

# Signing CEDAW and Women's Rights: Human Rights Treaty Signature and Legal Mobilization

Audrey L. Comstock

*Can commitment to international human rights law promote human rights when the commitment is not yet legally binding? I argue that treaty signature can be used by non-governmental organizations and other rights actors to mobilize around rights standards and hold states accountable in the lead up to binding treaty ratification. Using the United Nations Convention on the Elimination of All Forms of Discrimination (CEDAW) as a case, I argue that CEDAW signature can have a positive impact on women's rights. I find overall support for the argument that, following signature, states are significantly and positively associated with higher women's rights. The findings hold across numerous robustness checks. Using an illustrative case of CEDAW signature and mobilization in the United States, I demonstrate that activists drew on the treaty following signature in the absence of ratification. The argument and results contribute to the study of international law and women's rights mobilization, highlighting the importance of signature commitment as a tool for advancing women's rights in advance of treaty ratification.*

## INTRODUCTION

Can the commitment to international human rights law promote women's rights when the commitment is not yet legally binding? Indeed, a large area of human rights scholarship points to the transformative power of nonbinding agreements, declarations, and norms in shaping human rights (Risse-Kappen, Ropp, and Sikkink 1999; Moravcsik 2000; Goodman and Jinks 2004; Goodliffe and Hawkins 2006; Greenhill 2010; Efrat 2016), especially through the actions of non-governmental organizations (NGOs) and civil society (Neumayer 2005; Hafner-Burton and Tsutsui 2007; Murdie and Davis 2012). State behavior at the international legal level can motivate and mobilize domestic rights groups (Merry 2003, 2006; Conant 2006; Simmons 2009), and international treaty bodies are keenly aware of state actions as they develop and commit

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**Audrey L. Comstock** is Assistant Professor of Political Science, School of Social and Behavioral Sciences, Arizona State University, Tempe; Carr Center Fellow, 2022–23, Harvard University, Cambridge, MA, United States. Email: [Audrey.comstock@asu.edu](mailto:Audrey.comstock@asu.edu)

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to treaties (Reiners 2021). Yet, looking toward treaty law, scholars are, for the most part, more skeptical about the potential influence of nonbinding commitment through signature and usually focus on binding ratification when studying human rights law commitment and compliance (see, for example, Keith 1999; Goodman and Jinks 2003; Neumayer 2005; Hathaway 2007; Vreeland 2008; Simmons 2009). Given the ratification delays associated with domestic politics (Haftel and Thompson 2013; Kelley and Pevehouse 2015), the notoriety of some states signing but not ratifying human rights treaties (Baldez 2014), and some recent optimistic findings about the impact and distinct timing of treaty signature (Comstock 2021, 2022), the role of nonbinding treaty signature merits a closer look.

I argue that signature enables and amplifies rights mobilization. Though nonbinding, signature strengthens the position of activists by providing a new tool to use in their campaigns on the way to binding ratification. Thus, signature shifts the timing of one of the key mechanisms of treaty compliance. It has been long acknowledged that NGOs play a vital role in implementing the United Nations Convention on the Elimination of All Forms of Discrimination (CEDAW) through holding states accountable to the treaty at the domestic, international, and transnational levels (see, for example, Merry 2003, 2006).<sup>1</sup> The role of NGOs holding states to treaty commitments has been well argued (Simmons 2009). In this article, I introduce the argument that treaty signature offers NGOs and activists a tool in their mobilization toolbox that they can use earlier than treaty ratification. Through an examination of the signature of CEDAW, I test whether and to what extent nonbinding commitment can be associated with women's rights outcomes. Although signature is not legally binding, states are obligated upon signing to make good faith efforts to not violate a treaty's object and purpose. Through a highly visible commitment, NGOs, activists, and social movements can draw on signature to mobilize for human rights. As such, this article seeks to bridge the existing approaches to the study of human rights norms, legal mobilization, and treaty law while focusing on women's rights.

This article's central contribution is unpacking how and when treaty signing can contribute to the advancement of women's rights. The findings, which hold through numerous robustness checks, indicate that treaty signature can be associated with significant improvements in women's rights. The results help us understand how even nonbinding commitment can contribute to rights advancement around women's rights in the lead-up to binding ratification. More broadly, the findings in this study point to the importance of extending research to periods of nonbinding commitment and in additional areas of human rights. While most states do end up ratifying after signing treaties, years and decades can pass between the commitment actions, leaving an opportunity for targeted mobilization. Other excluded and marginalized groups may be able to mobilize around nonbinding international commitments and press for rights advances even when their domestic government has not ratified the related treaty.

I begin by briefly providing the background details on CEDAW and on treaty signature. Next, I introduce the argument that signature can be used as a tool to hold

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1. Convention on the Elimination of All Forms of Discrimination against Women, 1249 UNTS 13 (CEDAW).

states accountable through rights mobilization. I quantitatively test the role of signature on women's rights measures and find support for the argument that signature matters, especially when interacting with NGOs. Through an illustrative case examination of the United States' signature of CEDAW, I find that activist groups draw on CEDAW's language and intentions in the absence of ratification. Women's social rights were viewed as the most accessible and locally based rights for possible change. Political rights were viewed as being connected to federal-level overview, which was lacking support for ratification. I conclude by situating the findings and call for future research to take treaty signature seriously.

## INTERNATIONAL WOMEN'S RIGHTS: CEDAW BACKGROUND AND FOCUS

CEDAW is the most prominent international women's rights treaty, heralded as the "women's bill of rights." As Lisa Baldez (2011, 422) eloquently notes, "CEDAW transcends the dichotomy between feminine and feminist interests by asserting that women's gender-related interests are human rights." CEDAW was adopted in December 1979 following decades of development at the United Nations (UN) and international social movements focused on women's rights (Rupp 1997; Tickner and True 2018). The UN Commission on the Status of Women began coordinating in 1946 followed by the 1952 Convention on the Political Rights of Women.<sup>2</sup> A concerted effort to negotiate a more encompassing women's rights convention began in 1963. Following delays in drafting, renewed energy in completing CEDAW came with the International Women's Year in 1975. A working group formed in 1977 to complete the convention, which it finalized and presented to the UN General Assembly in 1979. CEDAW opened for signature in March 1980 and was focused on ending discrimination and inequality between the sexes, with an emphasis on political, social, and economic conditions.<sup>3</sup> Article 1 defines discrimination against women as "[a]ny 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."

The advancement of CEDAW was a recognition that the previous, broader human rights treaties at the UN, including the International Covenant on Civil and Political Rights (ICCPR), did not sufficiently advance global women's rights.<sup>4</sup> Article 3 of the ICCPR called for the "equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant" but did not extend the rights to the areas beyond civil and political rights nor did it specify how to resolve deep-rooted societal discrimination against women. CEDAW advances the codification of women's

2. Convention on the Political Rights of Women, 1952, 193 UNTS 135.

3. Dubravka Šimonović, *Introductory Note on the Convention on the Elimination of All Forms of Discrimination against Women*, 2008, <https://legal.un.org/avl/ha/cedaw/cedaw.html>.

4. International Covenant on Civil and Political Rights, 1966, 999 UNTS 171.

rights beyond the ICCPR by focusing on the political, social, cultural, and economic rights of women as well as the principles of non-discrimination based on sex.

Focusing on CEDAW in this article offers several advantages. First, doing so builds on scholarship studying CEDAW, extending research beyond the more frequently studied ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>5</sup> Though a core UN human rights treaty with increased academic attention, CEDAW “has not been central to human rights scholarship” (Engelhart and Miller 2014, 23).<sup>6</sup> Second, given the existing research that does focus on CEDAW ratification, there is a baseline of findings allowing for the comparison of signature effects. Findings differ in the extent to which CEDAW commitment is associated with improvements in women’s rights. CEDAW ratification was found to have a positive relationship with women’s rights across broad measures of women’s rights along with more specific measures of parliamentary representation and abortion rights (Hathaway 2002; Simmons 2009; Cole 2013; Englehart and Miller 2014; Hunt and Gruszczynski 2018). However, other studies also found CEDAW ratification to have a negative relationship with women’s rights when focused on both broad and specific measures (Paxton, Hughes, and Green 2006; Hafner-Burton and Tsutsui 2007; Englehart and Miller 2014; Hunt and Gruszczynski 2018). For example, Emilie Hafner-Burton and Kiyoteru Tsutui (2007, 1398) find that, for CEDAW and the other human rights treaties they examine in quantitative analyses, ratification had a negative effect on behavior, leading the authors to conclude that “treaty members are more likely to repress their citizens than nonratifiers.” When looking at determinants of women’s national-level representation, Pamela Paxton, Melanie Hughes, and Jennifer Green (2006, 915) found that ratifying CEDAW was associated with “no effect on attainment of 10 and 30 percent women in parliament, and a slightly negative effect on 20 percent female representation.”

Wade Cole (2013, 247) remarks on various findings across different measures of women’s rights that “[s]ome rights, it would seem, are simply easier to implement than others.” While Neil Englehart and Melissa Miller (2014, 30) find CEDAW ratification to have a positive and significant impact on women’s political and social rights, they do not find this to be the case for women’s economic rights. In a qualitative study of domestic policies, Samar El-Masri (2012, 941) argues that there has been no qualitative change in women’s rights in Middle East and North African countries following CEDAW ratification due to cultural and religious contexts along with legal reservations. However, El-Masri does acknowledge that “there has been considerable development” in the past ten years (931). In a qualitative analysis of domestic policies and discourse used in reporting, Rachel George (2020) finds that Kuwaiti commitment to CEDAW via accession translated into a change in public discourses around women’s

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5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984, 1465 UNTS 85.

6. Although CEDAW has been included in numerous studies comparing commitment and compliance across United Nations (UN) human rights treaties, the author acknowledges that CEDAW is included frequently in a cursory, rather than contextual, way about the importance of women’s rights and the range of rights within the treaty. Noted exceptions are Baldez 2014 (studying US CEDAW commitment) and Hellum and Aasen 2013 (with case-driven analysis of CEDAW implementation).

rights in the national press. George finds that, even if domestic policies had not yet shifted, the framing of public discourse demonstrates a noticeable impact of treaty commitment. Kuwait did not sign and ratify the CEDAW but, rather, acceded to the treaty, which is a singular binding commitment that typically occurs after the treaty has been negotiated by other parties and/or already entered into effect (see Comstock 2021).

Finally, the growing interest in women's rights has contributed to the development of numerous databases and measures that now have women's rights-focused measures. This availability of data allows for rigorous tests and enables a deeper understanding of what type of rights change given the different findings in the existing literature. While important work examines regional human treaties including those focused on women's rights (see the Organization of American States and African Union treaties examined by Mathis Lohaus and Soren Stapel [2022]), CEDAW remains accessible for commitment across regions and continues to remain important in current crises. It is clear from recent studies focusing on the COVID-19 pandemic era that CEDAW and women's rights issues remain at the forefront of global human rights issues and that this area of international law remains a vital one to study.<sup>7</sup>

## HUMAN RIGHTS TREATY SIGNATURE

International legal definitions situate signature as an explicitly nonbinding type of treaty commitment. However, according to the Vienna Convention on the Law of Treaties (VCLT), signature does constitute an expected obligation to act in good faith not to violate the object and purpose of the treaty.<sup>8</sup> Article 18 of the VCLT states that, upon signing a treaty, a "state is obliged to refrain from acts which would defeat the object and purpose of a treaty." There is reason to expect that human rights law does not have to be legally binding to have a positive impact on human rights practices. This differs from the definition of treaty ratification found in Articles 14(1) and 16 of the VCLT, which is understood to be an international action through which a state indicates its consent to be bound. Edith Brown Weiss and Dinah Shelton (2003, 542) conclude that nonbinding laws are "most successful if there is consensus among the participants on the underlying social norm(s)," though "unanimity is not required."<sup>9</sup> The core UN human rights treaties enjoy widespread state support. Seven of the nine core human rights treaties currently have over 160 state parties.<sup>10</sup> States actively participated in creating, negotiating, signing, and ratifying the treaties. Of course, there is qualified support expressed through reservations, understandings, and

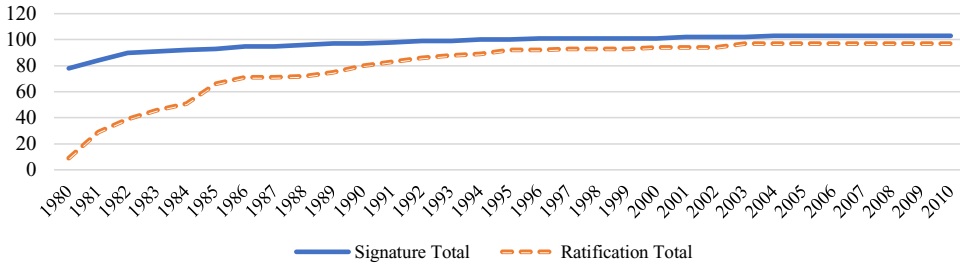
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7. See, for example, University of New South Wales Australian Human Rights Institute and George Institute for Global Health 2023.

8. Vienna Convention on the Law of Treaties, 1969, 1155 UNTS 331, Arts. 10, 18 (VCLT).

9. See Shelton 2003 (an extensive and wide-ranging edited volume for numerous works on nonbinding norms in the international legal system across environmental, human rights, security, and other issue areas).

10. The Convention for the Protection of All Persons from Enforced Disappearance, 2006, 2716 UNTS 3, and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990, 2220 UNTS 3, are the exceptions with sixty and fifty-four state parties, respectively.



**Figure 1.**  
Cumulative CEDAW commitment, 1980–2010.

declarations as well.<sup>11</sup> While reservations, understandings, and declarations (RUDs) can undermine commitments to human rights treaties, they are not entered until ratification for the most part. Even when entered upon signature, they do not go into effect until ratification, which is why this study does not include a systematic analysis of RUDs. The global support of articulated human rights norms contributes to the ability of nonbinding signature to hold states to their promises. Audrey Comstock (2021, 47) finds that approximately 40 percent of UN human rights treaty commitments have been in the form of signature.

Figure 1 plots cumulative CEDAW signatures and ratifications from 1980 to 2010. Almost eighty states signed CEDAW upon its opening, which was over half of the UN membership at the time. As of 2022, there were ninety-nine signatories and 189 parties to the treaty, making it one of the most widely accepted UN core human rights treaties. Many more states signed the treaty in its early years, which led to a commitment gap that decreased over time. Looking at Figure 2, we can see the graphic representation of signature years without ratification. Most states ratified within five years after signing, though twenty-one states took longer. The minimum gap was less than a year, and the maximum gap was twenty-three years, with Afghanistan signing CEDAW in 1980 and ratifying it in 2003. The United States, of course, has a standing gap of over forty years. Since signing CEDAW in 1980, the United States has yet to ratify it. The gap between signing and ratifying CEDAW provided an opportunity for states to begin or continue improving women’s rights following signature but prior to ratification. The legal expectation is that states are bound, at least to some degree, to the treaty during this time. Altogether, between 1980 and 2010, there were 406 country-year observations where states had a signature commitment without ratification. These years have thus far generally been overlooked as potential points of rights change.

11. In general, the international legal community has tolerated these qualifications as part of a broader goal of increasing state participation. The landmark International Court of Justice (ICJ) advisory opinion directed reservations are accepted “manifestations of a new need for flexibility in the operation of multilateral conventions” and allowed for greater state participation. *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion, [1951] ICJ Rep 15; see Neumayer 2007; McKibben and Western 2020; Comstock 2019 (for more detailed analysis of reservations, understandings, and declarations and human rights treaties).

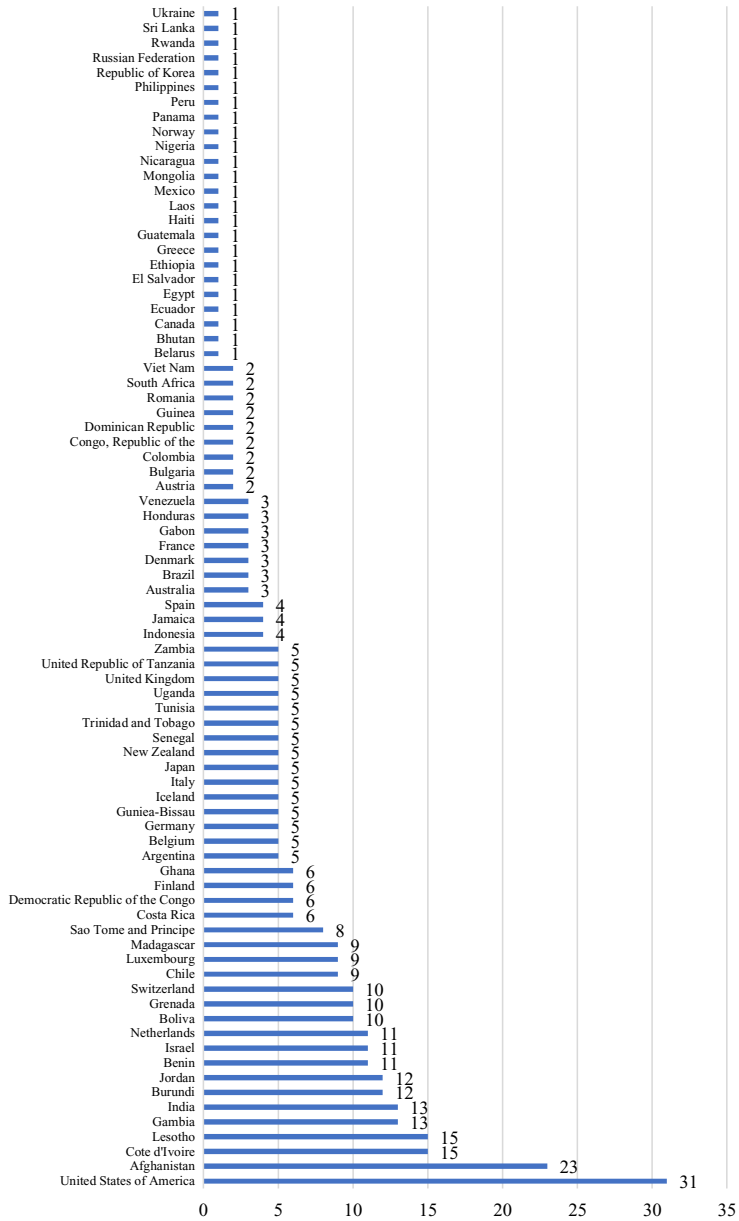


Figure 2. CEDAW signature years without ratification, 1980–2010.

### MOBILIZING RIGHTS WITH SIGNATURE

Signing international human rights law provides domestic and international NGOs with the opportunity to mobilize around a state's commitment as well as guidance on how to carry out future domestic policy. Signature is a hardened, more legalized step in advancing from normative acceptance. Signature is more measurable

than customary international law for study as it has a precise time of action and is part of a formalized commitment that is required to create customary international law. As Lauren Mullins (2018, 269) notes, “[u]ntil a treaty like CEDAW is adopted by enough states to make women’s rights and gender equality customary international law, gender equality will never be able to achieve the status of *jus cogens*, and until it is a *jus cogens*, gender equality will be vulnerable to states’ disregard for women’s rights in multifarious ways.”

Though nonbinding, signature is still a formal commitment to a legal document. Once a state signs a human rights treaty, it is more difficult to argue that it was unaware or in disagreement with human rights standards. Having human rights guidelines articulated in a treaty makes it easier for groups to mobilize around since there are clear goals on which to draw. Domestic mobilization using human rights treaties can significantly affect states’ likelihood of fulfilling legal obligations (Chandler 2001) through the ability of rights groups to use ratification to hold governments accountable to ratified treaties (Simmons 2009). Given CEDAW’s prominence in international law, the treaty may also have approached or met customary international law status in some areas of women’s rights. However, if that were the case here, then we would not expect to see a difference between states that signed and those that did not sign, but this is not what the following evidence suggests.

Signature provides a language for dialogue and standards for accountability. International human rights law provides a language for discourse that both defines and constructs human rights (Merry 2006). Legal consciousness is described in part as “both individual and collective participation in the process of constructing legality” wherein “new rules invented to serve the widest range of interests and arenas” (Ewick and Silbey 2014, 48–49). Sally Engle Merry (2006, 179, 181) bridges legal consciousness with rights consciousness, studying how local communities become aware of “their problems as human rights violations,” and she argues that rights frameworks layer on top of existing frameworks of abuse. Signature contributes to improved rights through both a growing legal consciousness and mobilization. The public nature of treaty signing facilitates legal and rights consciousness across individuals and activist groups. Treaty signature provides a public endorsement of defined rights in a treaty while not yet providing a legally binding commitment. The UN promotes visuals and summaries of treaty-signing events on numerous official UN social media pages as well as formal announcements circulated to UN representatives and diplomats. These announcements build global awareness of treaty signature.

NGOs and other groups do not wait for states to ratify human rights treaties before they mobilize rights campaigns and strategize toward rights improvements. Across quantitative and qualitative studies, research has found evidence of rights mobilization. Though scholars have already found that binding ratification supports rights mobilization, nonbinding commitment also provides an important tool for activists to use (Simmons 2009; Htun and Weldon 2012). Nonbinding rules serve as important “signposts” (Mechlem 2009, 929; Richards and Haglund 2018, 42). In their quantitative study of violence against women, Mala Htun and Laurel Weldon (2012, 63) similarly argue that “the mere fact of signing these treaties raises expectations and mobilizes citizens.” Signature offers a similar, but earlier, focal point around which mobilization can arise. In a legal study, Daniel Bodansky (2015) discusses how



nonbinding human rights law has been crucial in the development of the international human rights regime. He notes that the Helsinki Declaration<sup>12</sup> is “one of the most successful human rights instruments, despite its explicitly non-legal nature,” which “provided domestic advocates with a basis for mobilization” (162). In developing their conceptual argument, Thomas Risse and Stephen Ropp (2013, 10, 11) primarily rely on treaty ratification; however, they argue that “voluntary codes of conduct” and “multi-party soft law” can trigger the spiral model of human rights change, largely because even prior (or without) a state committing to international human rights law, networks of human rights agents exist to enforce norms of human rights. This is the case with treaty signature.

NGOs are heavily involved in the monitoring process and report to treaty bodies (Merry 2006). Large-n quantitative studies such as the one by Htun and Weldon (2012) as well as in-depth qualitative studies such as those by Keck and Sikkink (1998) and Merry (2006) find evidence of NGO pressure. The NGOs pressure not only the states in which they are active but also, following from the boomerang model, other states from the outside (Keck and Sikkink 1998). This is an instance of activists globalizing their approaches through NGOs and the UN (Merry 2006, 167). Domestic activists mobilize and work with international groups to pressure national-level governments (Keck and Sikkink 1998). Activists can do this around CEDAW signature. Htun and Weldon (2012, 559) argue that women's rights mobilization and international norms magnify one another. Pressure from other states heavily encourages states to comply with treaties: “A prominent CEDAW expert said that for Eastern Europe, pressure from the European Union provides 90 percent of the effect of the treaty” (Merry 2006, 73). While NGOs and the UN hold ratifying states to the terms of treaties during treaty committee meetings and reports, they also use treaties that have not yet been ratified. “Fiji ratified CEDAW in 1995, but the judge uses conventions that Fiji has not ratified as well for issues such as that on the treatment of offenders” (Merry 2006).

NGOs saw China's ICCPR signature as an important rights commitment and drew on the treaty to hold it accountable afterward. China signed the ICCPR in 1998 and, as of 2022, has yet to ratify it. NGOs placed importance on signature and held China to expectations of compliant behavior. When China signed the ICCPR, Human Rights Watch cautiously expected that “its decision to sign indicates a change in human rights practices” after China's UN ambassador “vowed his country would promote and protect human rights after signing the UN ICCPR” (*BBC News* 1998). When China sought a seat on the UN Human Rights Council in 2013, Amnesty International cited its violations of the ICCPR as one of the reasons that the NGO opposed China's position on the council (Amnesty International 2013). In the same critique, Amnesty International called China out for “[f]ailure to honor obligations contained in the UN Charter and the Universal Declaration of Human Rights [UDHR],” a nonbinding declaration (Amnesty International 2013).<sup>13</sup> The legally binding nature of China's commitment to the ICCPR and the UDHR did not affect Amnesty International's dedication to rights promotion and holding China accountable to its commitments. Amnesty International and other NGOs placed pressure on China following signature.

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12. Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects, 1964, <https://www.wma.net/wp-content/uploads/2018/07/DoH-Jun1964.pdf>.

13. Universal Declaration of Human Rights, GA Res. 217A (III), 10 December 1948.

Though it is not clear that China altered its practices, it is clear that NGOs mobilized around international law to pressure China during the time when it had not ratified.

An additional path for signature to advance rights before ratification is when states look to signed treaties for advice on domestic policy: “Governments are held to account in public forums such as the CEDAW Committee for failing to honor their commitments adequately” (Htun and Weldon 2018, 557). A state unready to ratify can look to signature for direction on policy making in the interim and may sign earlier (Comstock 2022). Pierre-Marie Dupuy (1990, 434) writes of “soft” law such as signature as “reference models which anticipate internationally-grounded State obligations emerging in the near future” for the “national legislature and national legislation.” Dinah Shelton (2008, 2) adds that nonbinding law may “provide a model for domestic legislation and thus become legally binding internally, while remaining nonbinding internationally.” Courts are important agents of human rights law implementation and look to signature for guidance in decisions. Choice Damiso and Julie Stewart (2013, 460–61) noted the significance of CEDAW in Zimbabwe: “From 1980–1991, before the CEDAW was ratified is, arguably the period when the CEDAW and other human rights instruments and guiding principles were most regularly invoked by the courts.” During this period of CEDAW signature, but not yet ratification, the Zimbabwe Supreme Court referenced CEDAW in two cases advancing women’s rights in the areas of marriage age and property distribution upon marriage (462–63). Christopher McCrudden (2015) has examined national court reference to CEDAW. He found “no clear difference” based on legal status and concluded that “CEDAW is valuable in the domestic context . . . even though CEDAW may not be binding law in the jurisdiction concerned, grounding domestic subjective legal rights in that jurisdiction” (543–44). During a period of difficulty ratifying CEDAW in the Netherlands, the Dutch government advanced aspects of CEDAW following signature before the legislature was ready to ratify (Comstock 2019). Given the prominence of domestic courts and judiciaries in implementing human rights treaties, it is important to note states’ practices in using CEDAW in domestic courts before ratification (Keith 2002; von Stein 2005; Hathaway 2007; Powell and Staton 2009). Signature can serve as guidance and motivation for domestic rights changes before ratification, paving the way for implementation.

Nonbinding commitment does have some potential limitations when it comes to upholding rights. Often, signature requires a lower level of political buy-in from states given difficult ratification approval processes (Kelley and Pevehouse 2015). This could mean that states take signature less seriously because it is less politically costly to enact. However, NGOs would still be able to mobilize around the signature action even if states approached it with less sincerity. David Richards and Jillienne Haglund (2018) argue that, when there is a lack of binding rules to hold states accountable, there will be higher levels of rights violations. Part of their argument rests on the idea that nonbinding rules can be less clearly articulated; however, treaty signature is paired with the same document that ratification is, eliminating a clarification gap between the two commitment levels. They examine a “normative gap” in domestic law on violence against women but explicitly do not examine a gap in binding coverage of women’s rights, leaving space for studying how a nonbinding commitment to international law may matter in terms of implementation (65).

Nonbinding international law is used across issue areas, with the line between hard and soft law often being blurred. At times, states comply with nonbinding law as

effectively as they do with binding law (Shelton 2003, 12). Alan Boyle (2018, 119) writes that nonbinding soft law “can become vehicles for focusing consensus on rules and principles, and for mobilizing a consistent, general response on the part of states. . . . [T]hey are the first step in a process.” Soft law can also be used “as mechanisms for authoritative interpretation or amplification of the terms of a treaty.” An example would be nonbinding UN General Assembly resolutions “interpreting and applying” other agreements (Boyle and Chinkin 2007). Domestic legal bodies may express a preference for nonbinding measures. Bell Yosef (2022) argues that courts have a preference for so-called “soft remedies” that guide, rather than change, status quo in rights areas.

Given the documented efficacy of nonbinding international law on human rights as well as the expectations of the global community and rights activists, treaty signature could be an important juncture in international human rights law practice. I draw two hypotheses about the expected relationship of signature with human rights. I expect that when states sign human rights treaties, there will be a better chance of gaining increased human rights. As a result, states face pressure to improve rights practices and are held accountable to the terms with nonbinding commitment. Drawing on mobilization literature specifically, I expect that there will be a magnifying effect of treaty signature with NGOs on human rights practices.

Hypothesis 1: Signing a human rights treaty will lead to improved human rights practices.

Hypothesis 2: Signing a human rights treaty combined with civil society mobilization will lead to improved rights practices.

## RESEARCH DESIGN

In this article, I model the effect of treaty commitment on human rights outcomes, specifically analyzing CEDAW. CEDAW is the preeminent women's rights treaty and covers a range of women's rights categories including political, economic, cultural, and social rights. While it has its limitations—notably, not addressing violence against women in the initial text—it has become the global legal benchmark for international women's rights law. With the country year as the unit of analysis, the statistical models span from 1970, prior to when CEDAW was opened for signature in 1980, to 2010. Including analysis several years before CEDAW was created in some models allows for a comparison of when signature was available versus when it was not. The years examined are both a function of when CEDAW was created and the availability of women's rights data, with some key measures ending in 2010. Though the analyses do not extend to the present day, the thirty to forty years that are covered provide insight into the relationship between treaty signature and rights outcomes. The analyses improve our understanding of the determinants of numerous measures of women's rights over almost three decades, with at least 155 states included.<sup>14</sup>

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14. The 155 states include states that have not signed CEDAW for a more complete state sample. States are excluded based on a lack of data availability for key indicators included in the study.

As numerous studies on international human rights treaties have correctly indicated, there is the potential issue of endogeneity to address when examining commitment and compliance with treaties. One concern has been that states that already are interested in, and/or adhering to, human rights standards are those committing to human rights treaties and that the underlying interest in rights is driving any future rights changes, not legal commitment. Adopting a strategy widely used among studies of international human rights law compliance, I use instrumental variable analysis (see, for example, Landman 2005; Simmons 2009, Cole 2012; von Stein 2016). Through this strategy, instruments account for selection effects into commitment that may be biasing findings relating to commitment significance. Other means used in this study to account for state-level rights practices include modeling with country-fixed effects and including past human rights practices.

I include common law tradition, regional commitment density of the ICCPR, and domestic ratification procedures as instruments across the models (Simmons 2009; von Stein 2016). The argument for using legal tradition is that, conceptually, the nature of a state's domestic legal tradition should not affect human rights practices but may affect the legal procedures of commitment. Domestic legal tradition is found to explain human rights treaty commitment (Mitchell and Powell 2009; Mitchell, Ring, and Spellman 2013). The argument for including regional treaty commitment of the ICCPR is that commitment norms and timing of neighboring states may be accounting for the timing of the legal acts of commitment but does not directly translate into a state's decision to change its own behavior. Using the ICCPR distances the commitment norms from women's rights-specific outcome expectations. Regional treaty commitment is found to explain state treaty commitment (Simmons 2000). To account for serial autocorrelation, I include models with lagged dependent variables (see Beck and Katz 1995). Regional commitment density is a running count variable of how many states in a state's region have committed to the ICCPR as of that given year. Domestic ratification procedures are included to control for the difficulty in achieving ratification potentially driving signature. The measure comes from Beth Simmons's (2009) ratification rules variable, which is a categorical variable rating how much involvement outside of the executive is required for treaty ratification. The highest threshold includes a national plebiscite, while the lowest is reliant only on the executive's decision. Most states require domestic legislative approval for treaty ratification (Comstock 2022). It can be difficult to find instruments that are sound and effective. Tests for fit have been conducted and support using these instrumental variables and are found in the Online Appendix.

### **Dependent Variables: Approaches to Measuring Women's Rights**

CEDAW encompasses numerous aspects of women's rights. To fully test the potential impact of signing CEDAW on women's rights, this study uses several sources that measure different dimensions of women's rights including socioeconomic, business and law, and political rights. Article 3 of CEDAW specifically highlights these areas of women's rights, calling on states to ensure "fundamental freedoms on a basis of equality with men . . . in particular in the political, social, economic and cultural fields." From David Cingranelli, David Richards, and Chad Clay's (2013) Human

Rights Database, I include the Women's Political Rights, Women's Economic Rights, and Women's Rights Index.<sup>15</sup> The Women's Political Rights measure aligns with Articles 7 and 8 of CEDAW, in particular, which call for states to eliminate discrimination against women related to the right to vote (Article 7(a)), participate in government and policy making (Article 7(b)), and political representation (Article 8). Cingranelli, Richards, and Clay's (2013, 7) Women's Political Rights variable includes consideration of the "right to vote, run for political office, hold elected and appointed government positions, join political parties, and petition government officials." Their measure of Women's Economic Rights includes consideration of equal pay, choice of employment, non-discrimination by employers, and right to join the military (7). The measure aligns with Article 13 of CEDAW, which calls for the end of discrimination in areas of economic life, "in order to ensure, on a basis of equality of men and women, the same rights." Article 11 specifically calls for the end of discrimination in employment including the free choice of profession and employment (Article 11(c)) and right to equal pay (Article 11(d)). Cingranelli, Richards, and Clay's political and economic rights variables range from zero, indicating there were no recognized rights for women and systematic discrimination, to three, indicating all or nearly all the women's rights were guaranteed by law and that the laws were enforced. Cingranelli, Richards, and Clay's Women's Rights Index variable is an additive index of how a state scores across women's political, economic, and social measures in any country year. It ranges from zero, signifying no recognition, to nine, signifying full recognition of women's rights. This is included as a broad measure of women's rights for comparison.

The World Bank's Women, Business, and the Law measures code the different levels of access to social, economic, and legal opportunities in 190 states from 1970 to 2019. The measures code whether women have the same access as men. An index measure of thirty-five questions pertaining to employment and social access points has a maximum of one hundred, wherein the highest score reflects that women have equal access to men. The mean score is fifty-nine, the minimum is 17.5 and the maximum is one hundred. Eight states achieved a score of one hundred in the sample (Sweden, Luxembourg, Latvia, France, Denmark, Iceland, Canada, and Belgium). This index provides a measure of women's social and economic rights while also including legal access for women. It also has the analytic advantage of availability ten years prior to CEDAW, allowing for analysis of the years pre-dating CEDAW.

For the last measure of women's rights, I use Daniel Hill and Anne Watson's (2019) new Women's Rights Latent Mean variable. The authors used advanced statistical techniques to create a measurement of women's rights. It uses a Bayesian latent variable model to construct a measure that incorporates "outcomes-based" indicators focused on indicators related to provisions within CEDAW and "standards-based" indicators focused on judgments of standards from governments, NGOs, and researchers (130). This composite measure includes data from global sources such as the World Bank and academic sources such as Cingranelli, Richards, and Clay's (2013, 131) measures.

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15. The Women's Social Rights measure from David Cingranelli, David Richards, K. Chad Clay's (2013) Human Rights Database is no longer updated in the database and extends only to 2005. A model with this measure is included in the Online Appendix.

### Independent Variables of Interest: CEDAW Signature and International NGOs (INGOs)

This project is interested in the potential influence of nonbinding treaty signature on women's rights. To measure signature to the CEDAW treaty, I look to data from the UN Treaty Collection on signature actions. I code CEDAW Signature as one for the year that states sign CEDAW and every year after until ratification occurs. The variable is coded as zero before a state has signed and zero after ratification. I exclude the years when a state had signed and ratified CEDAW. This variable therefore measures the presence of only signature to CEDAW. This coding allows for the unique consideration of the time a state was bound to the treaty only through nonbinding commitment. I follow from previous studies using a dichotomous commitment measure (see, for example, Keith 1999; Hafner-Burton and Tsutsui 2007; von Stein 2016) instead of a count of how many years a state has been committed to the treaty because doing so would "impose(s) the assumption that any effect of ratification is linearly increasing over time, which appears restrictive and may not hold true" (Neumayer 2005, 937).

The argument advanced in this article rests on the connection between treaty signature and rights mobilization. To operationalize mobilization, I include a measure of global civil society—INGOs. This variable originated as a count that is variable in Hafner-Burton and Tsutsui (2005). This is the number of INGOs that citizens of a state have membership in during that year. This finding captures the local connection to global human rights activism. For this study, I adapt the count variable to a categorical variable based on how many INGOs a state's citizenry had memberships each year. The variable builds by five hundred from zero (zero memberships) to nine (4,001 and above memberships). Converting the variable into a categorical variable allows for more ready interpretation and inclusion into an interaction term. Some models include the interaction term of CEDAW Signature *##* INGOs to capture the interaction effect of treaty signature and civil society mobilization. Though it is a measure of INGOs, it is capturing the domestic level presence of activist activity. This allows for testing the presence of rights activists and follows from Keck and Sikkink's (1998) argument that INGOs strategize to pressure other states' governments around rights issues and Merry (2006) and other's argument that global laws are localized through activists. Additionally, there is a lack of cross-national, time series data on the count and activity level of women's rights NGOs. Htun and Weldon (2012), for example, use panel data for only seventy states every five years due to the unavailability of data. Varieties of Democracy (V-DEM) has a measure on whether women are allowed to participate in civil society but not a measure of specific civil society activity targeting women's rights or of women's rights-themed civil society groups. Table 1 presents the descriptive information about the INGOs count variable.<sup>16</sup> We can see differences in INGO presence in CEDAW signature years compared with years in which states did not sign. From looking at the mean number of INGOs of which a country's citizens were

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16. Note that, for the interaction models, a category of international non-governmental organizations (INGOs) is used as described later in this article. Table 1 presents the original count variable for descriptive purposes.

**TABLE 1.**  
INGOs descriptive information

Treaty commitment activity	Observations	Mean number of INGOs	Standard deviation	Minimum	Maximum
Non-signature years	8,206	358	633	0	4,184
Only signed CEDAW years	437	640	720	0	3,182
CEDAW ratification years	2,664	781	890	0	4,184

members, we do see a higher mean number of INGOS during signature years than non-signature years. The highest mean is in ratification years.

### Other Independent Variables

I include control variables typical to modeling human rights practices. Polity 2 is a measure from minus ten to ten rating how democratic a state is in any year, with lower scores indicating that a state is less democratic and higher scores indicating a state is more democratic. It comes from the Polity IV Project and controls for regime type (Marshall, Gurr, and Jagers 2017). Gross domestic product (GDP) (logged) and Population (logged) measure for the size and economic capacity of a state and come from UNDATA. Internal War and Interstate War are dichotomous measures of whether a state was engaged in internal or interstate wars each year and comes from the Uppsala Conflict Data Program/International Peace Research Institute's Armed Conflict Dataset (Gleditsch et al. 2002). I cluster around states for robust standard errors. Table 2 provides the descriptive statistics of the variables included in analysis.

## RESULTS AND DISCUSSION

Table 3 presents a series of instrumental variable regressions that model the influence of CEDAW signature on women's social, economic, and political rights measures. Model 1 examines the impact of signing CEDAW on the World Bank's Women, Business, and the Law measure. Model 2 does so for Women's Economic Rights, and Model 3 does so for Women's Political Rights.<sup>17</sup> Consistent with this study's

17. As scholars correctly note, it is difficult to find good instruments to use in instrumental variable analysis. There exist a number of tests to test the fit and performance of instruments. The Kleibergen-Paap rk LM statistic test is a test for under-identification test. A rejection of the null hypothesis for the test means that the instruments are relevant and that the model is identified (as opposed to under-identified) and the instruments are relevant. The Hansen J statistic tests the validity of the instruments. The null hypothesis tested is that the instruments are valid, and a rejection of the null calls into question the validity of the instruments used in the analysis. The 2005 Stock-Yogo critical value test determines the weakness of the instruments used. For Models 1–3 with Cingranelli, Richards, and Clay's (2013) women's rights measures as dependent variables, the instruments were valid, not weak, and the model was not underspecified. Models run including lagged dependent variables of women's rights measures produced results consistent with those presented above and are included in the Online Appendix.

**TABLE 2.**  
Descriptive statistics

	Observations	Mean	Standard deviation	Minimum	Maximum
CEDAW signature	8,643	0.05	0.219	0	1
INGOs	8,644	1.067	1.42	0	9
World Bank Women, Business and Law	7,320	55.70	16.28	17.5	97.5
Women's Social Rights	3,686	1.242	0.838	0	3
Women's Political Rights	4,665	1.77	0.661	0	3
Women's Economic Rights	4,637	1.329	0.686	0	3
Hill and Watson (2019) Women's Rights Latent Mean	5,400	0.0641	0.7677	-4.72	3.12
Women Civil Society Participation Index Ordinal	7,191	0.5788	0.2827	0	0.984
Regional signature density	8,640	0.3407	0.8093	0	7
Polity 2	4,646	1.596	7.25	-10	10
Common law	8,595	0.2461	0.4307	0	1
GDP (logged)	7,044	22.72	2.49	15.99	30.31
Population (logged)	8,433	15.16	2.19	8.84	21.01
Internal war	5,952	0.130	0.3626	0	1
Interstate war	5,952	0.017	0.128	0	1

**TABLE 3.**  
Signing CEDAW: social, economic, and political measures

	Model 1	Model 2	Model 3
	World Bank Business and Law	CIRI Women's Economic Rights	CIRI Women's Political Rights
Signature	42.29 (27.57)*	1.499(.9646)*	-1.469(.9231)*
IGOs	.6845(.4133)*	.0534(.0141)***	.0445(.0168)***
Polity2	1.178(.1493)***	.0185(.0052)***	.0324(.0075)***
GDP (logged)	1.932(.7882)***	.1303(.0280)***	-.0232(.0367)
Population (logged)	-1.460(1.047)	-.1847(.0313)***	.0617(.0462)
Internal War	-3.332(1.928)*	-.0874(.0598)	-.1125(.0733)
Interstate War	-4.959(2.951)*	-.2008(.1457)	-.2011(.1859)
Constant	28.89(12.39)**	.9678(.4904)**	1.315(.4971)**
Observations	5268	4024	4056
State Clusters	155	155	155
Years	1970-2010	1980-2010	1980-2010

*Notes:*

Instrumented: Signature.

Included instruments: INGOs Cat.; Polity 2; GDP population; internal war; interstate war.

Excluded instruments: Common law legal tradition and regional commitment density of the ICCPR.

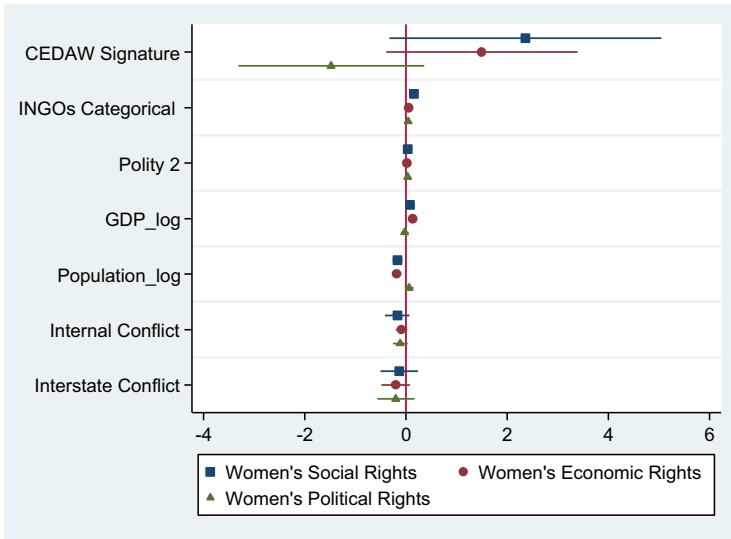
\*\*\* p &lt; 0.01; \*\* p &lt; 0.05; \* p &lt; 0.10; instrumental variable regression run on STATA 14.2; robust standard errors in parenthesis.



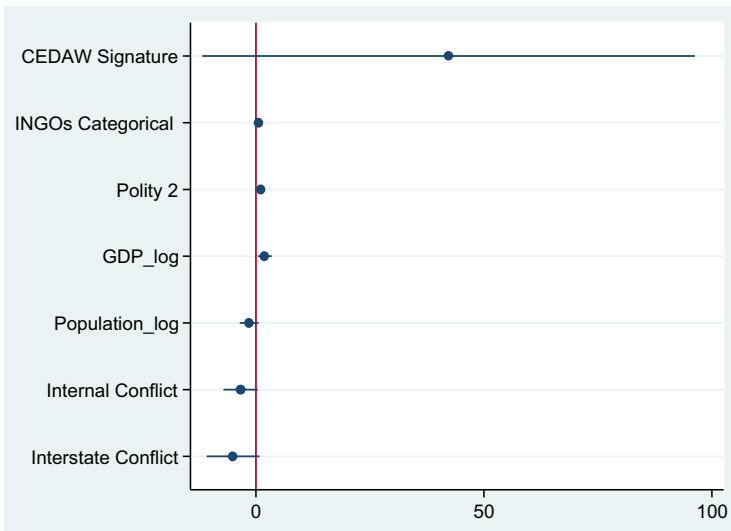
argument and Hypothesis 1, overall signature is positive and significantly associated with higher recognition of women's rights. The findings offer support for the argument that nonbinding legal commitment can be important in explaining rights practices. Following signature of CEDAW and prior to ratification, states were significantly likely to have improved recognition of the World Bank's Women, Business, and the Law measuring economic and social rights and Cingranelli, Richards, and Clay's (2013) *Women's Economic Rights*. Following CEDAW Signature, states that signed had an increase of about forty-two points on a one-hundred-point scale of Women, Business, and the Law rights. This is a substantial influence of signing. After signing CEDAW, states significantly improved Women's Economic Rights by about two points on a four-point scale.

Though scaled differently and measuring different women's rights concepts, the substantial impact of signing in Models 1 and 2 demonstrated an almost 50 percent difference on the rights scales. These findings suggest that nonbinding commitment contributed to positive rights recognition during the time before binding ratification occurred. It should be noted that though CEDAW Signature was significant, statistical significance was at the  $p < 0.10$  level. The consistency of signature significance indicates the importance of conceptually including signature in the study of human rights. Alternatively, the findings' directionality flipped when examining Cingranelli, Richards, and Clay's (2013) measure of Women's Political Rights. The negative relationship indicates that signature had varied relationships across the different types of women's rights. INGOs were a significant and positive indicator of women's rights across all three measures of women's rights.

In a series of models including CEDAW ratification, included in the Online Appendix, I find that signature's significance holds when controlling for binding commitment. Ratifying CEDAW had a significant effect on Women's Economic Rights and Women, Business, and the Law measures. This indicates that, even when ratification has a positive effect on women's rights practices, the time of signature only commitment can still be a significant period of rights change. CEDAW ratification was not found to be a positive indicator of women's political rights, though ratification was not significant and negative like signature was for the women's political rights model. The varied findings related to signature and ratification on women's rights outcomes generally align with prior findings in human rights and international law, which call into question the effect of commitment across some measures of human rights. I also include a model in the Online Appendix that includes total CEDAW ratification to control for the growing global norm around women's rights and CEDAW as the treaty approached customary international law. Total CEDAW ratification was positive and significant, indicating that growing support for the treaty did have a positive impact on women's rights practices. In this model, the CEDAW signature variable remained positive and significant, demonstrating an independent impact of signing. Figures 3 and 4 plot the coefficients from models in Table 3. Figure 3 plots the coefficient from Model 1 examining the World Bank's Women, Business and the Law. Figure 4 plots the coefficients from Cingranelli, Richards, and Clay's (2013) measures, including a Women's Social Rights model included in the Online Appendix. The figures depict the positive impact that signing had across most measures of rights and also visualize the



**Figure 3.** Plotted coefficients from Cingranelli, Richards, and Clay’s (2013) measures of Women’s Rights (Models 2 and 3).



**Figure 4.** Plotted coefficients from the World Bank’s Women, Business, and the Law data (Model 1).

wide error rates, indicating that there is a possible range of impact of CEDAW signing on rights.

The models in Table 4 include broader measures of women’s rights as dependent variables using a Women’s Rights Latent Mean measure (Hill and Watson 2019) and an indexed measure of women’s rights (Cingranelli, Richards, and Clay 2013). Signing

**TABLE 4.**  
**Signing CEDAW, broad measures, and women's rights measures**

	Model 4	Model 5
	Women's rights indexed (Cingranelli, Richards, and Clay 2013)	Women's latent (Hill and Watson 2019)
Signature	2.157 (1.897)	0.4719 (1.192)
INGOs	0.3533 (0.0612)***	-0.0439 (0.0150)***
Polity 2	0.0809 (0.0157)***	0.0227 (0.0051)***
GDP (logged)	0.1017 (0.0976)	0.2377 (0.0331)***
Population (logged)	-0.2399 (0.1064)**	-0.2259 (0.0388)***
Internal war	-0.3411 (0.1732)**	-0.0908 (0.1726)
Interstate war	-0.5285 (0.4459)	-0.4295 (0.1726)***
Constant	4.769 (1.451)***	-1.916 (0.5801)***
Observations	3,191	4,447
State clusters	155	156
Years	1980–2010	1980–2010

Notes: Instrumented: Signature.

Included instruments: INGOs Cat; Polity 2; GDP population; internal war; interstate war.

Excluded instruments: Common law legal tradition and regional commitment density of the ICCPR.

\*\*\*  $p < 0.01$ ; \*\*  $p < 0.05$ ; \*  $p < 0.10$ ; instrumental variable regression run on STATA 14.2; robust standard errors in parenthesis.

CEDAW had a positive, but not significant, relationship with the composite measures of women's rights. This null finding may demonstrate the importance of disaggregating the type of women's rights covered by measures. It is indicative of the findings reported in Table 4 that overall signature had a positive and significant effect on women's rights, though not across all areas of women's rights.

Table 5 includes an additional way to account for selection into treaty signature. An additional instrument used in Models 6 and 7 is Ratification Rules from Simmons (2009). This variable accounts for the difficulty involved in reaching treaty ratification across states, accounting for varied domestic ratification systems potentially explaining signature. With this additional instrument, CEDAW signature remains statistically significant and positive across the World Bank's Women, Business, and the Law measure as well as the VDEM Women's Political Empowerment index. From this, we can surmise that, even when accounting for varied domestic treaty commitment systems, signing CEDAW had a positive impact on measures of women's rights.

To better get at the conceptual argument that treaty signature can be mobilized by civil society to hold states accountable, I included an interaction term between CEDAW signature and INGOs. In Table 6, I use a country-fixed effects model that allows the modeling of the interaction between CEDAW signature and INGOs to test the interactive effects of mobilization and nonbinding treaty commitment. Model 8 uses Hill and Watson's (2019) Women's Rights Latent Mean variable. I look to one of the broad measures wherein CEDAW signature alone did not reach statistical significance to test whether the interaction between signature and civil society activities affected women's rights outcomes.

**TABLE 5.**  
**Controlling for treaty ratification process in IVREG**

	Model 6	Model 7
	World Bank Women, Business, and the Law	VDEM Women's Political Empowerment
Signature	59.36 (35.25)*	0.7374 (0.4132)*
INGOs	0.5033 (0.4699)	0.0077 (0.0056)
Polity 2	1.104 (0.1670)***	0.0171 (0.0017)***
GDP (logged)	1.953 (0.8811)**	0.0275 (0.0090)***
Population (logged)	-1.329 (1.084)	-0.0209 (0.0109)*
Internal war	-3.528 (2.229)	-0.0724 (0.0276)***
Interstate war	-5.645 (3.669)	-0.0869 (0.0407)**
Constant	26.02 (15.30)*	0.2304 (0.1728)
Observations	5,025	5,460
State clusters	147	149
Years	1970–2010	1966–2010

Notes: Instrumented: Signature.

Included instruments: Ratification; Polity2; GDP logged; INGOS; Population logged; Internal war; Interstate war.

Excluded instruments: Common law legal tradition; regional density of ICCPR commitment; Simmons (2009) ratification rules.

\*\*\* $p < 0.01$ ; \*\* $p < 0.05$ ; \* $p < 0.1$ ; instrumental variable regression run on STATA 14.2; robust standard errors in parenthesis.

The findings in Model 8 point to the important relationship between signing CEDAW and INGOs as it relates to women's rights. The results in the model demonstrate that, across a broad measure of women's rights, neither CEDAW Signature nor INGOs alone were significant indicators of women's rights. However, when modeling the interaction, the presence of CEDAW Signature and INGOs contributed to positive women's rights. When a state signed that had citizen members of between one and five hundred INGOs, then women's rights were expected to improve by about one point on a seven-point scale of women's rights. That is about a 14 percent change on the latent variable measure. These findings indicate the potentially important and transformative power of nonbinding treaty commitment with civil society mobilization. The findings support earlier works theorizing the magnifying effect of civil society on international women's rights (Htun and Weldon 2012). Figure 5 plots the coefficients from Model 8. When a state signed CEDAW, all levels of INGOs proved significant indicators for women's rights. It is notable to observe that the largest of the interactive impacts, as measured through coefficients, was in state-year observations with fewer INGOs (Categories 1 and 2). This finding may suggest that CEDAW Signature may have been most useful in locations with some level of, but not high levels of, INGOs activity, allowing the existing groups to draw on additional guidelines, standards, and rules as a tool to mobilize and pressure the government.

As mentioned earlier, the authors know of no variable that specifically measures women's rights NGO activities or NGO activities targeting women's rights. To further

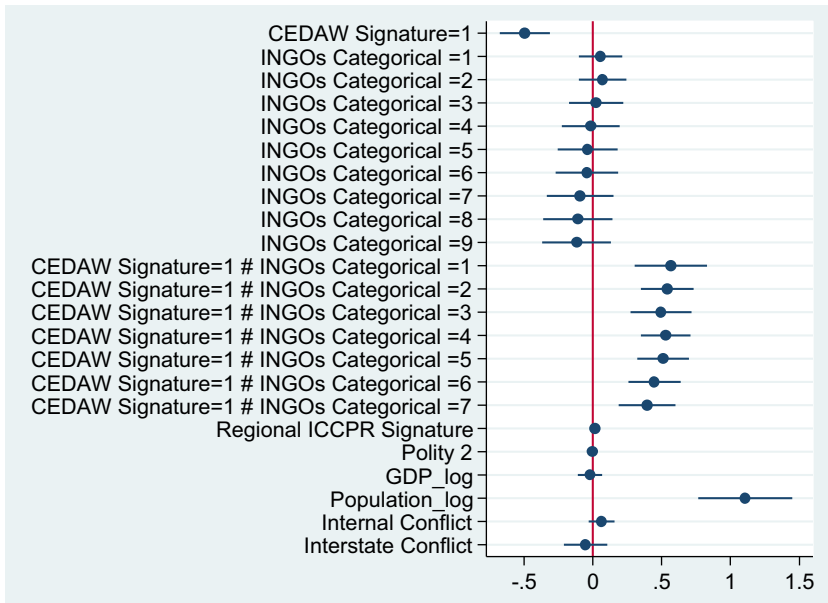
**TABLE 6.**  
**Interacting CEDAW signature with INGOs**

	Model 8
CEDAW signature	-0.4928 (0.0922)***
INGOs	
1 (1–500)	0.0563 (0.0792)
2 (501–1,000)	0.0716 (0.0875)
3 (1,001–1,500)	0.0233 (0.0997)
4 (1,501–2,000)	-0.0152 (0.1068)
5 (2,001–2,500)	-0.0357 (0.1102)
6 (2,501–3,000)	-0.0422 (0.1156)
7 (3,001–3,500)	-0.0915 (0.1221)
8 (3,501–4,000)	-0.1083 (0.1275)
9 (4,001–4,500)	-0.1172 (0.1257)
Signature#INGOs	
11	0.5658 (0.1331)***
12	0.5414 (0.0972)***
13	0.4953 (0.1223)***
14	0.5291 (0.0917)***
15	0.5112 (0.0950)***
16	0.4484 (0.0962)***
17	0.3946 (0.1054)***
18	–
19	–
Regional ICCPR signature	0.0159 (0.0105)
Polity 2	-0.0036 (0.0047)
GDP (logged)	-0.0182 (0.0447)
Population (logged)	1.108 (0.1736)***
Internal war	0.0631 (0.0474)
Interstate war	-0.0533 (0.0796)
Constant	-17.35 (0.2.755)***
Observations	3,693
State clusters	155
Years	1980–2010

Notes: sigma\_u | 1.868 sigma\_e | 0.2443 rho | 0.9832.

\*\*\*p < 0.01; \*\*p < 0.05; \*p < 0.10; fixed effects regression run on STATA 14.2; robust standard errors in parenthesis.

explore this article's argument connecting mobilization and treaty signature, I include a test of whether CEDAW Signature was associated with more women's participation in civil society, broadly measured. This variable comes from V-DEM's Civil Society Organization (CSO) Women's Participation measures whether "women have the ability to express themselves and to form and participate in groups" and ranges as an index value from zero to one (Coppedge et al. 2021, 298). Signing CEDAW was associated with increased ability for women to join and participate in civil society groups. When CEDAW Signature was interacted with CSO Women's Participation, then other measures of women's rights were positive and significant. These findings are included in the Online Appendix and further support the argument that signature can contribute to



**Figure 5.**  
Plotted coefficients Model 6: signature and INGOs interaction.

improved women's rights and that this can be an interactive relationship with NGOs and civil society.

The findings of the statistical analyses lend strong support for the argument that nonbinding signature can be meaningful for state change in rights practices. The findings do point to some caveats. Including signature when measuring women's rights alters the results and conclusions drawn from other works examining CEDAW ratification. Cole (2013) found that ratifying CEDAW resulted in no effect on economic rights and somewhat negative effects on social rights with positive effects on women's political rights. The findings in this study show that the opposite trends occurred following treaty signature. It is not the case that CEDAW commitment resulted in no changes in social and economic rights but, rather, that these changes occurred following signature and not necessarily after ratification, the point after which most studies have used to assess CEDAW effectiveness.

One possible explanation for the division of rights directionality across social, economic, and legal rights could be that states and NGOs emphasize the needed change beyond civil and political rights. With its clear emphasis on social, economic, and cultural rights, CEDAW included provisions related to marriage, employment, health, and housing: "CEDAW goes a long way towards embracing an engendered conception of socio-economic rights based on substantive equality, requiring States to transform the underlying power structures that contribute to women's disadvantage" (Fredman 2013, 241). Signatory states may be placing emphasis on the rights that are most unique to, and defining of, CEDAW and then moving forward with political rights afterwards. An additional explanation could be that states are targeting the least challenging rights areas in which to make changes (Simmons 2009). Targeting these changes may be

strategic ratifiers' attempt to draw reputational boosts from commitment without any deep compliance, reflecting "the easy commitments government were willing to implement even in the treaty's absence" (Simmons 2009, 116). If this explanation were correct, however, we might not expect to see changes in more difficult areas of rights following signature or ratification. Melody Valdini (2019, 8) proposes an additional explanation and argues that women's rights advancement may be strategic on the part of male elites who may facilitate selective recognition of women's rights areas, "if it somehow contributes to helping [them] either maintain or increase their own power." However, it is not the focus of this article to delve into the nuanced concepts of human rights categories. The statistical models do point to the importance of disaggregating types of women's rights when studying CEDAW's impact. The differing results across women's political, social, and economic rights merit further exploration in future studies to better understand the underlying different causal mechanisms and processes driving rights recognition.

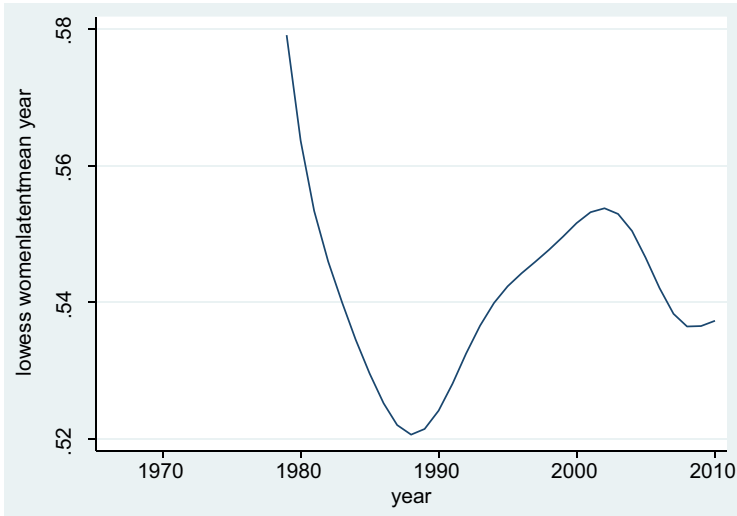
## THE UNITED STATES AND CEDAW: SIGNATURE, EARLY RATIFICATION EFFORTS, AND SOCIAL RIGHTS FOCUS

The United States was an early signatory of CEDAW in 1980 but has yet to ratify it.<sup>18</sup> In the intervening forty-three years, groups have mobilized and held the United States accountable to CEDAW standards by referencing the treaty when campaigning for women's rights. Improvements in women's rights occurred despite notable reluctance in the United States to ratify human rights treaties (see Henkin 1995) and CEDAW specifically (Baldez 2014). This case illustrates how US signature and lack of ratification contributed to additional mobilization efforts and new strategies to implement the treaty. As Anne Runyan and Rebecca Sanders (2021) argue, local mobilization around CEDAW can be described as a local boomerang effect of rights diffusion. Looking closer into the US case also sheds light on different types of women's rights in the pre-ratification context. As described earlier in this article, the United States is not alone in having gaps of years in-between signing and ratifying CEDAW. Though the United States is notable for its powerful presence on the global stage and the domestic politics of treaty non-ratification, other states similarly have ratification and implementation gaps. The US case discussion highlights some of the ways in which groups can mobilize around treaty law that has been signed but not yet ratified in effective ways.

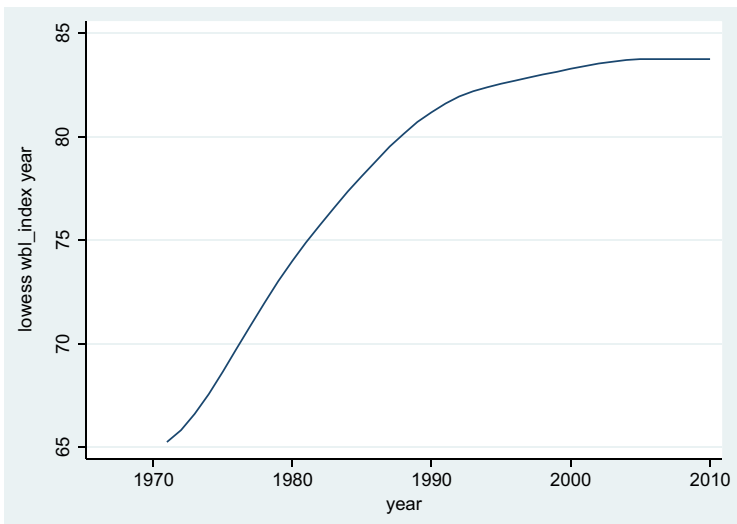
In the context of signature without ratification, activist groups emphasized social issues. These women's rights issues were identified as localized and accessible when the national level did not support ratification. Social rights, in particular, were understood to have potential for advancement, while political rights were viewed at the national level and were less accessible for change, while the national level did not support full ratification. Looking to measures of women's rights used in the quantitative analysis in earlier parts of this article, we can observe improving trends in women's rights in the United States in Figures 6–9. Figure 6 shows a steep decline in rights values until the

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18. As of January 2023.



**Figure 6.**  
Women's Latent Mean in the United States.



**Figure 7.**  
Women, Business, and the Law in the United States.

late 1980s, followed by a period of rights improvement. [Figure 7](#) plots the US values of the World Bank's Women, Business, and the Law measure. This measure shows a gradual improvement beginning in the 1970s. Similarly, the Women's Rights Index measure from Cingranelli, Richards, and Clay's (2013) data in [Figure 8](#) and Women's Political Empowerment from VDEM in [Figure 9](#) shows improvements in women's rights. Across different measures of women's rights, there were different patterns in the United States but overall improvements in recognition of women's rights. These figures



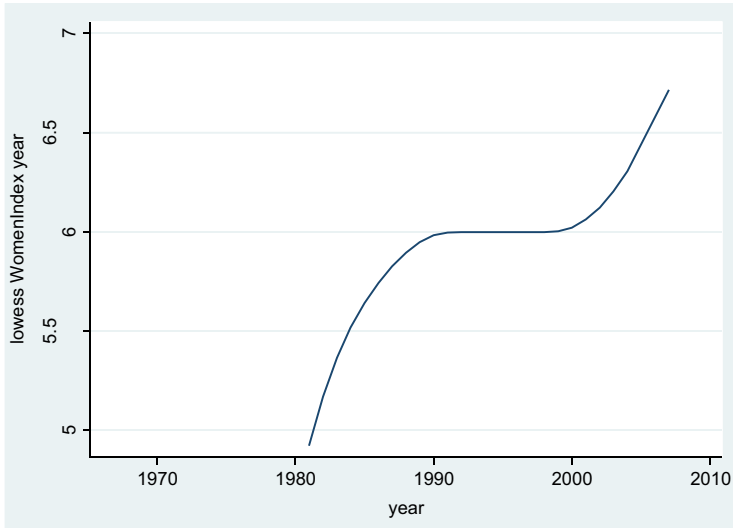


Figure 8. Cingranelli, Richards, and Clay's (2013) Women's Rights Index in the United States.

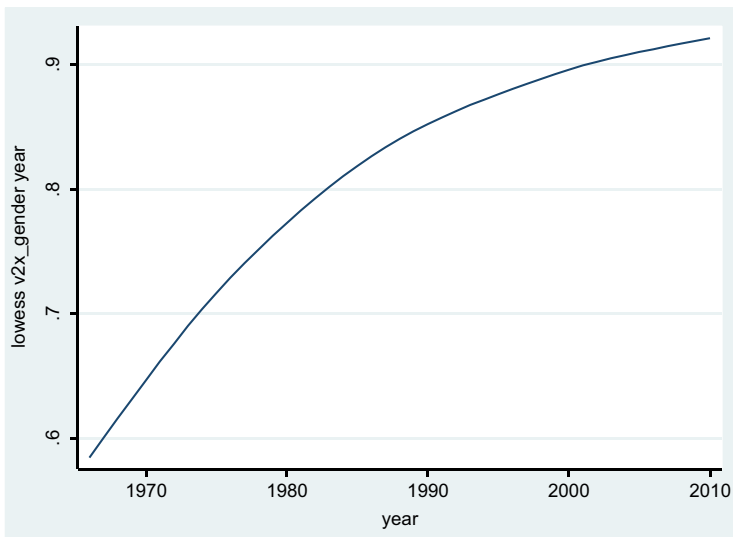


Figure 9. VDEM Women's Political Empowerment in the United States.

show overall trends in the United States, not causal relationships. In the rest of this section, I highlight different drivers of women's rights change following CEDAW signature in the United States.

Given the notoriety around the lack of US ratification of CEDAW, it is especially revealing that NGOs, domestic actors, and the UN held the United States to the CEDAW standards while acknowledging that it had not ratified it. In a 1985 UN

report, the UN measured and evaluated US progress in women's rights areas against CEDAW standards, even though the United States had no binding obligation to implement the treaty's standards (*New York Times* 1985). Following signature, US elected officials held other states accountable to CEDAW standards, drawing on its legality and using it as a global reference point for women's rights.<sup>19</sup> CEDAW was also explicitly part of the United States' policy debates. House Resolution 2231 (1993–94) introduced the 1993 Women's Human Rights Protection Act<sup>20</sup> and specifically referenced CEDAW and encouraged congressional review and ratification. CEDAW was part of the women's rights mobilization story in the United States without ratification alone driving activism.

Soon after CEDAW was created, ratification was a goal of domestic activists. Rights organizations pushed the United States to ratify the convention. Arvonne S. Fraser, co-director of the International Women's Rights Action Watch, encouraged the United States to ratify CEDAW and testified that the United States “[n]eed not fear the quadrennial reporting and review process required under the provisions of the Convention. Rather we should look at that process as an opportunity to show that the U.S. is a leader among nations in women's human rights” (Ernst 1996, 318). The Global Campaign for Women's Human Rights, led in part by Rutgers University professor Charlotte Bunch (1990 171), pushed for the United States to implement CEDAW, though she noted and criticized its lack of ratification. After mobilizing for CEDAW's ratification did not lead to ratification, activists realized that a new approach was needed to implement the treaty in the United States (Och 2018, 426). Activists strategically targeted different levels of the US government, with an overall shift in focus from the national to the city level. Johanna Kalb (2011, 120) argues that activists looked to the federal level for implementation and strategically framed their rights activities around fulfilling international legal obligations to pressure federal action. However, the city level allowed more flexibility and mobilization nimbleness: “In the absence of moving forward, women and gender equality activists have now embarked on a powerful and creative initiative to push the treaty forward city by city” (Anonymous 2020).

Spearheaded by the NGO Women's Intercultural Network, Cities for CEDAW aims to “implement municipal CEDAW ordinances” within the United States and has, as of 2018, succeeded in achieving nine major city ordinances to implement CEDAW at the city level (Anonymous 2018). Cities for CEDAW is similar to a movement of city-level activism and implementation of global human rights laws known as Human Rights Cities. The city level is “arguably best placed to deliver . . . social justice . . . the realization of international human rights” (Oomen and Baumgartel 2018, 1). Similarly, Runyan and Sanders (2021) find that Cities for CEDAW was effectively mobilized around local rights but not federal level policies. Led by San Francisco as the first City for CEDAW in 1998, there are now nine cities with full CEDAW ordinances and thirty-two cities or counties with resolutions (Anonymous 2019). Malliga Och (2018)

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19. See, for example, the Senate Concurrent Resolution 19 from the House of Representatives of June 2, 2009, <https://www.congress.gov/111/bills/sconres19/BILLS-111sconres19rfh.pdf>, which condemns the Shi'ite Personal Status Law in Afghanistan as violating UN standards of women's rights.

20. 11 U.S.C. §103 (1993).

argues that Cities for CEDAW activists were able to bridge norm brokers (Tarrow 2005) that mobilized international resources and communities with domestic contexts and rhetoric, therefore making international norms of women's rights resonate within US cities (Merry 2003, 428–29). The activists sought ultimate US ratification, though strategized to ensure that CEDAW norms were implemented in the United States even if “CEDAW ratification remains a distant possibility” (429). Cities for CEDAW worked with the UN CEDAW committee on national reports and through expert opinions (Merry 2003).

The Cities for CEDAW campaign explicitly recognized the difference between signing and ratifying the treaty and emphasized advancing women's rights provisions in the absence of US movement to ratify the treaty. The goal of ratification was not abandoned, but, rather, activists sought effective mobilization in the liminal space between signing and ratifying. These human rights groups, along with others, did not wait until ratification to use CEDAW to press the United States to advance women's rights. San Francisco's CEDAW Ordinance explicitly recognized the need to advance the goals of CEDAW even though “the United States Senate not has not yet ratified.”<sup>21</sup>

When strategizing about how to implement CEDAW, groups like Cities for CEDAW have focused on local, accessible interpretations of women's rights. This has come in the form of social and economic policy. Focusing on economic, social, and cultural rights encroached less on the federal level than promoting civil and political rights already governed by federal authority. This is a common theme across the eight chapters of UN Women USA. Cities for CEDAW wrote in its report to the UN Office of the High Commissioner for Human Rights of their local role in implementing CEDAW: “Cities have a critical role to play in realizing human rights in the United States. Under the constraints of the United States' federal system, much of the actual implementation of human rights norms takes place at the local level, under the leadership of local government; this is particularly true of economic and social rights” (Davis and Ward 2019, 2).

Regional campaigns highlighted pay equality, health care and family care issues, public safety and sexual violence, and the gendered effect of climate change. In drawing on CEDAW, the regional campaigns along with Cities for CEDAW emphasized the social and economic rights dimensions of the treaty and worked toward implementing those aspects. Reiterating this focus, Cities for CEDAW identified this mission in its 2019 report to UN Women, with the group's mission being to “connect, educate, mobilize and activate women and girls to become effective civic leaders, catalysts for change and advocates for social and economic justice” (Women's Intercultural Network 2019, 2). Since its city-level CEDAW Ordinance, San Francisco has focused on responding to domestic violence, gender equality policies, creating an anti-human trafficking task force and improving maternal health care, all of which carry out the intent of CEDAW (Department on the Status of Women 2023). In Florida, Sarasota's campaign focused on four points that included equal pay, health care, gender in poverty, and sexual violence. All of these mobilization points emphasize social and economic rights, not political rights. Existing scholarship notes that these campaigns and ordinances have been productive in implementing CEDAW. Martha Davis (2016, 38)

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21. CEDAW Ordinance, July 19, 2017, s. 12K(1), <https://sfgov.org/dosw/cedaw-ordinance>.

highlighted how accountability mechanisms in the city ordinances add strength to the implementation efforts, and Runyan and Sanders (2021) find similar implementation in Cincinnati, and Heidi Nichols Haddad (2020) in Los Angeles and San Francisco.

It is notable that CEDAW has been referenced in US courts given the general proclivity of US courts against drawing on foreign or international law along with the lack of ratification. Domestic courts have considered it appropriate to take CEDAW into account “despite the fact that the United States has not ratified CEDAW” (McCrudden 2018, 472–73). At the US Supreme Court, Justice Ruth Bader Ginsburg cited CEDAW, as have other judges (Resnik 2012). It is notable that, where CEDAW has been referenced, it has been primarily related to education, employment, and hiring.<sup>22</sup> The application of CEDAW, or any foreign law, has been particularly contentious. US politicians view a CEDAW approach toward policy mandating more women’s representation and employment to be an aggressive form of affirmative action and has been met with hostility (Resnick 2012).

Neither the campaigns nor courts have applied CEDAW to political rights, the emphasis has been on social and economic conditions of women. These rights have been viewed as more local and accessible. Activists and courts may also be in recognition that women’s political rights have already been guaranteed by law in the United States as they relate to holding public office, voting, assembly, and so on. Focusing on social and economic rights may be where mobilization recognizes space to improve women’s rights in the absence of full national-level government support that has not ratified the pinnacle of women’s rights law at the international level (CEDAW) or at the domestic level through the incorporation of the Equal Rights Amendment into the US Constitution. As indicated earlier in this short case study, Cities for CEDAW also identified their focus at women’s social and economic rights mobilization, not political rights advancement. Treaty signature was a visible and public means for the United States to commit to the women’s rights treaty. The United States agreeing to CEDAW through signature but not ratification frustrated and angered women’s rights groups, prompting a city-level mobilization strategy to implement CEDAW around ratification. The United States illustrates only one example of a state being held to account to treaty standards prior to ratification.

## CONCLUSION

In this article, I took a closer look at human rights treaty signature. This formal, yet nonbinding, commitment mattered for rights accountability and mobilization, which I have argued resulted in improved human rights practices. Focusing on the CEDAW treaty, I have found that following treaty signature but before ratification, states were significantly likely to have higher scores on measures of women’s rights. The interaction between signature and INGOs was significant and important even across measures where signature alone was not significant. These findings prove important for our consideration of credible commitments and the utility of international law. The findings suggest that signature’s importance has been underestimated. Many of the engines of

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22. *Grutter v. Bollinger*, 539 U.S. 306, 344 (2003) (Ginsburg, J., concurring).

human rights change operate following signature, such as legal mobilization, and do not wait until ratification. Given these findings, we may have been missing potentially important work of activists and state governments at improving human rights practices leading up to treaty ratification. I suggest that future studies expand beyond CEDAW and women's rights to examine activism around signing the Convention on the Elimination of All Forms of Discrimination against Racial Discrimination and the Convention on the Rights of Persons with Disabilities.<sup>23</sup>

In the case of CEDAW, examining signature presented a more layered story of compliance. This study has demonstrated that states actually were improving measures of women's social, economic, business, and legal rights but that the changes occurred following signature. These positive changes had been missed by earlier studies not looking at the time between signing and ratifying. The timing of rights improvements seems to differ across binding and nonbinding commitment timing. This opens fruitful future avenues for study—what rights are easier or more important to change prior to ratification? In the CEDAW case, social and economic rights appeared to be. It could also be the case that the improvements made in social and economic rights paved the pathway for the future improvements in women's political rights. What we do know is that, when states sign human rights treaties, they make a promise to follow the law, and, in the cases examined, they kept their promise. The formal commitment of signature, though nonbinding, was significant enough to empower and motivate legal mobilization and contribute to meaningful rights changes.

## SUPPLEMENTARY MATERIALS

To view supplementary material for this article, please visit <http://dx.doi.org/10.1017/lsi.2023.24>.

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