

# **CEDAW RESERVATION REVERSAL**

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The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) has a successful record in improving the rights of women in the states that sign it. However, CEDAW still holds the most reservations on any human rights treaty created. How then, do so few CEDAW analyses not only account for reservations placed on specific articles of the treaty but inspect their removal? This paper examines how reservation withdrawal on CEDAW are decided, and if interventions focused on women's rights influence those removals. It looks at states that remove reservations from CEDAW during certain years, to see if that falls in line with these "feminist interventions". I develop a theoretical approach drawn from rational design and feminist literature highlighting the influence of feminist interventions on international actors, as well as examining naming and shaming within the international community. I argue that states withdrawing CEDAW reservations are likely to have done so following United Nations conventions focused on women. The data in this paper is original data that show reservations and article selection on CEDAW from 1981 – 2014.

Key Words: CEDAW, Reservations, Treaties, Feminist Interventions

## INTRODUCTION

On September 1995 Hilary Clinton gave a speech to a room filled with female delegates from countries and organizations about the importance of women's rights. Her famous words "women's rights are human rights" rang out for the entire world to hear (Clinton 1995). Bringing women's rights to the national stage as a key issue of the international system. In her address at the *Fourth World Conference on Women*, Clinton stated that this conference compels "governments and people everywhere to listen" and the goals of the conference cannot be achieved unless "all governments – here and around the world – accept their responsibility to protect and promote internationally recognized human rights". This conference stood as the call to action on behalf of the United Nations (UN) and all the countries in attendance.

Before Beijing, the UN held three previous conferences focused on women's issues, and since it has held five more. These conferences, or feminist interventions, are aimed at addressing the current state of women and the violations against them. These can include their lack of education, violence against women, economic inequality, etc. but as Clinton (1995) states, they are human rights issues that are women's rights issues. Each time these conferences occur, they focus on new issues facing women and new ways to tackle these issues. However, their key goal is the same, to increase women's rights within their home state, and they do so by calling upon the governments to make changes.

Another UN initiative that focuses on women's rights within states, and one that is often referred to at these conventions, is the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). This treaty was created in 1979 to bring states together and demonstrate their commitment to women's rights through the ratification of the agreement. To date, the convention has 189 state parties that have ratified (OHCHR 2022).

Although this treaty is one of the largest initiatives for women's rights, it also holds the standing for the international human rights treaty with the most reservations (Riddle 2002). These reservations allow for states to pick and choose which parts of the treaty they agree to abide by. This has negative implications for women's rights (Kreutzer and Mitchell working paper). However, just as states are allowed to place reservations on CEDAW they are also allowed to take them off.

This article aims to answer the question "do feminist interventions influence when reservations are removed?". I argue that these large conventions focused on women's rights continue to grow the international norm of women's rights as human rights and focus on improving women's livelihood across the globe. These feminist interventions also name and shame specific governments and states into changing their behavior. With this naming and shaming comes negative repercussions for the international system in the forms of reputation, sanctions, and aid. When governments are called out or see negative repercussions for their behavior, or lack of change, they are willing to make amendments to previous agreements focusing on women's rights, in this case, CEDAW.

The work surrounding reservations on international human rights treaties has dealt with why they are placed, and the discussion around their utility. However, little work has been done on why states withdraw reservations from international treaties. Boyes et al (working paper) argue that states withdraw these reservations in response to international pressure. I am continuing this work, and this argument, in this article by specifically looking at these types of conventions as international pressure and their impact on this specific women's rights treaty.

The paper is organized as follows. I begin by reviewing the literature on CEDAW treaty commitments, and the influence naming and shaming have on reservation removal. This is

followed by the theory section where I connect the influence of the international system, specifically feminist interventions focusing on women's rights, and the use or withdrawal of reservations from CEDAW. I argue that international pressure causes states to remove their reservations, in response to these large feminist interventions. My empirical analyses, a Weibull duration model, of state withdrawal of reservations from CEDAW do not support my hypotheses. I conclude with some thoughts on directions for future work.

## **LITERATURE REVIEW**

The literature review focuses on three major topics: 1) the background of CEDAW and state interaction and commitment with the international treaty, 2) the influence of reservations on CEDAW, and the influence on improving human rights 3) when states remove reservations from international treaties. This is followed by a more in-depth discussion of the withdrawal of reservations from CEDAW in the theory section and a summary of my expectations for how feminist interventions influence the relationship between reservation withdrawal on articles of CEDAW.

### ***CEDAW***

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was created in 1979 by the United Nations general assembly. This treaty is made up of 30 articles whose aim is to help increase and address women's rights worldwide. The treaty defines discrimination against women as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (UN 2022). This treaty is a place where states can acknowledge and

demonstrate their work toward equality between men and women. This treaty works to create equal access and opportunities, within the countries that sign it, for political and public life, education, health, and employment, (UN 2022). This treaty is the first, and only, human rights treaty to include reproductive rights and to target culture and tradition within states that influence gender roles, expectations, and family relations of women. Simmons (2009) argues that is one of the most groundbreaking laws for women's rights globally. She explains that CEDAW has led to the most improvements in women's education and reproductive rights over time, exemplified through the cases of Colombia where CEDAW has helped women gain access to reproductive health, and Japan where CEDAW has positively influenced the leverage women to have in the legal system (Simmons 2009).

Although there are mixed results on the influence human rights treaties have on the livelihood of their beneficiaries, CEDAW has been shown to increase women's rights. When comparing CEDAW's influence on human rights to other treaties Englehart and Miller (2014) find that the post-treaty ratification of CEDAW does improve human rights. Lupu (2013) also finds that compared to ICCPR and CAT, CEDAW does make a significant difference in women's rights. Kreutzer and Mitchell (working paper) also find that states who commit fully to CEDAW have higher levels of women's rights. Finally, Hill (2010) finds that not only will states' rights increase, but states may support treaties regarding women's rights over other types of human rights treaties, such as the convention to eliminate torture (CAT).

When states commit themselves to this treaty, they accept responsibility for ending discrimination within their borders against women in all forms. Largely, they are tasked with including women in their legal system as well as erasing and recreating laws that prohibit discrimination against women, establishing new institutions that ensure women's protection from

discrimination, and finally, ensuring all discrimination against women by “persons, organizations, and enterprises are eliminated (UN 2022).

### ***Reservations on CEDAW***

However, states do not have to fully accept the treaty as it stands. States are allowed to select articles from CEDAW that they do, and do not, want to sign on to through reservations. There are default rules on reservations that treaties can follow according to the Vienna Convention Law of Treaties, dependent upon the treaty itself reservations can take various forms and be put in many places (Helfer 2006). Riddle (2002) states that “reservations allow states to ratify without obligating itself to provisions it does not wish to undertake” (p.605). She explains that CEDAW has more reservations than any other international human rights treaty. CEDAW allows states to place reservations unless they are “contrary to the object and purpose of the treaty” (Riddle 2002 p.613). States apply these reservations through a specific reporting system. These reports go to the Committee where they comment on these reservations as well as the progress and measures of the state of implementing the treaty requirements. After ratifying CEDAW states have twelve months to report these implementations and reservations to the committee and then every four years after. Along with the reservation a state puts on CEDAW the state must also explain why this reservation is necessary, give examples of how this reservation is consistent with other reservations the state has on treaties, and how the state will limit these reservations in the future (Riddle 2002).

Scholars are split on whether reservations on treaties enhance or diminish human rights treaties. Helfer (2006) argues that reservations enhance treaties “breadth and depth” (p.378). Allowing reservations to be placed on treaties enables the treaty itself to become more politically agreeable to more states. Reservations allow treaties to have a larger impact and reach a broader

audience of states that might otherwise not ratify. While other scholars such as Daniel Hill (2016) argue that reservations are attempts of states to avoid legal obligations from the international system. States can decide to remove reservations at any point after their initial ratification, and many have done so over the years. This should have an impact on the beneficiaries of these treaties if reservations in fact are a mechanism of human rights.

CEDAW has been shown to increase women's rights after ratification (Simmons 2009; Englehart and Miller 2014; Lupu 2013; Kreutzer and Mitchell working paper). However, Kreutzer and Mitchell (working paper) find that reservations on CEDAW also have an impact on the level of women's rights within the state. They find that the level of commitment a state has, exemplified using reservations, has a direct influence on the level of rights within a state. Countries that use reservations have lower levels of women's political and social rights than countries that fully ratify CEDAW without reservations (Kreutzer and Mitchell working paper). This demonstrates that there is a clear linkage between reservations and women's rights within the states that place them.

### ***Reservation Removal***

States are influenced by the international system to which they are a part of, and the norms, ideas, values, and pressure that system brings. Norms in the international system evolve over time, while some remain static (Florini 1996). The issue of women's rights is no different, Krook and True argue that gender issues continue to grow as a norm after they emerge into the international system (2010). As this norm of gender equality, and women's rights as human rights grows state are expected to adopt their ideas and follow the norms of the international system, or risk being named and shamed.

Naming and shaming is a strategy in the international system to enforce international norms and laws, specifically those pertaining to human rights (Hafner-Burton 2008).

Organizations such as IGOs and NGOs, media outlets, and other state actors publicly criticize countries' violations and urge them to reform and change their behavior. As human rights organizations continue to increase around the world, more naming and shaming is likely to occur (Meernik et al 2012).

The practice of naming and shaming has mixed results on whether it improves human rights practices. In some cases, human rights practices in the area being criticized do improve, while other areas of human rights are reduced (Hafner-Burton 2008; DeMeritt and Conrad 2019). Hendrix and Wong (2012) argue that naming and shaming is also more likely to work in certain regime types over others. They find that autocratic regimes are more likely to be sensitive to international shaming and improved human rights outcomes associated with naming and shaming, whereas democratic and hybrid regimes are not affected by this practice. Other scholars argue it is the organization attached to the shaming that makes an impact. Esarey and DeMeritt (2016) find that condemnation for human rights abuses by the UN is associated with lower joint aid among states that had received minor aid packages previously, and with equal or higher joint aid to states who had previously received a considerable amount of aid. Meanwhile, they also find that naming and shaming from smaller NGOs is not associated with a decrease in joint aid. DeMeritt and Conrad (2019) argue that international shaming from the UN can weaken target governments. Naming and shaming can also have an impact on domestic audiences. Ausderan (2014) finds that when a state is named and shamed for violating human rights, its citizens often perceive the state of the issue at hand as much worse than it is. This can influence domestic



movements for change on the ground as well as international pressure, motivating the government to adjust its behavior.

International pressure, including norms and the practice of naming and shaming, is important to change human rights within the international system. Little work has been done however on why states withdraw reservations from international treaties. Boyes et al (working paper) argue that states withdraw these reservations in response to international pressure, which is what I continue to argue in my theory section about why states remove reservations specifically on CEDAW.

### **THEORY OF CEDAW RESERVATION REMOVAL**

I argue countries place reservations on CEDAW because they do not want to comply with specific articles of the treaty. The articles with the highest levels of reservations are those that require the state to make drastic changes to its domestic system or those that go against the culture or status quo of the state currently (Kreutzer and Mitchell working paper).

Table 1: CEDAW Reservation and Ratification

	<i><b>Ratified with Reservations</b></i>	<i><b>Fully Ratified</b></i>
<i>Yes</i>	1,508	3,263
<i>No</i>	5,561	3,806
<b>Total</b>	<i>7,069</i>	<i>7,069</i>

These reservations are strategically placed to benefit the state as being a part of this treaty and gaining the rewards that come with that including UN membership, international recognition, etc. but without being held accountable for changing the gender norms and roles within the state. These states are signaling their commitment to CEDAW, or lack thereof, with these reservations.

I argue they do not have an interest in complying with the overall goal of CEDAW, which is influencing women's rights within their countries but are benefiting from being a member of this committee as a state, and "demonstrating" their commitment to international norms.

However, when states begin to see the narrative of women's rights in the international system become more prevalent, they are willing to change this behavior, once again, not for the betterment of their women population, but for the identity of the state. Feminist interventions create discussions around women's rights, women's equality, and call out countries that are conducting human rights abuses. These interventions name and shame actors that are not supporting women's rights and actively denying women equality within their state. States know this naming and shaming comes with negative repercussions from the international system, and the UN, in the forms of sanctions, less aid, and negative coverage. These meetings, protests, and media moments not only call out countries for their poor behavior but create momentum for changes in global norms towards women and create a narrative of support for women's rights and equality.

These moments in the international spotlight bring negative coverage, discussion, negative monetary repercussions, and international shame to states that do not have positive women's rights practices. I argue these negative repercussions push states to demonstrate their commitment to and comply with the international system's norms. An easy and cheap way for states to demonstrate their commitment to women's rights is to remove the reservations they have on a treaty they have already ratified regarding women's rights, in this case, CEDAW. By removing their previous reservations, these states are signaling their renewed commitment to women's rights and acknowledging the pressure these conventions have created. Therefore, I

hypothesize that feminist interventions should have a positive impact on when states remove their previous reservations from CEDAW, and therefore the state of women's rights<sup>1</sup>.

*H1: Feminist interventions should influence when states remove reservations from CEDAW*

## **RESEARCH DESIGN**

In this section, I describe the datasets, measures, and models used to test my theory. I adopt a duration model strategy to capture selection into CEDAW and having reservations, as well as the time variation in withdrawing reservations.

### ***CEDAW Reservations and Withdrawal***

To measure the reservations placed on CEDAW, I have collected original data on reservations, signing, and declarations to CEDAW from the years 1979 - 2014. To measure CEDAW reservations, I collected original data from the UN Treaty Collection series capturing ratification, along with reservations that countries place on their treaty commitments. When ratifying a treaty, “a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. The institution of ratification grants states the necessary timeframe to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty” (UNTC 2019). A reservation is “a declaration made by a state by which it purports to exclude or alter the legal effect of certain provisions of the treaty in their application to that state. A reservation enables a state to accept a multilateral treaty by giving it the possibility not to apply certain provisions with which it does not want to comply” (UNTC 2019). These reservations can be against any article or paragraph of the CEDAW treaty and can be enacted at any point by member states. States that have

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<sup>1</sup> Kreutzer and Mitchell (working paper) have demonstrated that women's rights increase in states when there are no reservations compared to those that do have reservations. Therefore, I assume that once reservations are removed from CEDAW women's rights should begin to improve within the state.

reservations are coded as 1 and states without reservations are coded as 0. States also are individually coded 1 for specific articles, if they have a reservation placed on them. Withdrawal of reservations is coded as 1 when there was a withdrawal and 0 when there was not. As demonstrated in Table 2 there are few states that withdraw reservations.

Table 2 States with Reservations and Withdrawn Reservations

	<i>Withdraw    Reservation</i>	
<i>Yes</i>	43	1,508
<i>No</i>	7,026	5,561
<i>Total</i>	7,069	7,069

I define “failure” when a country’s reservation was withdrawn for the first time, which I coded 1. When a country’s reservation was not withdrawn, it has a value of 0 and indicated no failure during the observation period.

### ***Feminist Interventions***

To measure whether a feminist intervention occurred in a year, I gathered data on UN conferences focused on gender equality from 1975 – 2014. These conferences offer a comprehensive set of guidelines for women’s advancements and women’s rights/inclusion (UN 2022). Countries from around the world gather to review the past implementation of goals, new goals, and call out other UN members and nation-states to join in the fight for women’s rights and inclusion. Different agendas are set at each of these meetings, but they overwhelmingly are focused on women’s empowerment, the state of women’s rights, and equality for women. These conferences have a global stage, and often have speakers from around the world who can specifically name different states for not abiding by the goals of these conferences, or for their

lack of women's rights within their state. An example of this can be seen at the World Conference of the United Nations Decade for Women in July 1980. The convention

“Strongly urges the authorities of Chile to respect and promote human rights in accordance with the obligations they have undertaken under various international instruments.... Appeals to the Chilean authorities to allow women to exercise their rights fully”. (UN 2022)

These conferences were selected as they have the attention of the world, the backing of the United Nations, and can cause negative repercussions for countries that do not abide by the concepts set at these meetings. This is a binary variable, coded 1 if there was a UN women's conference that year, and a 0 if there was not.

Table 3: Feminist Intervention Years

Years with Feminist Interventions	1975, 1980, 1985, 1995, 2000, 2005, 2010
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### ***Control Variables***

I include several control variables following other studies that assess the effect of CEDAW commitments on women's rights (Hill 2010; Lupu 2013). This includes measures for civil war and interstate war, population size (natural log), regime type (Polity 2 -10 to +10 scale), wealth (real GDP per capita), and domestic legal traditions (common law, civil law, Islamic law). I anticipate that rule of law will have an impact on treaty signature and reservations, common law states have better human rights in general than other legal traditions (Simmons 2009; Mitchell, Ring, and Spellman 2013).

### ***Methodology***

To test my hypotheses, I analyze the effect of Feminist Interventions on CEDAW reservation withdrawal. Given that the dependent of interest is time to reservation withdrawal, I employ a parametric event history model with Weibull distribution. This model allows a monotonic, increasing, and decreasing hazard; thereby, offering more flexibility than a model with exponential distribution.

## EMPIRICAL RESULTS

I examine feminist interventions' impact on the withdrawal of reservations from CEDAW. Table 4 below demonstrates the results of the influence of UN conventions influence on CEDAW reservation withdrawal. The results of Model 1 indicate that feminist interventions have an impact on state withdrawal from CEDAW.

Table 4 Feminist Intervention Impact on CEDAW Reservation Withdrawal

	M1
Feminist Intervention	0.287 (0.249)
Civil War	0.180 (0.140)
International War	4.754 (346.218)
GDP	-0.000 (0.000)
Population	-0.057 (0.056)
Democracy	-0.020 (0.018)
Common Law	-0.558 (0.435)
Civil Law	-0.138 (0.421)

Islamic Law	-0.424 (0.494)
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Observations	4426
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Standard errors in parentheses

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

However, as shown below, in Figure 1 there is a curve that demonstrates as time goes on the likelihood of reservation withdrawal from CEDAW increases. This does demonstrate some support for my theory that as norms and behaviors become solidified within the international system, states are more likely to change their behaviors. Once again, this just may not be coming from these feminist interventions.

Figure 1 Weibull Duration of Feminist Intervention on Reservation Removal

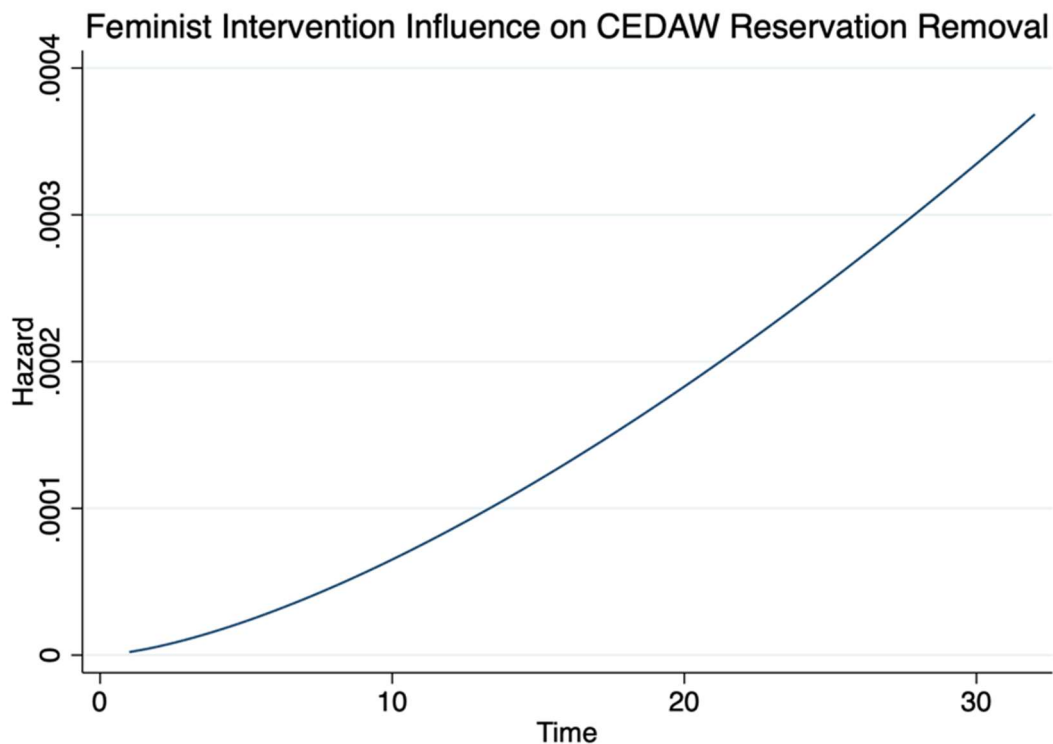
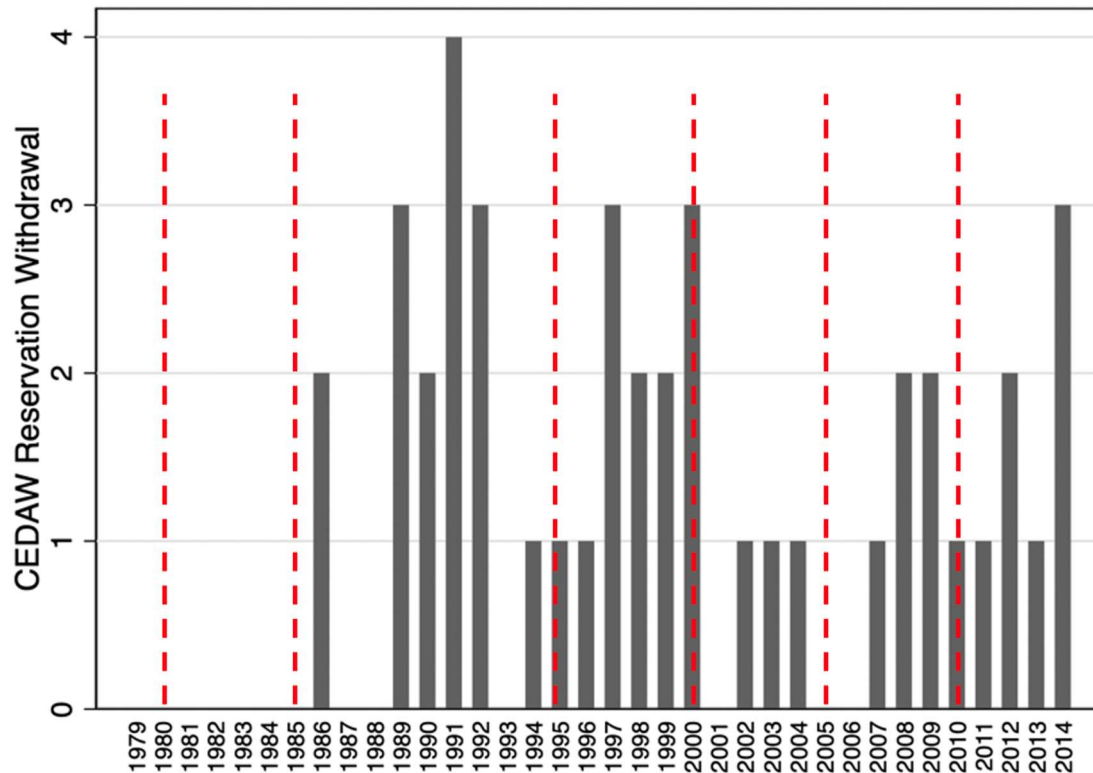


Figure 2 below demonstrates when states remove their reservations from CEDAW. It does seem to show “waves” of when states remove their reservations, but we cannot say with the

support of statistical significance that these removals follow the UN conventions focused on women's rights. The gray bars are when states withdraw their reservations, and the red dotted lines demonstrate the years in which a UN convention was held.

Figure 2 CEDAW Withdrawal Years and Feminist Interventions



These findings described above could be due to data limitations. As demonstrated in Table 2 the number of withdrawals of reservations from CEDAW is limited. This may influence the information we can draw from the results. These results could also be due to selection effects, countries that withdraw from CEDAW must also have already made reservations, creating once again a smaller sample to pull from. Theoretically, the states that are willing to withdraw may be withdrawing for other reasons including domestic factors, or other international pressures. These feminist interventions may not be the factor that is influencing these withdrawals, instead, it



could be factors with more “teeth” associated including sanctions, domestic uprisings, etc. when they do not condone the international norm of increasing women’s rights.

### ***Discussion and Conclusion***

The results in my empirical analysis section are not supportive of my hypothesis that these feminist interventions influence when states withdraw reservations from CEDAW. These feminist interventions may not be what influence the likelihood of a state withdrawing from CEDAW. A few reasons for this may be that these UN conventions do not have “teeth”, and therefore are unlikely to have repercussions for states not abiding by their calls to action.

Although these results do not demonstrate that feminist interventions are influential on when states withdraw from CEDAW, this is important to know as the political science community. It demonstrates that calls to action by international organizations may not be enough to change the behavior of states, and in fact, there may need to be a financial or larger reputational cost to the state. This demonstrates that the work these organizations do is important, and may make impacts on the ground, but that their efforts to sway states may not be creating as much change as they would like and can influence how policy may be a better path forward when influencing state behavior.

In future research, I would like to look beyond the first “failure” within my duration model. Currently, as it stands there is not enough information to do this without violating assumptions. I would also like to expand my dataset to a timeline that is more representative of the life of the treaty. I also would like to look at when other states speak negatively as a form of naming and shaming when they place reservations, and maybe see if that state is a major power and the implications that may have.

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