

Preliminary draft - comments welcome
March 10, 2003

**Ratification of CEDAW
(Convention for the Elimination of Discrimination Against Women)**

Michael Kevane
Department of Economics
Santa Clara University
Santa Clara, CA 95053
mkevane@scu.edu

Introduction

For more than a hundred years the issue of ‘women’s rights’ and ‘equality for women’ has been salient in public debate. The Convention for the Elimination of Discrimination Against Women (CEDAW) is an international treaty intended to guarantee rights for women, and represents the culmination of the 19th century movement for women’s rights. The Convention sets standards for women's rights in the political, cultural, economic, social, and family sectors, and delineates many forms of gender discrimination. Furthermore, the Convention calls for specific actions to remedy discrimination. The United Nations General Assembly adopted CEDAW on December 18, 1979, and the Convention entered into force on September 3, 1981, after it had been ratified by 20 states. As of early 2003, 171 states have ratified the treaty. Afghanistan ratified the convention on 5 March 2003, leaving a handful of states, among them the United States, as non-ratifiers.

A common presumption about conventions such as CEDAW is that they are nothing more than empty, rhetorical gestures lacking in serious enforcement mechanisms and consequently having no effect on actual practice. In this view, human rights conventions like CEDAW are basically a waste of the scarce resources of diplomacy, with possibly perverse effects. Vaguely worded and utopian treaties with no enforcement provisions allow distasteful regimes to pretend they are part of a global, multilateral civil rights regime abroad, while violating the specifics and spirit of that regime at home. This presumption is sometimes ironically reinforced by proponents of ratification of conventions such as CEDAW, who often counter treaty opponents by claiming that the convention in question will not actually change anything.

It is true that the treaty contains no real enforcement provisions. There is an optional obligation to regularly report implementation progress to a U.N. committee that functions as a CEDAW secretariat. A recent optional protocol allows the U.N. committee to receive and evaluate complaints by citizens of states that ratify the protocol.

Nevertheless, there is a world of difference between a ‘toothless treaty’ having no effect and a ‘snaggletoothed treaty’ having some, perhaps small effect, when it comes to gender rights. Gender affects behavior across an enormous range of activities, especially in developing countries with large non-corporate sectors. Blatant cases exist of clear unequal status as economic actors, where women are legal minors under the tutelage of their husbands. As Geddes and Lueck (2002) point out, unequal rights often limit the self-ownership of women. Self-ownership is essential to residual claimancy, and the degree to which people are residual claimants of their efforts may likely be thought to be a key determinant of innovation and investment. To the extent that CEDAW affects institutions of self-ownership, even marginally, there may be significant economic outcomes.

This paper considers problems of measurement and endogeneity involved in analysis of the effects of the treaty. CEDAW is somewhat remarkable because so many ratifiers have entered strong reservations to their ratification. The ‘quality’ of ratification has been quite different for different countries, perhaps more so than any other human rights treaty. Many predominantly Muslim countries ratified the treaty subject to major reservations that essentially rendered the treaty meaningless. CEDAW also had many countries that delayed for many years their final ratification, compared with other human rights treaties. Perhaps countries signed slowly over twenty years as gender relations evolved for other reasons. Ratification of the treaty

then followed these changes. Without careful treatment, a spurious or mis-measured correlation between ratification and economic changes may result.

The provisions of CEDAW

CEDAW provides a definition of gender discrimination that forms the basis for understanding and contextualizing the articles that follow. Conservative commentators in the United States, opposed to ratification, have been quite irresponsible in their interpretations of Article 1. In her opinion piece on CEDAW for the Wall Street Journal, for example, Sommers (2002) is terribly, and disingenuously, misleading. According to her, Article 1 can be clipped to read that discrimination is “any distinction... on the basis of sex...” in “any...field”. Article 1 actually defines discrimination 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 marital status, on the basis of equality between men and women, of human rights or fundamental freedoms in the political, economic, social, cultural, civil, or any other field.” Article 1 properly distinguishes between frivolous equality (the kind that Ms. Sommers fears) and fundamental freedoms (the kind that Ms. Sommers wants).

The remainder of the treaty balances specific actions and recommendations with more general exhortations for equality. Various articles describe specific ways in which discrimination, as defined, can and should be avoided in public, governmental, and family life. These articles establish women's rights to reproduce, vote, hold public office, establish credit, enter into contracts, and to be employed. Furthermore, CEDAW establishes women's rights to healthcare and education. CEDAW guarantees women’s rights to retain nationality and the nationality of their children. Article 16 concerns rights in marriage, and establishes that women

should have the “same rights [as men] entering into marriage...during marriage and at its dissolution.” CEDAW calls for equality in the legal system and legislation as a basis for the end of discrimination. The Convention also calls upon states to take proactive measures outside of the domain of law to ensure redress for past discriminatory practices. Several articles of CEDAW provide for a limited enforcement mechanism, establishing the United Nations Committee on the Elimination of Discrimination against Women. The Committee’s task is to monitor the progress made on “legislative, judicial, administrative and other measures adopted to give effect to the provisions of the conventions.” State performance is to be judged by the committee based on progress reports submitted the first year after ratification and then every four years. The UN-CEDAW committee is comprised of twenty-three experts on women’s human rights, and meets annually to discuss the state reports of that year and to make non-binding recommendations on how CEDAW could be further implemented in particular states. An amendment to the treaty that has not yet been ratified by two-thirds of the state parties would allow the committee to meet for more than the annual two weeks specified in the original treaty (a very short period of time to consider and evaluate reports from the 170 state parties to the treaty).

Article 29 of CEDAW is an optional clause providing that disputes that might arise concerning the Convention be settled through arbitration by the International Court of Justice. However, this is non-binding because reservations against it may be made at anytime.

A new optional protocol developed by the Committee in 1999 gives individual women the right to complain to an international council about abuses of their CEDAW rights. This protocol has been ratified by about half of the parties to CEDAW.

The efficacy of CEDAW: Mechanisms for change

There are three ways that ratification of an international treaty such as CEDAW directly impacts domestic practice of gender relations. First, CEDAW calls for changes in national constitutions when these are in contradiction to the treaty. Second, CEDAW calls for enactment of legislative and executive policies to bring the countries laws into conformity with the treaty. Third, the judicial system in a country might re-interpret previous law in the light of the treaty commitment.

Constitutional change

There seems to be no comprehensive record of constitutional or legislative changes around the world due directly to CEDAW. Treaty advocates cite the redrafting of the Brazilian and Ugandan constitutions as instances where CEDAW figured prominently in national constitutional debate.

Executive and legislative policy change

States vary tremendously in how they have implemented CEDAW, but again there is no record or coding of national gender policy before and after ratification of the treaty. Some implementation reports presented to the Committee detail new policies, goals and achievements. Other reports reveal the paucity of action by member states. Too often these reports are filled with poor quality data on women's status vis-a-vis men, with no evidence of change in governmental policy. The committee itself often finds fault with the lack of commitment evident in many countries. Angela King, UN special adviser on Gender Issues, noted that (1998), "ratification has not necessarily meant policy and legal changes in some states parties."

Judicial enforcement

In the absence of concerted efforts by legislatures and executives to change gender policy, it is the judiciary of many countries that ends up doing the work of bringing domestic law into conformity with the treaty. Legal systems vary in how much weight is given to the provisions of treaties ratified by national governments. The British common law tradition, for example, is often thought to treat international treaties as ‘non-self-executing’ unless made into statutory law by the appropriate legislative body. Statutory legal traditions take treaties to be immediately binding. Interesting and important decisions on CEDAW have been forthcoming from around the globe, and from both legal traditions.

One decision that probably affects the most number of persons is the decision of the Indian Supreme Court, in *Apparel Export Promotion Council versus A.k. Chopra*, decided on January 20, 1999. Mr. Chopra attempted to sexually harass a secretary while working as executive for Apparel Export Promotion Council. He was fired from his position, and then sued the Council, alleging (with lower court agreement), that since he did not actually commit any sexual act, was not harassment. The Supreme Court, using CEDAW, made major case law in defining sexual harassment along lines of intimidation. The Court was explicit in noting that the Parliament had not clarified definitions of sexual harassment, but by ratification of CEDAW the domestic courts were bound to consider such cases. In the absence of legislative guidance, the Court promulgated its own standard to be in conformity with CEDAW. In the words of the Court (1999):

These international instruments cast an obligation on the Indian State to gender-sensitise its laws and the courts are under an obligation to see that the message of the international instruments is not allowed to be drowned. This Court has in numerous cases emphasised that while discussing constitutional requirements, court and counsel must never forget the core principle embodied in the

international conventions and instruments and as far as possible, give effect to the principles contained in those international instruments. The courts are under an obligation to give due regard to international conventions and norms for construing domestic laws, more so, when there is no inconsistency between them and there is a void in domestic law

Another well-known case had the Tanzanian High Court invalidating in 1990 customary law that prevented women from inheriting clan land from their fathers. The case is summarized nicely on an International Labor Office website (2002):

Holaria Pastory brought a court challenge to the Haya customary law that prevented her from selling clan land. She had inherited land from her father, through his will, but when she tried to sell it her nephew applied to have the sale voided. Tanzania's Declaration of Customary Law clearly prohibited her sale of the land in s. 20 of its rules of inheritance. Pastory argued that this constraint on women's property rights violated the Constitution. The court was faced with the difficulty of interpreting a constitutional guarantee of freedom from discrimination that did not make any specific reference to women. The court relied on the fact that the Tanzanian Government had ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as well as other international treaties and covenants, to find that women were constitutionally protected from discrimination. The court stated that "the principles enunciated in the above named documents are a standard below which any civilised nation will be ashamed to fall". The High Court decided that the rules of inheritance in the Declaration of Customary Law were unconstitutional and contravened the international conventions which Tanzania had ratified. Thus, the rights and restrictions around the sale of clan land are the same for women and men.

One last example from Zambia illustrates the limited scope of CEDAW alone to effect change. A gender activist, Sara Longwe, sued the Lusaka InterContinental Hotel. The hotel had a policy that unaccompanied women were not allowed onto the premises. The motive was to discourage prostitution. Ms. Longwe, however, saw the policy as being discriminatory: an unaccompanied woman was presumed guilty, and denied entry into a 'public space'. Longwe won the case, with the justices citing CEDAW in their decision. Unfortunately, the Longwe case

seems not to have been precedent setting, for a new Lusaka High Court judge dismissed a similar case brought by Elizabeth Mwanza in 1997. She, too, was evicted from a hotel for being unaccompanied by a man.

Ironically, all of these cases concern countries with common-law traditions. Perhaps countries with strong common law traditions, such as the United States, are reluctant to ratify precisely because they fear that their judicial system will actually implement the provisions of CEDAW.

Explaining ratification of treaties

CEDAW is part of a new generation of human rights treaties, where, according to Clark (1991, p. 287), “the obligations incumbent upon a state party are not reciprocal obligations owed to the other states parties but unilateral obligations owed to citizens of that state party.”

There are several competing approaches to explaining ratification of this generation of treaties (and similarly, with explaining U.S. states’ ratification of the Equal Rights Amendment). The essential question is simple. Why do states ratify treaties, and commit to human rights regimes that are different from current domestic law? The various approaches fall into four broad categories: proximate causes; current political institutions and practice; underlying economic and demographic factors; deep ideology and values; and finally ‘realist’ international relations. The first four emphasize the domestic situation of each country as decision-makers decide upon ratification, the last focuses on the international context.

Proximate causes approach

The ‘proximate causes’ view focuses on the lobbying activities of key interest groups. In the case of CEDAW, organized feminist and anti-feminist movements or lobbies are seen as

playing an inordinate and salient role in determining the ratification decision. Soule and Olzak (2002), for example, find that organized protests were crucial in stopping the seemingly inexorable ratification of the Equal Rights Amendment in the United States. The amendment needed three states to achieve the two-thirds' ratifications needed. But anti-ERA protests that emerged in the mid-1970s apparently played a big role in halting subsequent ratifications.

At the international level, a prominent hypothesis on human rights treaty ratifications, as argued by Moravcsik [, 2000 #27], is that liberal elites try to 'lock-in' their countries legal framework. Simmons (2002) discounts this view, forcefully by finding that newly democratizing countries were no more likely to ratify the International Covenant on Civil and Political Rights (ICPPR), the major human rights treaty that opened for ratification in 1976. Landman [, 2002 #20] also finds that 'fourth-wave' democracies were not more likely to ratify humans rights conventions.

Political institutions and practices

Protests, lobbying and elite agenda-seeking may have be more or less effective depending on the political institutions and practices in place. In some divided polities, control over the state shifts from one constituency to another following very small changes in fundamental conditions in the country. In the United States, the two-party system often means that state and national governments are divided, and power shifts from party to party, and so issues where there is wide public consent may nevertheless be stymied due to log-rolling and attempts to appeal to swing voters. Likewise, issues where public sentiment is against action may succeed in being the object of legislative change.

The non-ratification of both the ERA and CEDAW in the United States is a good example of political institutions can influence the outcome of some policy debate. The United

States is the only industrialized nation not to ratify CEDAW, ironic in light of the fact that the U.S. was instrumental in its development. President Carter signed the treaty in 1980, but the Republican Party has dominated the executive branch and the Senate since then, and has blocked ratification. CEDAW was sent to the Senate Foreign Relations committee in 1980 but was not reported out until 1994, presumably because the Republican Presidents would not have signed it anyway. With Bill Clinton in office, CEDAW received a favorable report out of the Senate but was held up until the session was finished; the full Senate did not vote on it. The treaty has faced strong opposition from a powerful group of conservative Senators. In particular, Senator Jessie Helms (R) took the lead opposing the treaty. These conservatives argued that CEDAW would, among other things, obligate the payment of equal wages to men and women, spawn frivolous lawsuits, encourage abortion, demean motherhood, undermine the traditional family, and promote institutionalized daycare (Sommers 2002). CEDAW ratification was sent back to the Senate Foreign Relations committee. Hearings were again held in June of 2002, but there was again no action on the treaty.

General socio-economic development

The 'new institutional economics' tradition in economics sees fundamental institutions of property rights and regulation as emerging from changing efficiency considerations. In this view, when an old institutional regime does not enable the efficient allocation of resources, pressures build to enact regime change. Economic development spurred by technological and organizational change in the private sector, then is responsible for institutional change.

The most recent expression of this view is Geddes and Lueck's (2002) analysis of the overturning of laws of coverture in the fifty states of the United States. These laws typically provided that women be considered 'legal minors' in many spheres of economic behavior. They

could not own property or enter into contracts in their own name, but rather were under the ‘tutelage’ of their husbands or fathers. The laws were overturned over the period 1850-1920. The authors estimate a probit model, using a panel of state conditions at four points in time over the period. They conclude (2002, p. 1091) that increases in wealth, the growth of cities, and human capital of women are “associated with the expansion of women’s rights” and they suggest that the efficiency gains from self-ownership exceed the costs (to men) of relinquishing their control over women.

Deeper values and institutions

Obviously, an important determinant of ratification and reservations to CEDAW is the principled position that states might take for or against the convention. Incompatibility with Islamic *Sharia* law is the reason cited for most of the predominantly Muslim states’ objections to the convention. Interestingly, predominantly Muslim countries have expressed a non-overlapping variety of reservations to the treaty when they did ratify. This may be due to different legal traditions in each country. Egypt’s interpretation and application of Islamic law, for example, tends to be less ‘fundamentalist’ than other countries with traditions of Islamic law.

Sharia is not the only legal or cultural tradition that might oppose ratification of CEDAW. As mentioned earlier, states with common law traditions may feel that CEDAW infringes on their judicial procedures, by appearing to bypass the evolutionary and emerging character of the law. More libertarian-oriented populations may feel that CEDAW endorses too much affirmative discrimination. Some populations may find appeal in attitudes of ‘treaty fatigue’ or more cynical kinds of spite (“we won’t ratify the treaty because *they* ratified the treaty”).

Realist considerations

The ‘realist’ approach has a number of different implications. Informally, many human rights workers think that leaders of states secure ratification of international treaties in order to ‘join the club’ of international ratifiers. Influential and wealthy states may set the tone of ratification. If powerful countries ratify, the poorer states will follow. Indeed, there may even be an expectation of compensation for ratification. Ratification of CEDAW by Egypt was apparently intended to be a signal, sent by President Anwar Sadat, that Egypt was a progressive leader in the Arab World. Signing CEDAW was preceded by enactment by Presidential decree of Law 44, which bypassed normal law-making institutions in Egypt to give various rights to women. The law was known as ‘Jihan’s law, after President Sadat’s wife (Jenefsky 1991).

Large numbers of ratifiers may also exert an effect even when influential states do not ratify. Simmons (2002, p. 20) finds that, “the evidence unmistakably associates a particular country’s level of commitment [to the ICPPR humans rights treaty] with the average level of commitment in the region.” Chau and Kanbur (2001) also find that ‘neighborhood effects’ were important in the ratification process of ILO labor standards conventions. While these correlations between individual state behavior and aggregate behavior are suggestive, it is important to remember that they may be spurious, the result of a common omitted variable (Manski 1993).

Interactions among these factors are important, Soule and Olzak (2002, p. 29) find that, “where both anti-ERA protests and opposition to liberal ideology are strong, the likelihood of ratification drops to about 6 percent of its former level.

The import of this lengthy discussion is that models of treaty ratification are really still at the *ad hoc* stage. There is an excess of plausible important variables explaining ratification. At

this stage in the research agenda, value seems to lie in attaining a critical mass of empirical studies from which some stylized facts about treaty ratification might emerge.

Commitment to CEDAW

Figure 1 shows the patterns of ratification of CEDAW, along with the patterns of ratification of other major human rights treaties, including three previous treaties on the rights of women. The titles of the treaties and their dates of opening to ratification are given in Table 1. Each step indicates ratification by a country. The figure makes clear that states with predominantly Muslim populations have been the slowest to ratify treaties having to do with women's rights (lines bowed out), and have the most non-ratifiers of CEDAW (few steps). Many of these predominant Muslim states publicly state that CEDAW is incompatible with their domestic law.

Patterns of ratification for different groups of countries are even more skewed if account is taken of the numerous reservations to the convention made by some ratifiers (Clark 1991, Cook 1990, Jenefsky 1991). Article 28 of the Convention states that reservations may be made at the time of ratification or accession. However, reservations that are "incompatible with the object and purpose of the convention" are prohibited. Of the 171 countries that have ratified the convention, 55 have done so with reservations to one or more of the articles. Of the states ratifying with reservations, 13 objected only to article 29, calling upon states to settle disputes through arbitration. Recall that the article explicitly permitted reservations, and could be initial acceptance could nullified by any state without prejudice at any time. Another 11 states, mostly European, had technical or relatively insignificant reservations to certain language in the convention. (Belgium, Lesotho, and Luxembourg, for example, reserved the right to continue male privilege in the exercise of royal and chiefly power.) That leaves 31

states with substantive reservations. Sixteen of these states— more than half-- had predominantly Muslim populations. Three of these states were non-Muslim African states: Lesotho, Malawi and Mauritius.

A report prepared by the UN-CEDAW secretariat was scathing regarding many of the reservations of the predominantly Muslim states

(Committee on the Elimination of Discrimination Against Women 1996, para. 6):

Commentators have stressed the significance of the first five articles to the fulfilment of the Convention's objectives.... A number of States parties have differently phrased reservations to these provisions to the effect that the Convention is not binding insofar as its provisions may conflict with the Islamic shariah or that the State party is willing to comply with the Convention, provided that such compliance will not be in contradistinction to the Islamic *shariah*. These reservations have been viewed by some as imprecise and indeterminate and thereby contrary to the certainty required for the acceptance of a clear legal obligation. The terms of the reservations sometimes do not explain their legal and practical scope. This is rendered more complicated by differing views among Islamic scholars as to the precise requirements of the *shariah* and whether the *shariah* may be subject to evolving interpretation and practice.

A cursory examination of the reservations of many of these states suggests that they are, indeed, incompatible with the object and purpose of the convention. For example, Kuwait reserved the right to continue to exclude women from voting.

Should states that ratify with reservations to these fundamental articles be coded as actually ratifying? For example, articles 2 and 16, regarding equality of legislation and equality in married life are considered to be core provisions of the convention. Yet they are allowed as reservations. Many states, ratifiers of the convention, have entered official objections to the reservations of these predominantly Muslim states. To see some of the difficulties involved, consider Egypt's reservation to Article 16:

Reservation to the text of article 16 concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, without prejudice to the Islamic *Sharia's* provisions whereby women are accorded rights equivalent to those of their spouses so as to ensure a just balance between them. This is out of respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question and in view of the fact that one of the most important bases of these relations is an equivalency of rights and duties so as to ensure complementary which guarantees true equality between the spouses. The provisions of the *Sharia* lay down that the husband shall pay bridal money to the wife and maintain her fully and shall also make a payment to her upon divorce, whereas the wife retains full rights over her property and is not obliged to spend anything on her keep. The *Sharia* therefore restricts the wife's rights to divorce by making it contingent on a judge's ruling, whereas no such restriction is laid down in the case of the husband.

The Egyptian position was that marriage law that ensured rough equality in outcomes was compatible with the convention, even though the treatment was unequal by gender (Jenefsky 1991). The wife receives a payment upon divorce, the husband does not. Therefore, divorce could be harder to obtain for the wife than for the husband. Egypt also opted out of articles 2, 9, and 29. Egypt, as the first predominantly Muslim state to sign and ratify the treaty, seems to have set the precedent for other Muslim states to opt out of the more controversial articles of the conventions.

For the analysis below, every country is scored in terms of the 'strength' of their ratification of CEDAW. The more reservations the lower the strength of ratification. Some countries remove their reservations, and then the strength of their ratification increases. Reservations are scored from 1 to 5.5. Countries such as Saudi Arabia, with reservations that amount to declarations that for certain key provisions no national law will be changed or challenged as a result of the convention, are coded with a 5. Appendix A1 lists the coding. The particular coding has been guided somewhat by opinions expressed in the report of the UN-CEDAW secretariat noted above. For example, the secretariat singled out Malaysia, Maldives, Tunisia

and Pakistan as having entered general reservations that called into question their acceptance of obligations under the convention.

Ratification and commitment to CEDAW

Table 2 gives the descriptive statistics for the explanatory variables used in the analysis. Most of the variables are self-explanatory and come from the usual data sources (World Bank Development Indicators and Global Development Network Growth Database): a dummy variable whether the country is predominantly Muslim, another dummy for whether the country has a significant Muslim minority, the log of total population, real GDP *per capita*, the percent of the population that is urban, primary school enrolment, female and male life expectancy, whether the country attained independence after the breakup of the Soviet Union in 1991, and whether the country followed the British, common law tradition. Other variables include the year in which women were eligible to vote (various sources), the orientation of the polity, from autocracy (-10) to democracy (+10), as coded in the POLITYIV database, the percent of women in government ministries and as ministers in 1987 (The World's Women), and indicator *rightsgood* of human rights practice, that averages scores from the U.S. State Department and Amnesty International (Purdue Political Terror Scales 1980_1996), and two indicators of early interest in human rights treaties and women's rights treaties- *hrtreatygrade* and *womtreatygrade* add up scores of 0,1,2 or 3 for whether the country did not ratify the relevant treaties, or was in the first third of countries ratifying, second third, and last third. Four human rights treaties and three women's rights treaties, all opened for ratification in the 1950s and 1960s, were used to construct this variable.

Table 3 gives the results from a proportional hazards model that explains the time to ratification. As a check on the results for CEDAW, which are the results of interest, the table

also presents estimates of the time to ratification of the Convention on the Rights of the Child (CRC). At present, only the United States and Somalia have not ratified the treaty, which was available for signing in 1990. The independent variables are for 1980 except for the ministry representation, which is for 1987. The results show (as will be seen later) how misleading a preliminary analysis can be. The dummy variable for a country being predominantly Muslim is not significant in explaining time to ratification of CEDAW, but it is significant in explaining time to ratification of the CRC treaty. Given the evident association the other way in the graphs, one might be drawn to the conclusion that there is nothing particular about Muslim countries explains their delay in ratification of CEDAW, rather, they share some socio-economic features (high GDP, low primary enrolment, and low life expectancy generally and of females in particular) . The correlation among these variables generates a multicollinearity problem. In the results of table 3, with all variables included, only female life expectancy is significant; omitting one of the five variables typically leaves several of the other variables with significant coefficients.

The results from Table 3 also highlight the importance of continuity of state interest in participating in the human rights regime. The coefficient on the *hrtreatygrade* is large and highly significant; countries that signed up to early human rights treaties were much more likely to be early ratifiers of CEDAW and CRC.

Finally, the gender constituency in a country seems to matter for CEDAW but not for CRC. Both year in which women gained the vote, and percentage of ministers who are female, are significant and lead to higher likelihood of early ratification.

This proportional hazards model suffers from a number of well-known problems, notably that many of the independent variables are changing over time, and the dependent variable, per the discussion above, should not be coded as a 0-1 dummy variable for ratification.

Instead, a variable is coded to reflect the commitment and participation of each state to the equal rights regime that CEDAW has set in motion. The variable is coded as follows. One point each is given for signing the original treaty, for ratifying the amendment of article 20 that extends the time for the Committee to review CEDAW reports submitted by countries and NGOs, for submitting a reply to a questionnaire sent out by the Committee, for having a ‘national machinery’ in place to implement CEDAW, for having an ‘action plan’ specifying changes to be made after ratification, for submitting a country report to the Committee (some countries have submitted two reports or more). Ten points are assigned for ratification without reservations, and these ten points are reduced according to the degree of reservations as coded in Table A1. Countries that have reservations coded 5 or 5.5 are given 3 points instead of ten. An additional 2.5 points are assigned for signing the optional protocol that allows individuals and NGOs to present grievances to the committee, and 5 more points if the optional protocol is ratified. The descriptive statistics for this measure of commitment are given in Table 4. As with ratification, there is a large gap between the commitment of predominantly Muslim states and other states. This gap has persisted over time, unlike the ratification gap, which had disappeared by 2000.

Table 5 presents results from estimates of the determinants of ratification and commitment of states to the CEDAW regime. The second specification includes a neighborhood average (based on geographic regions from the World Bank) of ratification and commitment. The results are quite different from the proportional hazards model. Predominantly Muslim states are now

clearly quite different from the other states, in terms of their commitment to the CEDAW regime. Wealthier countries are now revealed to be more likely to be committed, more urbanized countries less committed, and states with higher levels of primary enrolment are more likely to be committed. The association between average regional behavior and individual country experience is very strong, suggesting the importance of further testing of the importance of peer effects in this context (as has been noted by other research on ratification of conventions).

Conclusion

The analysis presented here of CEDAW ratification and commitments echoes the argument made by Chau and Kanbur (2001) that International Labor Organization conventions on labor standards were ratified by states for whom benefit-cost ratios of implementation were high, and not ratified by states that perhaps found the conventions costly to implement, and that this pattern of ratification suggested that the conventions were not “empty words” but rather meaningful reflections of labor standards across countries. As such, the timing of ratifications provides information useful in analysis of patterns of economic growth and inequality. Contrary to the conservative pundits of the United States, who oppose ratification of CEDAW on grounds that, “If Libya signed, why should we?”, the treaty is something that states around the world take seriously.

The analysis also suggests that the reluctance of predominantly Muslim states to commit to the gender equality implied by CEDAW is greatly underestimated by looking at traditional hazard models alone. Predominantly Muslim states enter reservations to the treaty that rendered

ratification meaningless, and by shirked reporting obligations to the international oversight regime created by the treaty.

Methodologically, the analysis confirms the importance of taking a more nuanced view of commitment to international human rights regimes. Studies that focus on determinants of ratification alone are likely to find quite different effects from studies that focus on an over-all level of commitment to the human rights regime, if the results found here are any guide.

Finally, the determinants of commitment to CEDAW turn out to highlight the significance of socio-economic development as a factor in explaining commitment to human rights regimes. Further work will explore the possible endogeneity of human rights and economic growth.

References

- Chau, N., and R. Kanbur. 2001. *The Adoption of Labour Standards Conventions: Who, When and Why?* Center for Economic Policy Research 2904.
- Clark, B. 1991. The Vienna Convention Reservations Regime and the Convention on Discrimination Against Women. *The American Journal of International Law* 85:281-321.
- Committee on the Elimination of Discrimination Against Women. 1996. *Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women*. United Nations.
- Cook, R. 1990. Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. *Virginia Journal of International Law* 30:643-716.
- Geddes, R., and D. Lueck. 2002. The Gains from Self-Ownership and the Expansion of Women's Rights. *American Economic Review* 92:1079-92.
- Humana, C. 1992. *World human rights guide*, 3rd edition. New York: Oxford University Press.
- India Supreme Court. 1999. "Apparel Export Promotion Council versus A.k. Chopra, January 20, 1999," .
- International Labour Organization. 2002. "Case Law in Tanzania - High Court," .
- Jenefsky, A. 1991. Permissibility of Egypt's Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. *Maryland Journal of International Law and Trade* 15:199-234.
- King, A. 1998. "Statement to the Eighteenth session of the Committee on the Elimination of Discrimination against Women (CEDAW) 19 January 1998," .
- Manski, C. F. 1993. Identification of Endogenous Social Effects - the Reflection Problem. *Review of Economic Studies* 60:531-542.
- Simmons, B. 2002. *Why Commit? Explaining State Acceptance of International Human Rights Obligations*. Harvard University.
- Sommers, C. H. 2002. "Look Who's Preaching to Us!," in *Wall Street Journal*, pp. A18. New York.
- Soule, S., and S. Olzak. 2002. *State-Level Ratification of the Equal Rights Amendment, 1972-1982*. Stanford University.
- Stohl, M. 1999. "Purdue University Political Terror Scale (PTS)," , vol. 2002. United Nations Division for the Advancement of Women. 2000. *Bringing International Human Rights Law Home : Judicial Colloquium on the Domestic Application of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child*. New York: United Nations.

Table 1: International Human Rights Conventions: Year of Opening to Ratification and Number of States Party to Convention

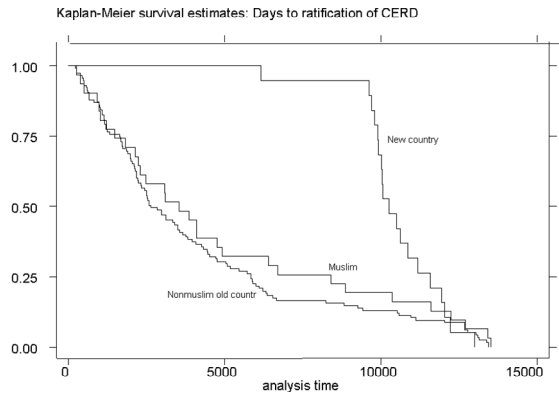
General Human Rights Treaties

International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	1966	174
International Covenant on Civil and Political Rights (CCPR)	1966	157
Optional Protocol to the International Covenant on Civil and Political Rights (OPT1-)	1976	111
Second Optional Protocol to the International Covenant on Civil and Political Rights (OPT2 – no death penalty)	1989	56
International Covenant on Economic, Social, and Cultural Rights (CESCR)	1966	153
Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)	1984	144
Convention on the Rights of the Child (CRC)	1989	193

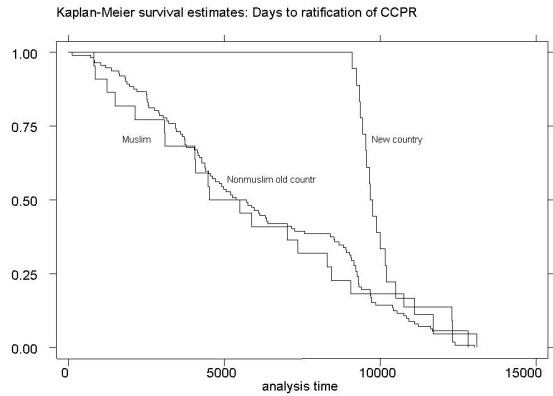
Women's Rights Treaties

Convention on the Political Rights of Women (CPRW)	1952	115
Convention on the Nationality of Married Women (CNMW)	1957	72
Convention on Consent and Minimum Age at Marriage (CCMMA)	1962	49
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1979	171
Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAWOPT – individual complaints heard)	1999	81

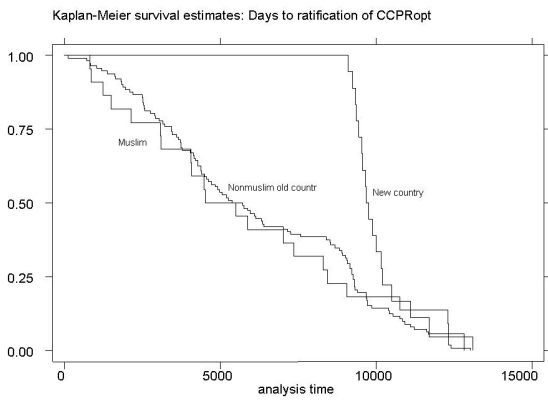
Figures 1(a)-(j): Timing of ratification of human rights treaties



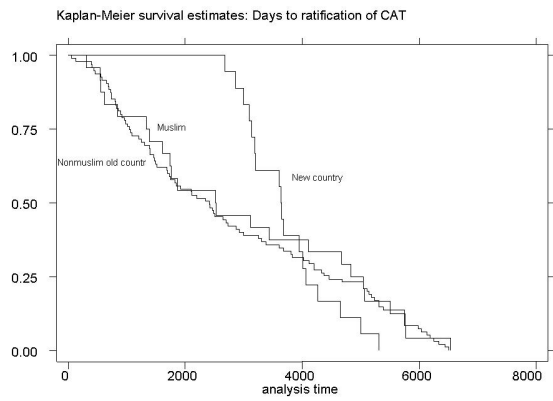
(a)



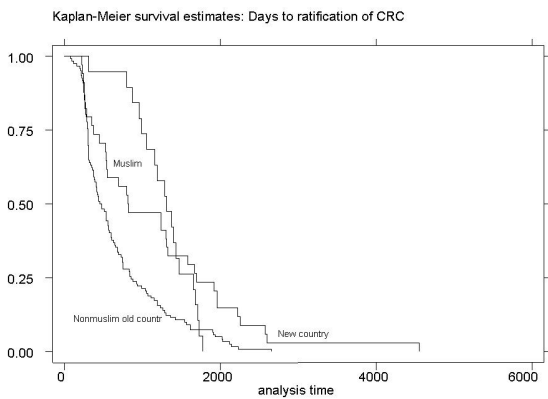
(b)



(c)

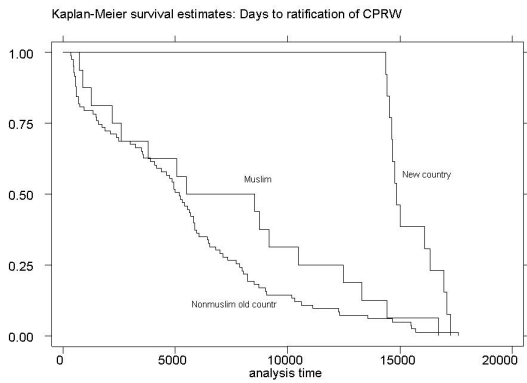


(d)

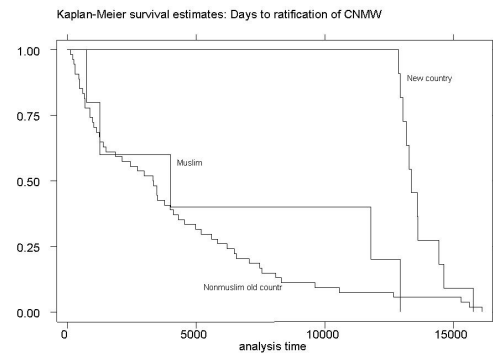


(e)

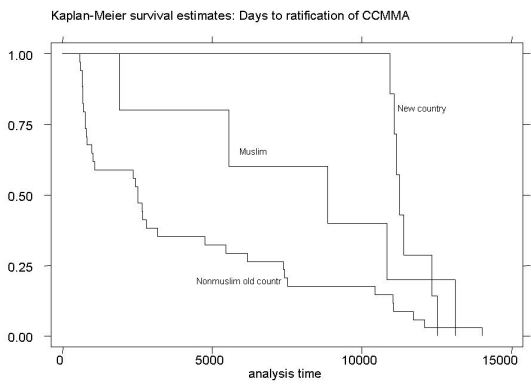
Figures 1(a)-(j) continued



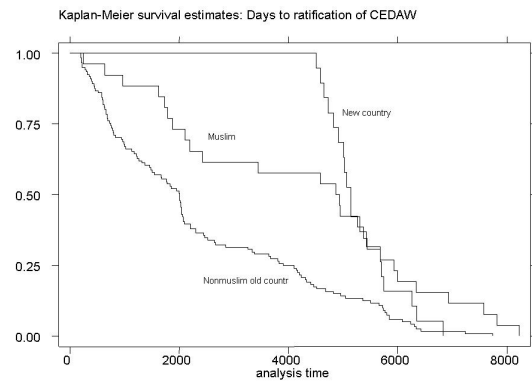
(f)



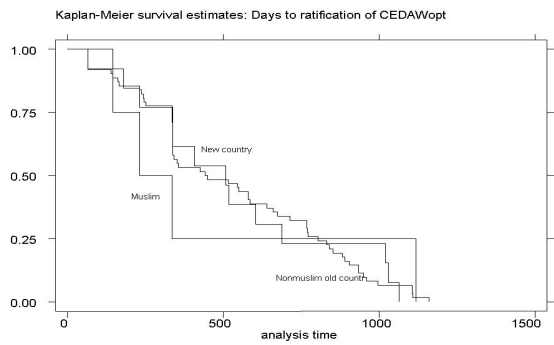
(g)



(h)



(i)



(j)

Table 2: Variables used in analysis of CEDAW ratification and commitment

<i>Variable</i>	<i>N</i>	<i>Median</i>	<i>Mean</i>	<i>SD</i>	<i>Max</i>	<i>Min</i>	<i>Definition</i>
muslim	178	0.00	0.22	0.42	1.00	0.00	Predominantly Muslim country?
muslfrac	178	0.00	0.08	0.27	1.00	0.00	Large Muslim minority?
ltpop80	176	15.53	15.43	1.83	20.70	10.70	Log population 1980
urban80	177	43.80	45.80	23.76	100.00	3.90	Percent urban 1980
realGDP80	142	2816.00	4625.40	5370.50	33946.00	322.00	Real GDP pc 1980
enrol80	145	99.30	91.96	25.31	146.00	17.50	Primary enrolment 1980
lifeexpf	166	65.99	63.30	11.88	79.70	36.88	Life expectancy (females) 1980
lifeexpm	167	61.40	58.70	10.41	73.70	33.88	Life expectancy (males) 1980
newcoun	178	0.00	0.11	0.31	1.00	0.00	New country (independence in 1990s)
yearfemalevote	178	1949		380.11	1989	0.00	Year women eligible to vote, if eligible (if not, =0)
ministry%fem87	146	2.90	4.37	5.11	25.60	0.00	Percent ministry officials female, 1987
minister%fem87	146	0.00	3.74	6.42	33.30	0.00	Percent ministers female, 1987
leg_british	169	0.00	0.32	0.47	1.00	0.00	British legal tradition
rightsgood	178	0.00	0.48	0.50	1.00	0.00	Indicator of human rights observance (State Dept. and Amnesty International)
polity80	137	-7.00	-1.52	7.71	10.00	-10.00	Political regime (from -10 to 10)
hrtreatygrade	177	6.00	6.51	3.44	12.00	0.00	Ratification of earlier human rights treaties
womtreatygrade	177	2.00	2.59	2.65	9.00	0.00	Ratification of earlier women's rights treaties

Table 3: Cox proportional hazards model of ratification of CEDAW and CRC treaties (raw coefficients)

	Ratification of CEDAW			Ratification of CRC		
	(1)	(2)	(3)	(4)	(5)	(6)
muslim	-0.570 (1.70)	-0.273 (0.78)	-0.571 (1.57)	-0.737 (2.41)*	-0.668 (2.10)*	-0.937 (2.65)**
muslfrac	-0.274 (0.71)	-0.745 (1.75)	-0.505 (1.18)	-0.005 (0.01)	-0.141 (0.34)	-0.214 (0.49)
ltopop80	0.172 (2.88)**	0.170 (2.59)**	0.173 (2.40)*	0.028 (0.51)	0.025 (0.42)	0.011 (0.16)
urbanpop80	-0.007 (0.97)	-0.010 (1.24)	-0.001 (0.07)	0.006 (0.86)	0.002 (0.20)	-0.002 (0.29)
realGDPpc80	-0.000 (1.25)	-0.000 (1.30)	-0.000 (2.31)*	-0.000 (1.75)	-0.000 (1.02)	0.000 (0.24)
enrolprim80	0.006 (1.05)	0.007 (1.18)	0.007 (1.13)	-0.001 (0.29)	-0.001 (0.12)	-0.003 (0.53)
lifeexpf	0.187 (2.42)*	0.156 (1.97)*	0.158 (1.75)	-0.009 (0.12)	-0.070 (0.95)	-0.073 (0.91)
lifeexpm	-0.162 (2.05)*	-0.139 (1.73)	-0.123 (1.33)	-0.001 (0.01)	0.057 (0.78)	0.062 (0.75)
newcoun	-1.275 (1.90)	-0.536 (0.76)		-0.338 (0.52)	0.351 (0.51)	
hrtreatygrade		0.147 (4.36)**			0.107 (3.17)**	
womtreatygrade		0.087 (1.70)			0.048 (1.04)	
leg_b			-0.532 (1.94)			-0.782 (3.15)**
minister%fem87			0.060 (2.50)*			0.005 (0.22)
ministry%fem87			-0.008 (0.23)			0.023 (0.70)
polity2num80			0.026 (1.09)			-0.009 (0.39)
rightsgood			-0.051 (0.21)			0.088 (0.35)
yearfemvote			-0.001 (1.97)*			0.001 (1.71)
Log-L	-408.7	-407.5	-347.3	-452.0	-449.8	-386.9
Observations	114	114	102	121	121	109

Absolute value of z-statistics in parentheses

* significant at 5% level; ** significant at 1% level

Table 4: Descriptive statistics of measure of commitment to CEDAW regime

<i>1985</i>	N	Median	Mean	SD	Min	Max
Non-Muslim	135	8.86	5.86	5.11	0.00	11.00
Muslim	40	0.00	1.72	3.46	0.00	11.00
<i>1995</i>						
Non-Muslim	135	11.00	9.83	3.07	0.00	12.00
Muslim	40	4.57	4.74	4.73	0.00	12.00
<i>2000</i>						
Non-Muslim	135	14.00	14.80	3.67	1.00	23.50
Muslim	40	9.50	9.03	5.39	0.00	22.50

Table 5: Estimates of determinants of ratification and level of commitment to CEDAW treaty regime

	(1)	(2)	(3)	(4)
	ratification		commitment	
muslim	-0.411 (5.98)**	-0.303 (4.32)**	-5.251 (7.17)**	-3.678 (4.94)**
muslfrac	-0.325 (3.00)**	-0.259 (2.37)*	-3.962 (3.45)**	-3.021 (2.62)**
lpoptot	0.026 (1.65)	0.031 (1.91)	0.176 (1.03)	0.248 (1.45)
urbanpop1	-0.006 (3.93)**	-0.007 (4.86)**	-0.049 (3.30)**	-0.067 (4.56)**
lrealGDPpc1	0.125 (3.76)**	0.155 (4.69)**	0.771 (2.34)*	1.300 (3.99)**
enrolprim1	-0.003 (2.97)**	-0.003 (3.21)**	-0.035 (3.99)**	-0.035 (4.16)**
newcoun	-0.326 (2.28)*	-0.234 (1.62)	-3.262 (2.14)*	-2.303 (1.51)
year	0.050 (31.12)**	0.021 (6.17)**	0.477 (30.82)**	0.160 (5.22)**
avgregcedaw		0.647 (9.71)**		
avgregcomm				0.726 (11.86)**
Constant	-99.750 (31.21)**	-42.414 (6.34)**	-943.974 (30.80)**	-323.168 (5.36)**
Observations	1920	1920	1920	1920
Number of group(ccode)	132	132	132	132

Absolute value of z-statistics in parentheses
* significant at 5% level; ** significant at 1% level

Appendix A1: Reservations to CEDAW treaty, and coded values

<i>COUNTRY</i>	score	Articles for which significant reservations entered									
		art2	art5	art7	art9	art11	art13	art15	art16	art29	
Algeria	4.75	1.00			1.00			1.00	0.75	1.00	
Argentina	1.00									1.00	
Australia	0.25					0.25					withdraws in 2000
Austria	0.75			0.25		0.50					withdraws obj to 7 in 2000
Bahamas	4.00	1.00			1.00				1.00	1.00	
Bangladesh	3.00	1.00					1.00		1.00		withdraws all objections in 1997
Belgium	1.00			0.50				0.50			withdraws in 1998
Brazil	3.00							1.00	1.00	1.00	withdrew obj to 15,16 in 1994
Bulgaria	1.00									1.00	withdraws in 1992
Canada	1.00					1.00					withdrawn in 1992
China	1.00									1.00	
Cyprus	1.00				1.00						withdrawn in 2000
DPR Korea	2.00	1.00								1.00	
Egypt	4.00	1.00			1.00				1.00	1.00	
El Salvador	1.00									1.00	
Ethiopia	1.00									1.00	
Fiji	2.00		1.00		1.00						withdrawn in 2000
France	3.50		0.75		0.75				1.00	1.00	
Germany	0.25			0.25							
India	3.00		1.00						1.00	1.00	
Indonesia	1.00									1.00	
Iraq	4.00	1.00			1.00				1.00	1.00	
Ireland	1.50						0.50		1.00		
Israel	2.75			1.00					0.75	1.00	
Jamaica	1.00									1.00	
Jordan	3.00				1.00			1.00	1.00		
Kuwait	4.00			1.00	1.00				1.00	1.00	
Lebanon	3.00				1.00				1.00	1.00	
Lesotho	5.00	1.00									(general statement: will not take legislative measures that conflict with its own constitution)
Libya	2.00	1.00							1.00		but then changed general reservation in 1995
Luxemborg	1.00			0.50					0.50		
Malawi	4.00										general declaration withdrawn in 1991
Malaysia	5.50	1.00	1.00	1.00	1.00	0.50			1.00		withdraws 2, 9, 16 in 1998

Maldives	2.00			1.00					1.00	
Malta	2.00				0.50	0.25	0.25		1.00	
Mauritius	3.00				1.00				1.00	1.00
Morocco	5.00	1.00		1.00				1.00	1.00	1.00
Myanmar	1.00									1.00
New Zealand	1.50	0.25	0.25		1.00					
Niger	5.00	1.00	1.00					1.00	1.00	1.00
Pakistan	5.00									1.00
Rep. Korea	2.00			1.00					1.00	
Russia	1.00									1.00
Saudi Arabia	5.00									1.00
Singapore	3.50	1.00			0.50				1.00	1.00
Spain	0.50			0.50						
Switzerland	0.75			0.25				0.25	0.25	
Thailand	2.00								1.00	1.00
Trinidad/Tobago	1.00									1.00
Tunisia	4.00			1.00				1.00	1.00	1.00
Turkey	2.50							1.00	0.50	1.00
UK	1.50	0.25		0.25	0.25	0.25	0.25	0.25	0.25	
Venezuela	1.00									1.00
Vietnam	1.00									1.00
Yemen	1.00									1.00
		12.50	5.00	6.25	14.00	5.50	2.00	8.25	25.00	33.00

general declaration
 withdraws in 1989
 (general statement
 saying that country
 will not abide by
 terms of convention
 that conflict with its
 own laws)

withdrew most in
 1996+02