

CRITICAL PERSPECTIVES ARTICLE

Looking beyond Ratification: Autocrats' International Engagement with Women's Rights

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Although authoritarian regimes often repress the rights of women, many autocrats have committed to international treaties protecting women's human rights. Scholars have typically overlooked this engagement, focusing instead on autocrats' commitment (and violation) of treaties protecting civil, political, and physical integrity rights. Yet existing explanations for autocrats' ratification of these treaties—such as appeasing domestic opposition groups—do not necessarily apply to women's rights (von Stein 2013). As authoritarian international law is increasingly viewed as an important area of study (Ginsburg 2020), scholars should explore how authoritarian regimes navigate participation regarding women's rights issues, including their engagement with the main women's rights treaty, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). After taking a closer look at how autocracies shape, commit, and challenge women's rights internationally, we suggest several research directions to build this area of study.

Women's Rights in International Law

International relations scholars argue that participating in the international human rights law regime can trigger a chain of events that, unlike other human rights reforms, engage new international and domestic actors who hold states accountable (e.g., Keck and Sikkink 1998). Though not the only point of legally engaging international women's rights, CEDAW is considered an essential mechanism for local mobilization (Simmons 2009). However, the anti-rights movements that have emerged worldwide complicate these accountability politics by pressuring governments—even democratic ones—against adopting gender reforms (Kuhar and Patternote 2017) and implementing international

agreements that promote gender equality (Vilán 2018). Comparative studies examine political constraints in autocracies and bottom-up women's rights harnessing of international law (e.g., Kang 2015; Merry 2006), but not necessarily how autocracies create and engage within the international human rights regime. Thus, there appears to be a disjuncture in the research of authoritarian states' international legal behavior and the research on women's rights legal mobilization.

Moreover, most research examining legal participation with CEDAW has focused on ratification. This focus reflects the relative ease of measuring and accessing data on ratification, as well as a field-centered focus on binding legal commitment to international law (Comstock 2021). However, focusing on ratification alone overlooks the varied ways that autocracies have constructed and engaged with women's rights through international law, including their participation in CEDAW's negotiations and postcommitment actions.

Autocrats' Creation of International Law

How states participate in creating and committing to international human rights treaties can impact their long-term compliance patterns (Comstock 2021). While rarely acknowledged, most states involved in CEDAW's creation were autocratic: of the 13 states recognized as participating in formal CEDAW negotiations, 8 were autocratic sometime between 1974 and 1979 while negotiations took place.¹ Findings by Comstock (2022) suggest that negotiating states, even autocracies, improved women's rights practices for a period after negotiations based on rights socialization occurring during deliberations.

Besides CEDAW, autocratic regimes have participated in the construction of other treaties protecting women, including earlier agreements created to address narrower foci of women's rights, such as the Convention on the Political Rights of Women of 1954 and the Convention on the Nationality of Married Women of 1957. The 1966 International Covenant on Civil and Political Rights includes provisions on gender equity and nondiscrimination based on sex, but experts' demands for more legal precision in protecting women's rights led to CEDAW's creation, thus broadening rights protection to include political, economic, social, and cultural areas of life.

Regional treaties have emerged as well, particularly to fill gaps left by the UN treaties. Violence against women, for example, is not explicitly mentioned in CEDAW but has been taken up by regional initiatives, such as the Convention Belém do Pará and the Istanbul Convention, created by the Organization of American States and the Council of Europe, respectively. Autocrats have participated in the creation of these legal instruments, though this initial engagement has not always been sustained. In 2021, for example, Turkey withdrew from the Istanbul Convention that it helped create.

This brief analysis suggests that although Russia, China, and other autocratic states today are redefining international legal cooperation in the so-called autocratic international law (Ginsburg 2020), the treaties currently in place to

protect women's rights have been fundamentally shaped by autocrats' preferences. Given that autocrats have different preferences for international cooperation—including, for example, shorter time horizons (Ginsburg 2020)—their participation could have real consequences. The scholarly focus on autocrats' insincere ratification has left their participation in the creation of international women's rights regime relatively unexplored.

Autocratic Ratification and Beyond

After participating in the creation of CEDAW, authoritarian states committed to the treaty using different pathways, including signature and ratification. Roughly half the states that signed CEDAW were autocracies at the time. Of the states that ratified, acceded, or succeeded in their commitment to CEDAW in the first two years, more states were autocracies than democracies, including countries like China, Cuba, Guyana, and Uruguay. However, notable scholarship focuses on democracies' decision to ratify CEDAW (Baldez 2014).

Autocrats also legally engaged with the treaty through postcommitment actions such as the introduction of reservations, understandings, and declarations (RUDs). CEDAW is one of the UN treaties with the highest number of per-state RUDs (Zvobgo, Sandholtz, and Mulesky 2020, 791), partly because democracies and autocracies introduced RUDs limiting the arbitration of disputes between parties by the International Court of Justice (Article 29). In addition, several countries sought to limit the application of the convention regarding family law. For example, when Bangladesh acceded to CEDAW in 1984, it declared that it would not be bound by provisions in Articles 2, 13, and 16, because they were in "conflict with *Sharia* law." When Brazil ratified CEDAW in 1984 under the João Figueiredo administration, it made reservations to parts of Articles 15 and 16 granting women basic equality before the law, such as the right to choose their residence and domicile. Autocracies submitted 34% of the RUDs to CEDAW, democracies submitted 47%, and anocracies 21%.² While numerous studies have incorporated RUDs into CEDAW studies (e.g., Cho 2013; Hunt and Gruszczynski 2019), there has not been an inquiry into the sizable activity of autocracies.³

Autocrats also participate in the UN system that monitors treaty compliance, shaping the international legal regime protecting women's rights from the inside. The Committee on the Elimination of Discrimination Against Women monitors CEDAW implementation and currently includes state-elected experts from Burkina Faso, Saudi Arabia, and the Philippines. Autocracies also "peer review" the human rights records of other states by participating in the Universal Periodic Review, where states with high geopolitical affinity are more likely to criticize each other's protection of vulnerable populations—including women—instead of highly sensitive issues linked to regime survival (Terman and Byun 2021). These examples demonstrate that autocracies do not ignore international law on women's rights or always treat it as illegitimate but are integral parts of the broader multilateral system developed to advance women's rights.

Future Research: Autocratic Compliance With Women's Rights

The research agenda that we envision bridges previous approaches to advance our understanding of autocratic creation and engagement in the international women's rights regime. First, we call on researchers to look beyond ratification as the only pathway of commitment for autocracies and explore how and when autocracies contribute to the development of international women's rights law. This shift will elucidate autocrats' interpretation of women's rights and their intentions, including the different constituencies they consider when adopting international frameworks addressing gender equality. For example, researchers might study public opinion to explore whether autocratic states participate to assuage domestic or international pressure or whether they participate to shape international law to their own interests and identities (see Noh 2022 in this Critical Perspectives section). In addressing these questions, scholars should move beyond the democracy-autocracy dichotomy and consider how the origins, power-sharing agreements, and dynamics of autocracies shape their participation in the international legal regime. For instance, does autocrats' dependence on a broad or narrow elite coalition influence how they engage with women's rights internationally, as it does for physical integrity rights (Vreeland 2008)?

Second, given that many autocracies committed to CEDAW, we propose shifting the focus from whether autocrats ratify international treaties protecting women to exploring the aftermath of ratification. Some of the reforms autocrats must adopt after ratification—such as laws establishing gender quotas or raising the minimum age of marriage or the creation of dedicated ministries—are visible signals that international audiences may reward. However, as Elin Bjarnegård and Daniela Donno (2022) argue in their contribution to this section, we know little about whether these reforms are followed by tangible improvements in women's lives and whether international treaty monitoring bodies influence autocrats' choices post-ratification. The difficulty in monitoring and quantifying the implementation of gender reforms cross-nationally allows autocrats to signal commitment to international norms without following up on these commitments, but monitoring bodies can sometimes nudge states toward compliance (Creamer and Simmons 2020).

Third, is there something unique about women's rights? How do women's rights compare with other human rights issues? An important distinction for autocrats seems to be whether human rights directly threaten the regime's survival. Donno, Fox, and Kaasik (2021) argue that because gender equality is often "bundled" with other democratic norms, autocrats can signal democratic commitment by advancing women's rights while avoiding politically costly reforms on elections, political competition, and repression. So, if women's rights do not threaten regime survival, are autocrats more susceptible to international pressure to reform? Future research should compare the autocrats' engagement with international law protecting civil and political liberties and women's rights.

By exploring the dynamics of autocrats' international legal engagement with women's rights, we believe we will better understand how to defend women's rights where it is needed the most. Moreover, improving compliance will help

ensure that autocrats' participation in the UN system protecting women does not erode the legitimacy of international treaties and organizations.

Notes

1. Using Polity V regime type (Marshall and Gurr 2020) during negotiations and McKibben and Western's (2020) negotiation data.
2. Data 1966–2022 UN Treaty Collection.
3. Though critics of RUDs argue that they weaken the treaty, others recognize that fine-tuning commitment designates respect for the process of international lawmaking.

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