

**Responding to Social Pressure in the International Human Rights Regime:
Why Non-Democratic States Withdraw Treaty Reservations**

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Abstract: Scholarship has begun to uncover non-democratic regimes' unique interactions with international law, exploring behaviors beyond treaty ratification and compliance. Recent research shows that like democracies, non-democracies embrace reservations as a tool to modulate their treaty commitments. Yet the international community disproportionately applies pressure to non-democracies to withdraw reservations. To what extent is this pressure effective? We argue that non-democracies are likely to respond to two forms of international pressure – peer states' objections and treaty bodies' periodic reviews – in distinct ways. We propose that non-democracies are less likely to withdraw reservations when facing objections from fellow treaty members, as objections primarily originate with Western democracies – states non-democracies perceive as biased. By contrast, non-democracies are more likely to withdraw reservations when facing treaty body reviews because these reviews come from bodies consisting of technical experts – rather than political representatives – from diverse countries, regions, and political regimes. Statistical analyses and illustrative case studies provide support for our arguments.

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Introduction

In the first seventy years of the international human rights regime, states entered nearly one thousand reservations to modulate their treaty commitments to major human rights agreements. Democracies, long said to be “natural allies” of human rights, made more than half of these reservations. They also made reservations to demanding treaty obligations (Zvobgo et al. 2020) more often than non-democracies. Yet despite entering more reservations against more consequential treaty provisions, democracies objected more to reservations by other states, non-democracies especially. However, non-democracies seem relatively unaffected by this peer pressure, while democracies are more likely than non-democracies to remove reservations (Boyes et al. 2024). Why do non-democracies withdraw reservations less frequently than democracies, even though they receive more objections? And what explains those few occasions when non-democracies withdraw reservations?

The answer, we believe, is partially due to distinct reactions of democracies and non-democracies to different forms of social pressure in the international human rights regime. We suggest that international social pressure via objections to treaty reservations is relatively less effective in compelling non-democratic states to withdraw reservations. Objections are analogous to naming and shaming, and research shows that such tactics are mostly effective in changing a state’s human rights practices when used by strategic allies. Because objections are overwhelmingly lodged by democracies who may have weaker relationships with non-democracies, non-democracies are likely less affected by objections. However, non-democracies seem to respond to treaty bodies’ periodic reviews. These reviews, and the reports they produce, come from bodies consisting of technical experts from diverse countries, regions, and political systems. This means their recommendations are likely to be received as

more politically neutral and palatable to leaders and publics in non-democracies. Furthermore, these bodies' perceived neutrality may make it possible for non-democracies to balance domestic interest groups in order to make changes that are otherwise politically untenable.

Using large- N quantitative analysis and case evidence, we show how the social pressure of state objections and treaty body reviews affect non-democratic reservation withdrawals. Our research improves scholarly understanding of non-democracies' engagements with international law and international organizations, and illustrates the varying effectiveness of efforts by the international community to change non-democracies' behavior within treaty regimes.

Distinct Behaviors in the International Human Rights Regime

There is growing evidence that non-democracies interact with human rights institutions in fundamentally different ways than their democratic counterparts (Comstock and Vilán 2023; Ginsburg 2020). Among other topics, scholarship in this vein considers non-democracies' propensity to join such agreements and their level of compliance. For instance, research shows that democracies are more likely to commit to and comply with human rights treaties, while non-democracies are less likely to commit and comply (Hathaway 2003, 2007; Simmons 2009), especially when agreements are more demanding (Mulesky et al. 2024).

Importantly, there are a number of ways other than commitment and compliance that states engage with international treaties. We highlight here three such behaviors: reservations, objections to reservations, and withdrawal of reservations. Reservations are a tool that states can use when ratifying agreements to render their commitments less binding and more flexible (Hill 2016; McKibben and Western 2020; Neumayer 2007; Zvobgo et. al 2020).¹ Objections are

¹ A reservation is a statement that a state can make to modify or release itself from being legally bound by specific treaty provisions (Vienna Convention on the Law of Treaties [VCLT] 1969: Article 2[1][d]). Unless a treaty specifies otherwise, reservations must be filed prior to a state's ratification of or accession to a treaty. In some cases, however, reservations can be filed late if all treaty members agree.

unilateral statements written by states to signal dissatisfaction with fellow treaty members' reservations (Eldredge and Shannon 2022).² And withdrawal of reservations is a way for states to improve their treaty participation by rescinding the limits they had previously placed on their treaty commitments (Boyes et. al 2024; Edry 2020).³

Given their unique propensities to commit to and comply with treaties, it is natural to think democracies and non-democracies behave differently when it comes to reservations, objections, and withdrawal of reservations. For instance, democracies have greater propensity to commit to human rights treaties, so one might expect that they are *less likely* to make reservations. While reservations are relatively uncommon, democracies are in fact *just as likely* to make reservations as non-democracies, as seen in the first column of Table 1.⁴ However, democracies make significantly more reservations than non-democracies to *demanding* treaty provisions (Zvobgo et al. 2020), illustrated by the second column of Table 1.⁵

² The purpose of an objection to a reservation is to preclude it from having its intended impact on the reservation filer's obligations to the treaty. Objections can be formulated by states or international organizations that are contracting parties to a treaty, or by any state or organization that is eligible to become a contracting party to a treaty; though in the latter case, the objection only enters into force when the objecting party becomes a contracting member of the treaty (International Law Commission 2011). Objections must be filed within twelve months of the objecting state receiving notification of the reservation's filing.

³ Unless otherwise specified in a treaty, both reservations and objections can be partially or completely withdrawn at any time (International Law Commission 2011).

⁴ The value of the Pearson's chi-square two-way measure of association between the number of democratic and non-democratic reservations is 2.51 (p=0.113).

⁵ Demanding treaty provisions are those that are strong, precise, and stipulate domestic action. The value of the Pearson's chi-square two-way measure of association between the number of democratic and non-democratic reservations to demanding provisions is 13.86 (p=0.000). By finding that democracies make more reservations to demanding provisions, this potentially resolves conflicting results in previous scholarship suggesting that democracies are more likely (Neumeyer 2007) and democracies are less likely (Simmons 2009) to enter reservations. All told, democracies seem to take their human rights treaty commitments more seriously than autocracies.

Table 1: Human rights treaty reservations at the provision level, by regime

Regime Type	# of Reservations	% of Reservations made to Demanding Provisions
Democracy	483	284 (59%)
Non-democracy	356	158 (44%)
Total	918	476

Democracies and non-democracies differ in two other important respects that have until now received little scholarly attention. First, democracies are overwhelmingly more likely than non-democracies to object to peer states' treaty reservations. States can object to reservations on multiple substantive grounds, including that a reservation is vague, violates the goals of a treaty, or sets a dangerous precedent. To give an example, in 2001, Finland objected to Qatar's reservations on the Convention Against Torture (CAT), arguing they were based on religious law (i.e., Sharia) and domestic law, and therefore violated the Vienna Convention on the Law of Treaties (1969). Table 2 further illustrates the number and type of objections lodged by democracies and non-democracies. It shows that democracies lodge the vast majority of objections, while objections by non-democracies are rare.⁶

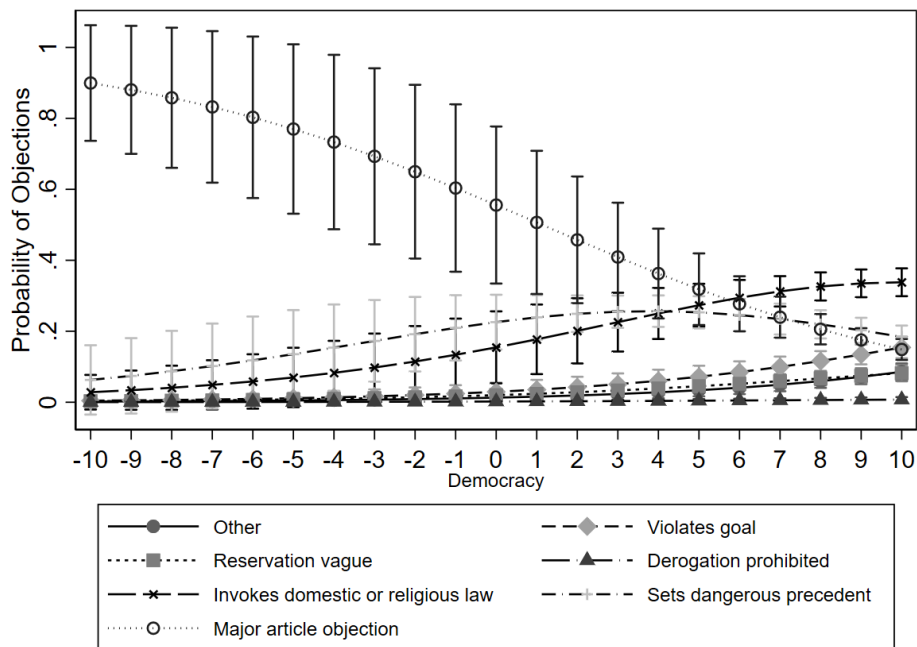
Table 2: Type and frequency of objections to human rights treaty reservations, by regime

Objection Type	Democracy	Non-Democracy	Total
Invokes domestic, religious law	444	0	444
Sets dangerous precedent	144	0	144
Major article	98	12	100
Violates goal	495	12	507
Reservation vague	452	0	452
Derogation prohibited	21	0	21
Other	57	9	66
Total	1711	33	1734

Note: States filed 745 total objections in response to reservations against the nine international human rights treaties in the sample (1979-2019), and can give multiple reasons for the objection.

⁶ Of note, Mexico made 11 of the 12 objections lodged by non-democratic states (the other objection came from Pakistan). Both Mexico and Pakistan have since transitioned to democracy, which is consistent with the observation that objections to human rights treaty reservations are primarily an enterprise of democracies.

Figure 1: Probability of lodging objections to human rights treaty reservations, by reason, across regimes



Second, democracies are more likely to object to reservations made by non-democracies than reservations made by democracies, as seen in Figure 2. Further, consolidated democracies (with a Polity2 score greater than 6) are the states most likely to object to reservations.

Figure 2: Number of Objections Made to Reservations to Human Rights Treaties

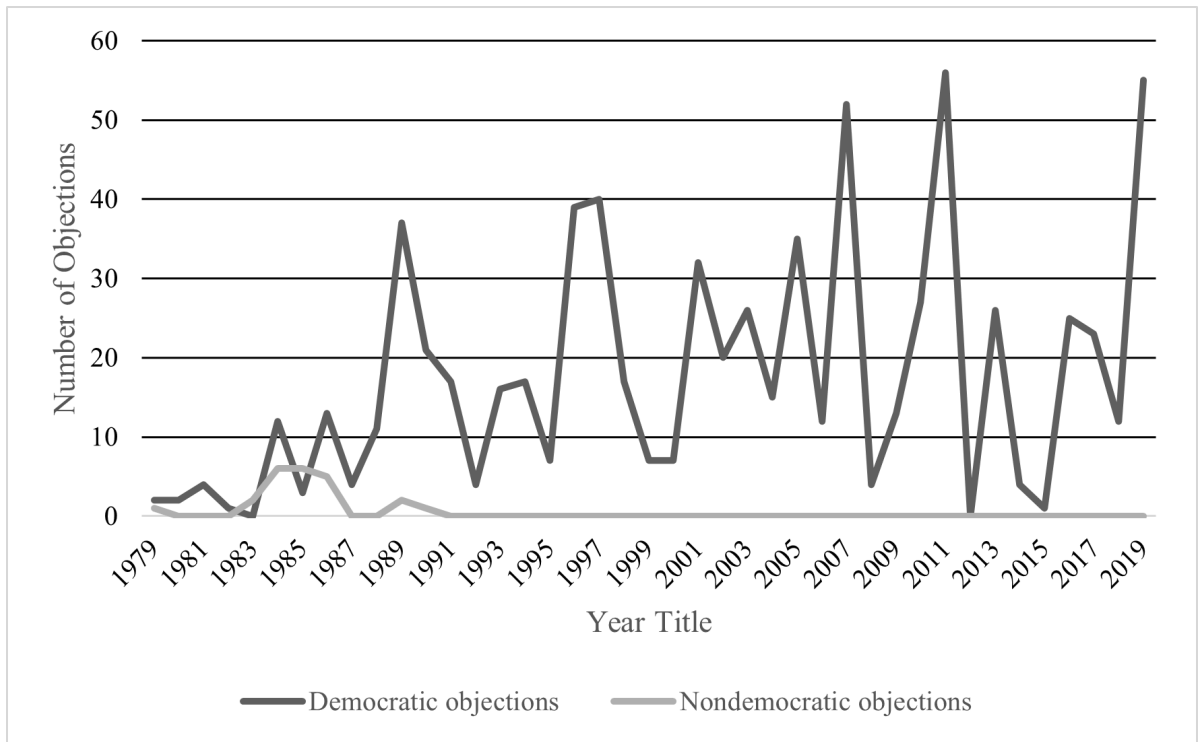
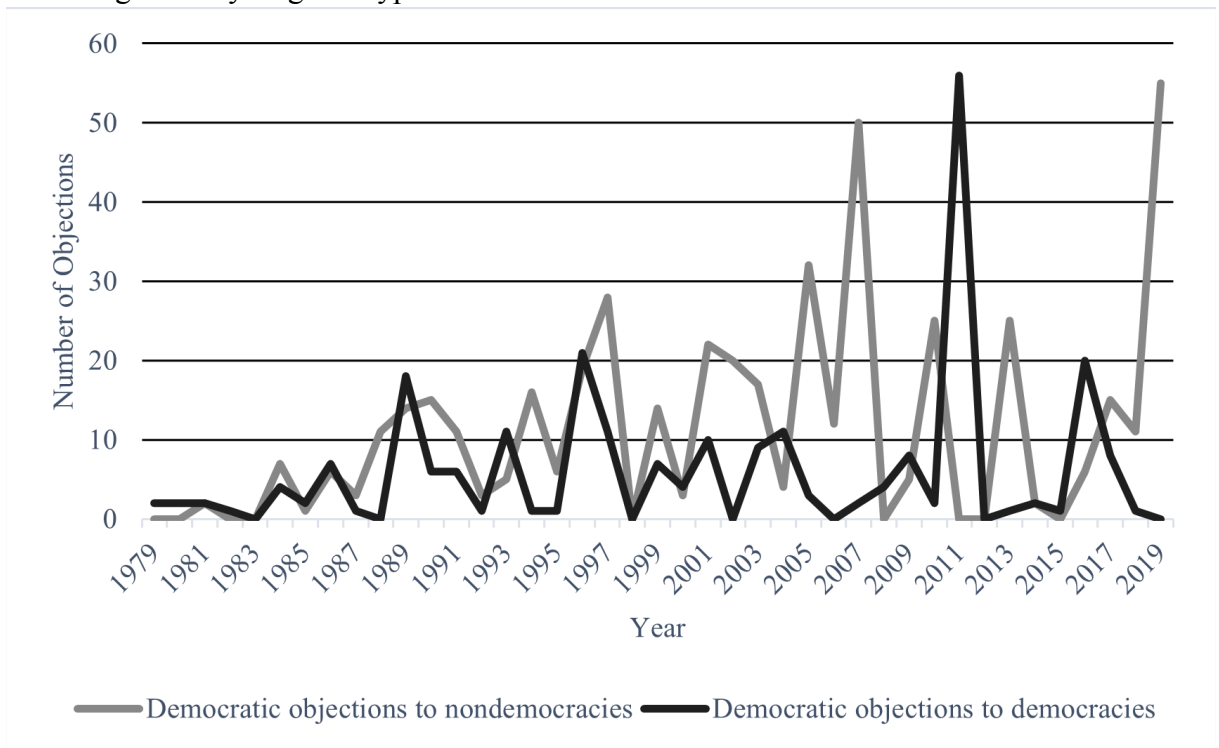


Figure 3. Number of Objections Made to Reservations to Human Rights Treaties By Reserving Country Regime Type



To summarize thus far: democracies make reservations with the same propensity as non-democracies, and they make significantly more reservations to consequential (demanding) treaty provisions. Yet democracies object more to non-democratic reservations, even though democratic reservations are just as frequent than non-democratic ones, and even though democratic reservations are more often lodged to important treaty provisions. Setting this apparent double standard aside, it may be that democracies believe they must object more to reservations made by their non-democratic counterparts. They may “pile on” objections in order to change their non-democratic peers’ treaty commitments. But is this strategy effective? Democratic states must certainly think so, if they object so heavily. Also, when facing objections themselves, democratic states often withdraw their reservations. Do non-democratic states behave similarly? The findings bring up a bigger question: what is the best way for international actors to encourage non-democracies to withdraw reservations and improve their treaty commitments?

Theory of Reservation Withdrawal by Non-Democracies

Research reveals two mechanisms of international social pressure that motivates states to withdraw reservations: periodic review by treaty committees and formal objections from fellow treaty members (Boyes et. al 2024). In theorizing the relationship between periodic review and reservation withdrawal, and between objections and reservation withdrawal, Boyes et al. (2024) stop short of exploring how these forms of international social pressure may affect democracies and non-democracies differently, though several adjunct findings are consistent with this possibility. First, political regime type is a significant determinant of reservation withdrawal; as states become more democratic, they are increasingly likely to rescind their reservations. Second,

periodic review and state objections both increase the likelihood of reservation withdrawal. This result, however, is presented only for states with a political regime type at the theoretical median (i.e., those that receive a score of zero on the Polity2 scale, which measures regime type on a scale from -10 to 10). Boyes et. al do not explore the influence of objections and peer review on states that are either strongly autocratic or strongly democratic. Given the authors' finding that more democratic countries are more likely to withdraw reservations, this simultaneous result suggests a more nuanced story about how each mechanism of social pressure affects states with different political regimes. However, scholarship has yet to explore how different political regimes pursue reservation withdrawal across multiple treaties, nor how different forms of international pressure may be more persuasive for some regime types than others.

How might the two mechanisms of social pressure affect non-democracies' decisions to withdraw reservations? Preliminary evidence suggests that for members of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), periodic review is uniquely effective in compelling non-democracies to withdraw reservations (Edry 2020). To think about how periodic review persuades countries, particularly non-democracies, to withdraw reservations, consider how periodic review works. The major human rights treaties each have an associated committee, or body of experts, that helps monitor treaty members' treaty implementation and compliance. To facilitate this process, treaty members agree to periodically submit reports detailing their human rights practices. At the same time, non-state actors can submit "shadow reports" that also provide information on a treaty member's practices. The committee, or body of experts, reviews the information and provides a report that often gives specific recommendations to encourage better compliance with treaties. One recommendation that treaty committees frequently make is for member states to withdraw their reservations.

Why might the pressure of periodic reviews by committees encourage non-democracies to withdraw reservations? Even though the committee's recommendations are not binding, treaty members are "encouraged and obligated" to respond to the committees (Creamer and Simmons 2020), and research finds that this iterative practice of reporting and responding changes treaty members' behavior (Creamer and Simmons 2020; Carraro 2019; O'Flaherty 2006). At the international level, the process of periodic review puts fellow treaty members on notice, and they may work diplomatically and behind the scenes to encourage reserving states to withdraw reservations. Treaty body reviews also galvanize civil society actors to put pressure on states to withdraw reservations. Amnesty International, for example, created a report targeting reservations to CEDAW as part of its Stop Violence Against Women campaign. The report targeted Middle Eastern and North African countries and included specific recommendations for states, e.g., "lifting all reservations to the Convention, particularly those that are clearly incompatible with their fundamental obligations under the treaty..." (Amnesty International 2004: 11). The report also included the CEDAW committee's recommendations regarding each state's reservations, suggesting many of them be lifted (Amnesty International 2004). This indicates that treaty review bodies and human rights organizations can combine their efforts to encourage non-democratic states to remove treaty objections. This leads to the following hypothesis:

H1: Non-democracies undergoing periodic review are more likely to withdraw treaty reservations than non-democracies not undergoing periodic review.

Objections are another form of social pressure that has proven effective at compelling countries to withdraw reservations (Boyes et. al 2024). However, we do not expect objections to influence non-democracies to withdraw as effectively as periodic review does. Objections might be considered a form of naming and shaming, and research shows that such naming and shaming

is more effective from a country's strategic allies than from other actors (Terman and Voeten 2017). Democracies may not have sufficient strategic connections to non-democracies to effectively change their human rights treaty participation by making objections. Non-democracies may even view objections by democracies as biased and political. As previously discussed, non-democracies are less likely to enter reservations than democracies, yet they attract a greater proportion of objections. Non-democracies may see the objecting behavior as hypocritical and, as a result, do not trust democracies to judge the quality of their commitments. Relatedly, non-democracies, which are concentrated in the Global South, may view human rights criticism by democracies as paternalistic, even neocolonial.

As an illustration of the dynamics of various forms of social pressure, Kuwait ratified CEDAW in 1994 with several reservations, including a reservation to Article 7(a), which says: "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies..." Kuwait in its reservation said that Article 7(a) "...conflicts with the Kuwaiti Electoral Act, under which the right to be eligible for election and to vote is restricted to males." Throughout 1995 and 1996, a number of countries including Norway, Netherlands, Sweden, Finland, and Belgium objected to Kuwait's reservation, yet Kuwait did not withdraw. In 2004, however, the CEDAW committee expressed concern in its periodic review about the reservation, and Kuwait withdrew the reservation to Article 7 in 2005.

As an analog, Jordan ratified CEDAW in 1992 with several reservations, including a reservation to Article 15(4), which says: "States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their

residence and domicile.” Sweden objected to Jordan’s reservation in 1993, but Jordan maintained the reservation. The CEDAW committee issued reports in 2000 and 2007, both of which expressed concern and called on Jordan to withdraw its reservations. In 2009, Jordan withdrew its reservation to Article 15(4) of CEDAW. While neither Jordan nor Kuwait have withdrawn all reservations to CEDAW, the process of periodic review has generated domestic and international attention to both countries’ treaty participation.

Why might state objections be less effective at persuading non-democracies to withdraw reservations than periodic review? Jordan’s 2015 sixth periodic report to CEDAW is illustrative. In the report, Jordan notes a backlash in support for women’s rights in the Middle East and North Africa. Jordan also notes resistance from the Islamic Scholars League, which specifically asked the Jordanian legislature to maintain its reservations to CEDAW. The report argues that “the issue of lifting the reservations has to be dealt with very sensitively and gradually, in a manner that balances the promotion of women’s human rights with the obligation to reject whatever contradicts the provisions of Islamic Shariah,” (Jordanian National Commission for Women 2015:46). It may be that state objections come too quickly (within 12 months of reservation or ratification, whichever is later) and too harshly for reserving states to mollify domestic opposition. Periodic review is more gradual, iterative, and gives states more time to work with domestic groups opposed to withdrawing reservations.

Further, treaty body reviews have greater impartiality and independence than states in calling out states’ human rights practices. Treaty bodies are likely perceived as more neutral than single states objecting unilaterally because treaty members elect numerous experts to the body, and no state dominates or dictates the composition of the committee. Treaty bodies are also autonomous in that they do not operate under the supervision of other actors. The neutrality and

autonomy of treaty bodies may make them more legitimate actors in the eyes of non-democracies, and give them greater leverage than state objectors in encouraging reservation withdrawal. This logic leads to a second hypothesis:

H2: Objections are less effective than periodic review at encouraging non-democracies to withdraw reservations.

In the following section, we describe the data and methods used to assess our hypotheses.

Data and Methods

To evaluate the hypotheses, we use data from Zvobgo, Sandholtz, and Mulesky (2020). The dataset includes information on states' provision-level use of reservations across the nine major international human rights treaties (i.e., ICERD, ICCPR, ICESCR, CEDAW, CAT, CRC, CRMW, CED and CRPD). The provision-level unit of analysis allows for control of provision-level and country-level characteristics that affect states' decision to withdraw reservations. The same data was previously used by Boyes et al (2024) to assess treaty reservation withdrawal.

Data on treaty reservations, objections, and withdrawals covers the years 1966-2014 for treaty provisions that entail an obligation for states. Thus, the provisions assessed are those that modify state behavior in some way and therefore represent the most costly provisions for states.

We use probit regression to assess the impact of periodic review year and average polity score on the overall likelihood of reservation withdrawal by non-democratic states that have filed reservations to international human rights treaties. We may use a two-stage model in a future iteration of the paper, and are interested in feedback on this point.

Dependent Variable: Reservation withdrawal

The dependent variable for the analysis is treaty reservation withdrawal. We measure treaty reservation withdrawal as a state's complete withdrawal of a treaty reservation at the provision level. The measure is dichotomous, taking a value of 1 in the case of withdrawal and 0 otherwise.

Independent Variable: Treaty committee periodic review year

The primary independent variable of interest for this study is whether or not a state is undergoing periodic review during a given year. Treaty committee reviews are an important source of international social pressure (Boyes et al., 2024; Reiners 2021). If a state is undergoing periodic review in a given year it is coded as 1, if it is not undergoing periodic review, it is coded as 0. While periodic reviews may exert influence over non-democratic states in the period leading up to and immediately following periodic review, we expect the most significant impact of this mechanism to take place during the peer review process. We expect a positive relationship between periodic review year and reservation withdrawal by non-democratic states.

Control Variables

Drawing on Boyes et al (2024) and using that paper's replication data, the model includes numerous controls that could potentially impact non-democratic states' decision to withdraw treaty reservations. First, we include a control for the level of democracy, based on the polity2 score provided by the Polity IV Project. This score may range from -10 (least democratic) to 10 (consolidated democracy), although the analysis is focused on states that can be classified as either anocracies (-5 to 5), transitioning, or consolidated non-democracies (-10 to -6). We expect

that states with scores closer to democracies will exhibit behavior closer to that of democracies and be gradually less responsive to peer review.

Second, as noted by Boyes et al (2024), the *number of objections* is a form of social pressure that may exert influence on a state's decision to withdraw reservations. As discussed earlier in this text, democracies are the most frequent filers of objections to reservations. Thus, we expect that non-democracies will be less receptive to this form of social pressure from their state peers, whom they likely perceive as biased. We measure the number of objections as a count variable, with values ranging from 0 to 23.

States may apply pressure to remove reservations in many ways. As treaties embody international commitments, states with vested interest in encouraging their peers to be bound by these commitments may apply pressure for their peers to remove reservations to obligatory and demanding provisions. States that want to further encourage compliance may specifically pressure peers to remove reservations to non-derogable provisions, which are provisions that states are not able to deviate from even under extreme circumstances. We include two variables that account for the possibility that states will pressure their peers regarding withdrawal of reservations to these two types of reservations. The first, *demanding treaty provision*, takes a value of 1 if a provision is “strong, precise, and stipulates domestic action” (Boyes et al 2024, p. 252) and zero otherwise. The second, *non-derogable treaty provision*, takes a value of 1 if a provision cannot legally be deviated from and zero otherwise.

We include a variable for *judicial independence*, as higher judicial independence may be correlated with compliance costs. States with higher judicial independence may face domestic judicial consequences if they fail to comply with their treaty obligations (Hill 2016; Powell and Staton 2009). The data for the judicial independence variable is drawn from the Varieties of

Democracy (V-Dem) Project (Coppedge et al 2018) and ranges from 0 (lowest judicial independence) to 4 (highest judicial independence).

Treaties are treated as equal or superior to domestic law in some states, while others look to restrict their treaty obligations to those which conform to existing domestic or religious law. The latter is frequently challenged by state parties to international human rights treaties as a potential violation of Article 27 of the Vienna Convention. States that place international treaties as equal or superior to domestic law may have faster domestic legal recourse to punish noncompliance by leaders for violating international treaties. We include a dichotomous variable, *treaties equal or superior*, with a value of 1 assigned to states where international treaties are treated as equal or superior to domestic law and a value of zero otherwise (Elkins, Ginsburg, and Melton 2009).

Strong human rights institutions are correlated with a higher ability to monitor state behavior. The visibility provided by National Human Rights Institutions (NHRIs) within a state can facilitate both domestic and international pressure for compliance and the removal of reservations. We include a variable, *Strong NHRIs*, that is sourced from Conrad et al (2013) and drawn from Zvobgo, Sandholtz, and Mulesky (2020, p. 793). The variable ranges from 0 to 15, with higher values indicating stronger NHRIs.

Respect for basic human rights may indicate a state would be more willing to commit to and comply with international human rights treaties, and therefore be less likely to file reservations that it would later need to withdraw. We use the measure for latent *basic rights respected* from Fariss (2014). The variable is continuous and ranges from -3.047455 to 4.684354 with a mean value of .3285033.

The variables *average GDP per capita* and *average total population* are used to address the possibility that poorer and more populous states may not be able to comply, and hence may be more likely to file reservations. Both measures were originally taken from the World Bank's World Development Indicators.

Results

To assess hypotheses 1 and 2, we estimate a probit model with robust standard errors on a sample of all states that had filed reservations and hence had the potential to withdraw reservations. The coefficients of this are displayed in table 3, below.

Although we do not use a two-stage model to account for the potential selection bias incurred by not accounting for states that do not enter reservations, the results of the control variables in our model are comparable with those of Boyes et al (2024), which made use of a two-stage Heckman probit model. Although probit coefficients are unintuitive in their interpretation, the directionality of variables is in line with the general expectations, as discussed in the previous section. In the following two subsections, we make use of a coefficient plot and average marginal effects plot to illustrate our results for each of the hypotheses.

Table 3: Probit estimation of state's human rights treaty reservation withdrawals

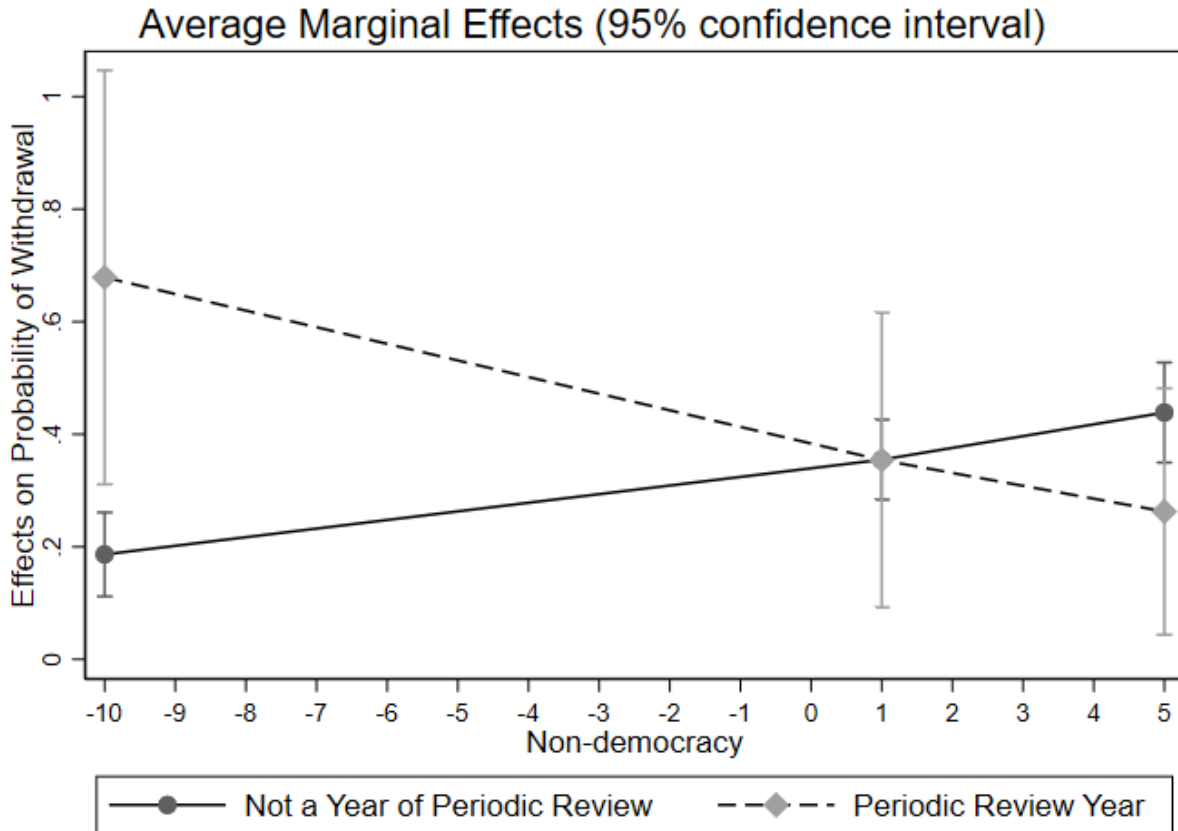
Democracy	0.052** (0.012)
Number of objections	0.085** (0.016)
Periodic review year	4.180** (0.369)
Demanding provision	0.243 (0.204)
Non-derogable provision	1.485** (0.266)
Judicial independence	0.087 (0.079)
Treaties equal or superior	-0.743** (0.271)
Strong NHRI	-0.003 (0.026)
Basic Rights Respected	-0.537** (0.100)
Average GDP per capita	0.015 (0.085)
Average total population	-0.070 (0.084)
Constant	-1.071 (1.886)
<i>N</i>	629

* p<0.05; ** p<0.01

Testing Hypothesis 1

Recall that the first hypothesis is that non-democracies undergoing periodic review are more likely to withdraw treaty reservations than non-democracies not undergoing periodic review. We find partial support for this hypothesis, as demonstrated in the average marginal effects plot in figure 5 (below). While more consolidated non-democracies clearly demonstrate a greater tendency to withdraw treaty reservations while undergoing periodic review, the same does not hold true for more democratic anocracies. As polity score increases, the strength of the effect of periodic review on treaty reservation withdrawal decreases.

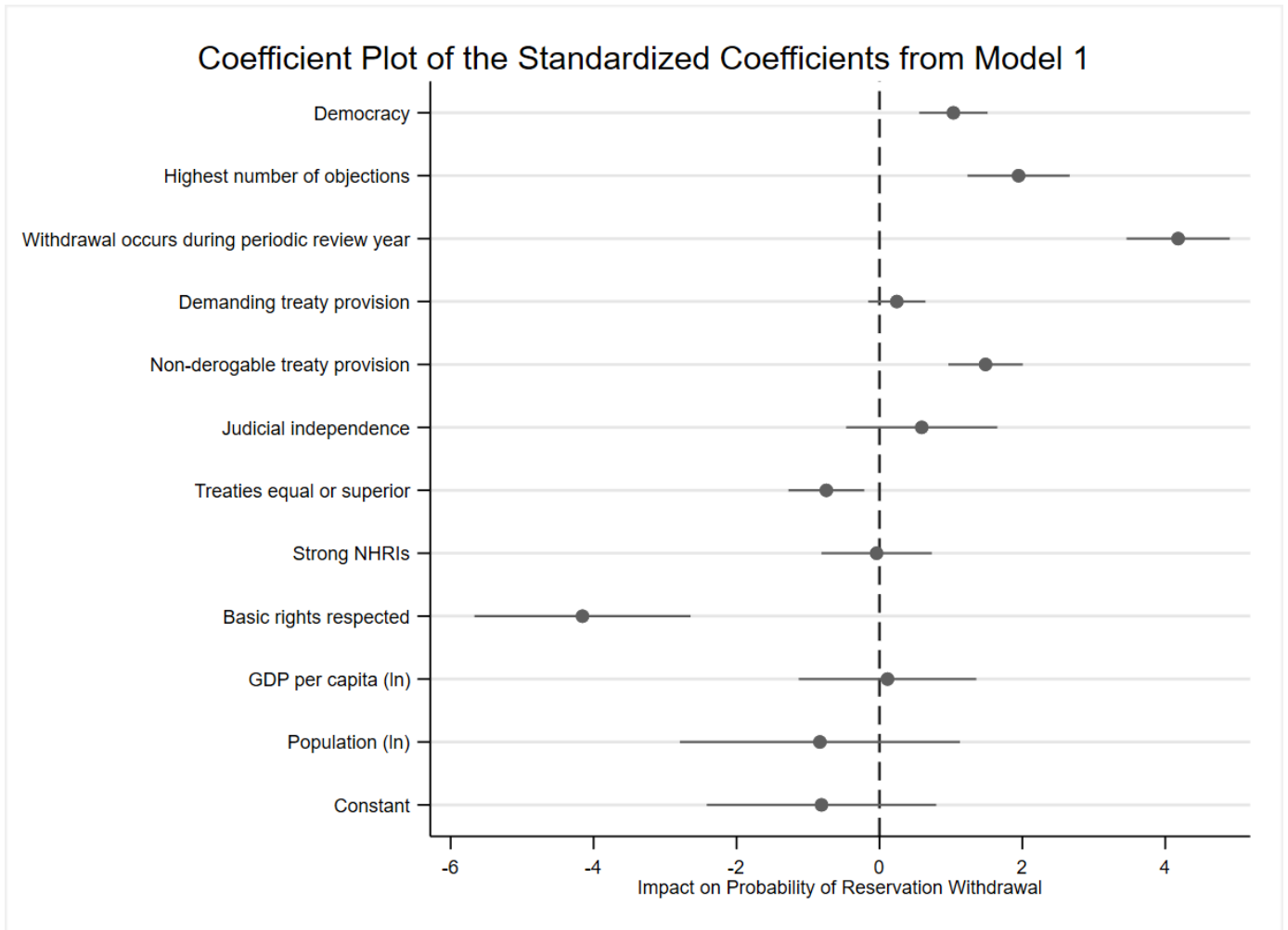
Figure 4. Average marginal effect of periodic review on withdrawal across values of non-democracy



Testing Hypothesis 2

The second hypothesis is that objections are less effective than periodic review at encouraging non-democracies to withdraw reservations. As demonstrated in the coefficient plot, below, (Figure 6), we find a substantially more influential impact of periodic review year on treaty reservation withdrawal than the number of objections. While both exert a positive influence on a state's decision to withdraw reservations, the most influential predictor of reservation withdrawal in the model is periodic review.

Figure 5. Coefficient plot from analysis of probit estimation of a state’s human rights treaty reservation withdrawals



Future Directions

In this article, we address mechanisms driving non-democratic state reservations withdrawals. In addition to providing support for the expectations, the results open the door for further inquiry. Key differences between the behavior of consolidated nondemocracies and anocracies are apparent, but further questions remain regarding how the timing of peer review and state objections may affect reservation withdrawal by non-democracies. We leave this to

future investigations. Future research should consider addressing the domestic impacts of periodic review and the ability of civil society groups to affect change in non-democracies by leveraging the periodic review process. While some literature assesses this topic and some preliminary research into the impact of specific sets of civil society actors on specific treaties (Kreutzer n.d.), we are unaware of any attempts to assess civil society's impact across treaties and regime contexts.

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