred human rights activists have been murdered as they do not receive the necessary protection from the government (Impact News Service, December 5, 2019). This is also due to the fact that the internal conflict is still ongoing. Demonstrators were demanding change in protests that were all over the country and lasted for more than a year. The protests were again met with violence from the police. The Colombian defense minister stated that there were 11 instances investigated due to misbehavior by the police and/or the army (Postmedia Breaking News, November 22, 2019). These investigations started after videos and pictures were shared on social media, in which police were seen using force against protestors (Postmedia Breaking News, November 22, 2019). Being a human rights activist is still very dangerous. Activists receive death threats and/or violence and it is hard to work on collective actions together. The government is not protecting this group of people, they even make it harder for activists to protest. International HROs are trying to shame the government into complying with rights that help local activists.

Domestic activism is hard in Colombia. The number of collective actions is decreasing as being an activist is dangerous. Some activists still fight for their rights, as seen in the 2019 protests, however, this is met with more violence and other risks. The government does not do enough to protect the citizens. International HROs are shaming the government and trying to help the local activist groups with campaigning. The theory of 'advocacy networks' (Risse &

Sikkink, 1999) can be seen in Colombia as collaborations between local and international human rights groups are growing. The other theory regarding domestic activism, the 'information streams', however, is not seen in the country. There is no evidence that information coming from shaming by HROs leads to an increase in domestic activism.

### 5.3 – Comparative Analysis Between the Countries

To compare the two cases, Bolivia and Colombia, the differences and similarities that are seen in the analysis are stated. This part starts with discussing naming and shaming, before moving to the independent variables and the dependent variable. Aspects that stood out in the previous analysis are also mentioned.

Bolivia's biggest violations started with the unfair elections in 2019 that sparked protests. These protests were met with much violence from the state, which only resulted in more protests and domestic activism (Amnesty International, 2020a). Naming and shaming from international HROs increased towards Bolivia. In Colombia, there were several violations over the years due to the conflicts between the government and the guerilla groups. There were some small peaceful protests in the countries, but activism is decreasing more and more as many human rights activists are threatened or killed in the country (Amnesty International, 2020b). Shaming towards Colombia is mainly about the government not protecting their citizens enough against violence and threats. Both countries were, thus, shamed on multiple subjects and over multiple years.

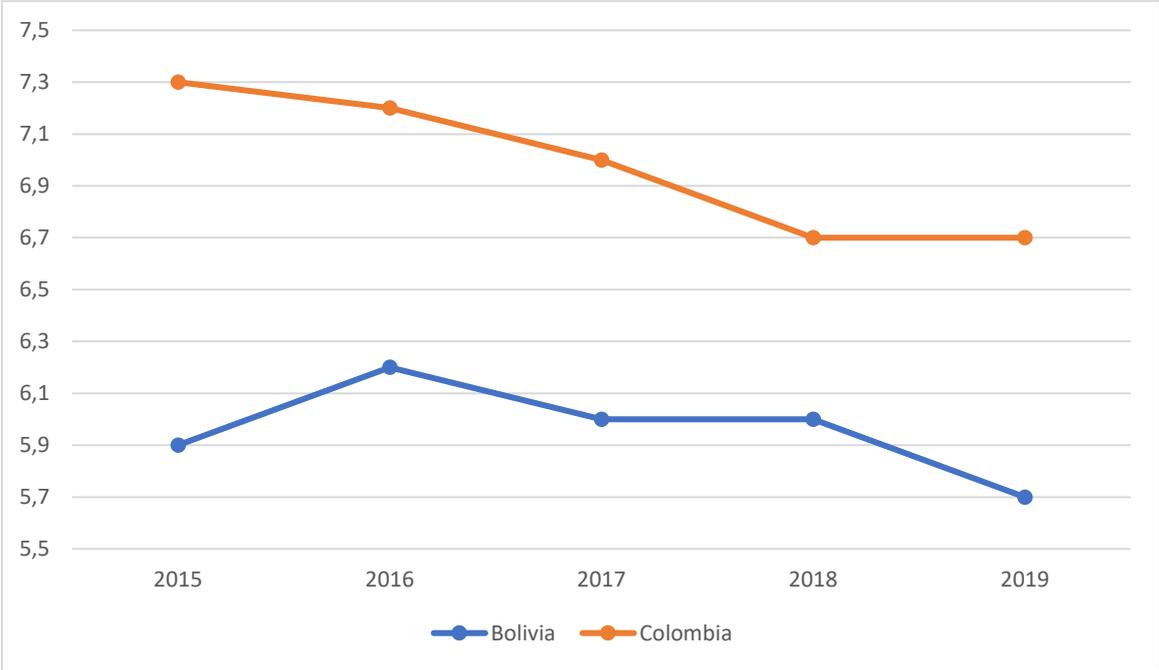
Colombia is slowly increasing its levels of legitimacy, while Bolivia was trying to improve but is losing more and more of its legitimacy (The Fund for Peace, 2019). There are explanations for this change for both countries. Bolivia was seen adapting their behavior in times of low political legitimacy by listening to the shaming, trying to comply with human rights, and cooperating with HROs. It can be seen that their level of legitimacy enhanced for some time, up until the elections of 2019. The violations resulting from the election might have decreased their legitimacy. The Colombian government ensured relatively high levels of legitimacy as they know how to remove the attention from their violations. Many of their violations stay hidden as they know how to comply with enough rights to increase the legitimacy levels. For example, they claim that no one is subjected to inhuman treatment or punishment while letting the army kill criminals and make it look like an accident. Different societal groups have different levels of support for the government. Many minority groups' rights are also violated, and they thus support the government less than other groups in the Colombian society. Due to the fact that their levels of legitimacy are relatively high, the government has shifted their priorities away from improving their legitimacy and it is also seen

shifting away from human rights compliance. There are also some similarities between the countries regarding political legitimacy. Both countries let bodies with authorities, such as the Human Rights Council influence them. This thesis, however, looked at domestic legitimacy, so there is no data about the influence of international legitimacy on human rights compliance. The governments are showing efforts towards compliance when their levels of legitimacy in the country are low.

Furthermore, there are higher levels of domestic activism, which is the other independent variable, in Bolivia than in Colombia. In both countries, it can be dangerous to be a human rights activist. They face death threats, violence, and even the risk of being murdered. In Colombia, this decreased the levels of activism, while in Bolivia, activists remained active. In Bolivia, activists kept organizing strikes, protests, and more in order to inform the government about their demands. Sometimes the government took this into consideration and other times they tried to attack the activists' reputation to justify their own actions. In Colombia, not much influence can be seen by activists. The government does not listen and does not do enough to protect activists from violence or threats against them. In both countries, international HROs are trying to help and cooperate with local HR groups. The theory of advocacy networks (Risse & Sikkink, 1999) can be seen in the evidence drawn from the sources. Furthermore, both the Bolivian and the Colombian government try to give activists a bad reputation in order to enhance their own. They try to justify their violations by badmouthing the activists' actions against them. Moreover, both governments try to hide their violations from HRO groups and the rest of the world.

Looking at the dependent variable, human rights compliance, the numbers for Colombia, between a 6.7 and a 7.3 are higher than the numbers for Bolivia, between a 5.7 and a 6.2 (See figure 7; The Fund for Peace, 2019). This means that human rights and the rule of law are worse off in Colombia over the period 2015-2019. Bolivia is seen struggling over the past years as they are willing to work on compliance, which is seen in cooperation with HROs, other human rights bodies, and listening to citizens' demands. Due to circumstances, this does not always work well, as for example the elections in 2019 resulted in more violations. Colombia started focusing on more compliance in 2015, however, once they realized it was easier to hide or deny the violations than complying with the human rights treaties, they shifted their focus. The numbers for compliance are, however, numbers for all human rights not just the rights mentioned in the Bill of Rights. Figure 3 was used as an indication of the human rights situation in the two cases. Bolivia has fewer human rights violations, however, most violations came from the elections in 2019 and these influences might not be seen in the numbers yet. Colombia's violations are harder and harder to hide in a globalized world, which means more of the violations are getting out now.

Figure 7. Human rights and the rule of law.



Note. The data is from the two cases between 2015-2019 with a range of 0 being best and 10 being worst (The Fund for Peace, 2019).

On the one hand, the situation in both countries is very different, which results in different levels of political legitimacy, domestic activism, and human rights compliance. On the other hand, there are also similarities between the countries, such as both governments are shamed by HROs, hide violations, want to have legitimacy, and badmouth human rights activist. From both the analysis and the comparison, a conclusion will be drawn in the next part of this thesis.

### 5.4 – A Completed Overview

After the analysis, table 4 from part 4.3.5 that was created to show an overview of the two cases can now be filled in with the information collected from the sources.

Table 5

*Overview of the data from the analysis.*

Variable	Bolivia	Colombia
Political legitimacy	Low legitimacy, as the citizens want a complete change in government, rights are violated, and new elections are sought. The level of legitimacy is unstable and in decline.	Improving legitimacy, as the citizens still have faith in government, they just want the state to meet their list of demands in order to be more protected and have the peace agreement fully implemented.
Domestic activism	In a presidential republic, with growing activism, especially after the elections in 2019.	In a presidential republic, but activism decreased due to fear of violence. Activism is only coming up in 2019.
Economic cooperation (control)	Yes, mainly agreements about their natural resources (cooperation is very necessary as the country is landlocked) (CIA Factbook, 2020).	Yes, many free trade agreements, some negotiations are still going, and a member of the Pacific Alliance which is a regional trade agreement (CIA Factbook, 2020).
The shaming actor (control)	HROs with the help of the media to spread the information.	HROs with the help of the media to spread the information.
Ratified human rights treaties (constant)	The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were both ratified in 1982 (OHCHR, 2020).	The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were both ratified in 1969 (OHCHR, 2020).
Naming and shaming (constant)	Yes	Yes
Human rights compliance	The government was trying to improve the situation and	The government was making an effort to comply

	decrease the number of violations, however, the elections in 2019 led to a setback in this plan.	more with human rights but once they realized they could hide, deny, or ignore violations and still be supported by their citizens, they stopped prioritizing human rights.
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## Chapter 6: Conclusion

This thesis ends in answering the research question and checking whether the two hypotheses can be confirmed. This will be done using both the theories discussed in the theoretical framework and the data collected in the analysis part. The connection between naming and shaming and human rights compliance was researched through the cases of Bolivia and Colombia, which are used to find evidence for the theories and come to a conclusion. Lastly, this chapter will end with the limitations of this thesis and recommendations for further research.

This thesis tries to close the knowledge gap on the mechanism behind naming and shaming. There are several theories regarding why states comply with human rights, with naming and shaming being one of them. The question remained what makes this theory work. Over the period of 2015-2019, there has been much naming and shaming by HROs toward both Bolivia and Colombia. This shaming led to different responses from the governments. There are several factors that might influence the effect of naming and shaming. This thesis looked at two possible theories that could make naming and shaming positively influence human rights compliance.

The first theory concerns political legitimacy and its effect on compliance. States find having legitimacy important as it helps with political stability (Booth & Seligson, 2009) and with political influence in relation to other states (Krain, 2012). Moreover, states will change their behavior due to naming and shaming so they can improve their levels of legitimacy (Katzenstein, 2013). This is regarding states that have ratified the human rights treaties. The hypothesis regarding legitimacy is: *Hypothesis 1: Naming and shaming reduces political legitimacy and a state with low political legitimacy is more likely to comply with human rights.* There is no direct evidence that confirms the hypothesis, but it can be seen in both Bolivia's and Colombia's behavior that legitimacy can lead to some change. In 2015, when the legitimacy in Bolivia is low, the government tries to show their willingness in front of the Human

Rights Council, works together with HROs, and listens to the demands of the citizens. This is all to comply more with the human rights treaties they ratified. In Colombia, also in 2015, legitimacy levels were low, and the government worked on a peace agreement with a guerrilla group in order to increase the safety of the citizens. Both states show that they will change their behavior, thus complying more with human rights, in times of low levels of legitimacy. Low legitimacy can, thus, lead to more compliance. There are, however, some complications as this will only work as long as legitimacy is the priority of the government. The elections in 2019 in Bolivia resulted in protests, violence, and more violations. Both the Morales and the Añez government shifted away from wanted legitimacy to wanting to stay in power. The Colombian government realized that they could hide or deny violations and still maintain their legitimacy. Their focus moved from compliance to getting away with violations as they considered this easier. Political legitimacy does, thus, affect compliance. In a stable state, low legitimacy can lead to more compliance. But it is necessary for states to have legitimacy as their priority, which is harder when the government is unstable or in conflict.

The second theory relates to domestic activism and how it influences human rights compliance. An 'information stream' can start activism as it provides the necessary information that domestic activists need (Krain, 2012). HROs create awareness about government practices and give the local community the data they need for activism. Cooperation between the international HROs and the local activists also increases activism. This is called 'advocacy networks' and leads to more attention for domestic activism, to more legitimacy for local activists, and more pressure on states (Risse & Sikkink, 1999). Following this is the hypothesis: *Hypothesis 2: Naming and shaming enhances domestic activism and a state with high levels of domestic activism is more likely to comply with human rights.* In both Bolivia and Colombia, it can be seen that domestic activism can help with telling the government what changes the citizens want. In Bolivia, citizens protest against the election, which they claim was unfair. In Colombia, citizens want more protection and better implementation of the peace agreement. These demands are made clear through protests. The protestors ask for help from HROs, which they give by putting pressure on the governments, help with campaigning, spreading information, and more. The theory of advocacy networks can, thus, be seen in the sources as there is much collaboration between the international HROs and the local human rights activists. The information streams were less seen. Often the local community was more aware of what happened in their country than the HROs were. The groups did exchange information, but there was no evidence that naming and shaming led to more domestic activism. So, it can be seen that activism can help to inform the government of the citizens' demands, however, this does not mean that the government takes these demands into consideration. The government might listen, but it does not mean that they will change something. Furthermore,

activism can even lead to more human rights violations. Both in Bolivia and Colombia, the protests were met with violence and attacks on activists. This means the second hypothesis cannot be confirmed. There is no evidence in the sources that domestic activism leads to more compliance.

To answer the research question: *'Which factors explain a positive influence of naming and shaming on human rights compliance in states that have ratified human rights treaties?'*, several theories have been analyzed. Evidence has been searched in multiple sources and through two very similar cases. Both Bolivia and Colombia were named and shamed by HROs and their economic cooperation was very similar as well. They both ratified the Bill of Rights. This thesis looked at political legitimacy and domestic activism as an explanation for the working of the naming and shaming principle. From the research, it is concluded that political legitimacy is a factor that explains a positive influence of naming and shaming on compliance, while activism is not. This explanation is in states that have ratified human rights treaties. Legitimacy is considered important so when legitimacy is low, it can be seen that states are willing to comply with rights. From this behavior, it can be concluded that states are working on human rights compliance in order to maintain or increase their level of legitimacy. This is, however, only if states put legitimacy as their priority. Domestic activism might help to state the demands of the citizens to the government, but this does not influence the behavior of the government. There is no evidence that naming and shaming leads to more activism, nor that activism leads to more human rights compliance.

It is hard for HROs to have more influence on the government as they lack authority. Collaboration is an important aspect of having more effect on human rights compliance. HROs can work together with organizations that have more legitimacy and more authority such as the Human Rights Council or the United Nations High Commissioner of Human Rights. Moreover, cooperation with the governments themselves is necessary. Shaming the government might have some effect but coming up with fitting recommendations to improve the situation in the country will have much more effect. A practical recommendation for the HROs coming from this thesis is that they should focus on collaboration with other actors. Both with other human rights actors and the governments that they are shaming as this could lead to more compliance with the human rights treaties.

As the final part of this chapter, the limitations in combination with recommendations for further research are discussed. One limitation is that many of the important actions in Bolivia and Colombia happened in 2019. These actions have not affected the data yet, as the data for 2020 is not taken into account in this thesis. The data can change after a year and show the consequences of the protests in 2019 in both countries. For further research, the effects of activism in 2019 should be looked at as well. The research can be done again, but this time

with the data from 2020 to see the changes that both countries go through in that year. The protests can have long term effects instead of short-term effects. This data might further affirm the conclusion from this thesis or might show other results regarding activism. This is next to the limitation that there are no exact numbers for domestic activism in a country. Activism is hard to measure as there are several forms and several intensities.

The legitimacy that is researched in this thesis is domestic legitimacy. This limits the data to only the support the government receives from the citizens. Domestic legitimacy is measured by The Fund for Peace (2019) in the Fragile States Index. International legitimacy could have a different influence on human rights compliance as the support then comes from other actors, such as states or the Human Right Council. These actors might have more authority and can influence the government more. The importance of domestic or international legitimacy can differ in a country, thus, the effect on compliance can be different when international legitimacy is included in the theories and the data.

Another limitation is that the data sources for human rights compliance measure all human rights and not just the rights mentioned in the Bill of Rights that this thesis looked at. This could mean that a country seems very good at compliance overall but violates the most rights from the Bill of Rights or the other way around. There are two options for further research to overcome this limitation. First, own data sources can be created. These would then focus on only the rights mentioned in the Bill of Rights and the compliance for both countries could be looked at much more specifically. This would cost more resources, such as time and money. Second, all human rights treaties can be discussed and, thus, the data would include more rights than the ones mentioned in the Bill of Rights. This would mean that much more human rights violations would need to be discussed in both countries, which would mean more time needs to be invested in the research. The Fund for Peace data would fit more with this research, as they include all human rights from the treaties as well.

Furthermore, in this thesis only the shaming by HROs is researched. It can be seen in the theories that different actors that shame can have different effects on human rights compliance (Franklin, 2008). Further research could investigate the effects of different shaming actors, not just the HROs. This would lead to a broader research and, thus, a more extended conclusion. Moreover, this thesis is a small-N research, which leads to a detailed analysis and more time for reflection, however, the thesis is not generalizable to many other cases. This thesis can be used as a start for a large-N research, which can be done by using more cases to compare and by looking at several shaming actors. This will need more resources but will lead to a more generalizable conclusion.

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