Do Human Rights Treaty Obligations Matter for Ratification?

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Abstract

International relations scholarship assumes that states weigh the costs and benefits of treaty ratification. In human rights, the worse a particular state's record, the higher the presumptive costs of ratification and the lower the likelihood of ratification. But prior work neglects variation in the extent of obligation that different treaties create. In this article, we argue and demonstrate that (1) human rights treaties differ substantially in the scope and scale of the obligations they contain, (2) this variation can be measured, and (3) it matters for ratification. Treaties that create a larger number of demanding obligations imply greater potential costs of compliance for states. The larger the number of demanding obligations, the more grounds various actors will have to challenge a state's practices. We analyze innovative data on treaty obligations and commitments for the ten core global human rights treaties to test our propositions, and we find strong support.

Introduction

The assumption that states weigh the costs and benefits of treaty ratification has been foundational to a rich vein of international relations scholarship on treaty commitment (Downs et al., 1996; Goodliffe & Hawkins, 2006; Hathaway, 2003, 2007; Simmons, 2009). Both theory and empirical analysis have focused almost exclusively on states' general human rights performance: the worse a particular state's record, the greater the presumptive costs it will face following ratification, either from adapting its policies or being penalized for non-compliance.[1] For instance, with reference to the International Criminal Court, Chapman & Chaudoin (2013) contend that the prospect of ICC prosecutions makes non-democracies with a history of political violence less likely to ratify. By contrast, Simmons & Danner (2010) argue that for states transitioning to democracy, the likely costs of ratifying the Rome Statute can enhance the credibility of the commitment, thus making ratification more likely. However, ratification costs do not solely originate with states' domestic contexts; they also originate with treaties themselves, based on the degree to which they create demanding obligations for states. Scholarship up until this point has largely ignored how a treaty's text affects the costs of compliance and, consequently, ratification. Scholarship has also overlooked variation in the extent of obligation that different treaties create.[2] Extending research on treaty commitment, this article assesses whether this variation influences states' ratification decisions.

We theorize that, as they weigh ratification, states take into account the extent of the obligations that human rights treaties would require of them. Treaties that create a larger number of demanding obligations imply greater potential costs of compliance for ratifying states. The larger the number of demanding obligations, the more grounds various actors – citizens, activists, human rights organizations, journalists, etc. – will have to challenge a state's practices, whether

in public fora or in courts of law. States may therefore be more cautious in ratifying more demanding treaties than less demanding treaties.

In brief, we argue that (1) human rights treaties differ substantially in the scope and scale of the obligations they contain, (2) this variation can be observed and measured, and (3) it matters for ratification. To test our propositions, we analyze innovative data on treaty obligations and commitments for the ten core global human rights treaties. Consistent with our expectations, we find that the more demanding a treaty is, the less likely states are to ratify it within five years and within ten years of the treaty opening for signature or a country gaining its independence and becoming eligible to join treaties, whichever is later.

Our study makes conceptual, theoretical, and empirical contributions to scholarship on treaty commitment. We offer a new way to think about and measure potential ratification costs: the "demandingness" of treaties. A larger number of demanding treaty obligations implies a broader range of behaviors in which a violation could occur. Where states must be attentive to a wider range of behaviors, the potential costs of compliance are higher. Our findings are relevant to longstanding questions regarding the hypothesized tradeoff between how costly a treaty is to ratify and how many states decide to participate in it. In their influential article, Downs, Rocke & Barsoom (1996: 399) ask, "Is this trade-off real?" Treaty drafters have claimed that it is. For example, in negotiating the text of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the United Kingdom argued that CEDAW "should be of sufficient flexibility to cater to different social and economic conditions . . . from country to country." Barbados and Norway also suggested that "a lower standard will have to be set by the Convention before a significant number of States will feel able to sign it" (Commission on the Status of Women, 1976). In contrast, Gilligan (2004) has argued that if treaties allow states to set

policies at different levels, the "broader-deeper" trade-off does not exist.[3] Our study offers empirical evidence that the "broader-deeper" tradeoff is real in human rights treaties, even when taking into account the main flexibility mechanism in human rights lawmaking: reservations.

The next section offers a theoretical account of human rights treaty commitment, incorporating our concept of demanding obligations, and spells out our central propositions. After that, we explain and justify our main conceptual innovation, the demandingness of treaties, and we outline our empirical expectations. Subsequent sections describe data from our International Human Rights Obligations and Commitments (IHROC) data project and evaluate our central propositions in light of the data.

Theory: Human Rights Treaty Commitment

In line with established research, we assume that governments weigh the likely benefits and costs of joining a human rights treaty (Cole, 2005, 2009; Downs et al., 1996; Goodliffe & Hawkins, 2006; Hathaway, 2003, 2007; Sandholtz, 2017; von Stein, 2016). Though existing research theorizes that the source of ratification costs is in states' domestic contexts, we argue that ratification costs can also originate with the treaty itself, based on the degree to which the treaty creates demanding obligations for states, which we refer to as treaty "demandingness." Table 1 lists the treaties included in our analysis.[4]

Our study thus integrates insights from theories that have remained largely separate in international law and international relations scholarship: legalization and treaty commitment. The legalization project is about institutional design, offering a framework for placing international agreements along a continuum, from less legalized to more legalized. Whereas the legalization project leads up to the moment of treaty design, we assess the effects of treaty design

on ratification behavior. We also move beyond the legalization project by showing that even at the most legalized end of the spectrum – formal treaties – there is substantial variation in obligations.

Table 1. International human rights treaties, 1948-2014.

Code	Name	Opened for Signature	States Parties[5]
GENO	Convention on the Prevention and Punishment of the Crime of Genocide	Dec. 9, 1948	145
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	Mar. 7, 1966	175
ICCPR	International Covenant on Civil and Political Rights	Dec. 16, 1966	167
ICESCR	International Covenant on Economic, Social and Cultural Rights	Dec. 16, 1966	161
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	Dec. 18, 1979	186
CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Dec. 10, 1984	154
CRC	Convention on the Rights of the Child	Nov. 20, 1989	190
CRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Dec. 18, 1990	47
CRPD	Convention on the Rights of Persons with Disabilities	Dec. 13, 2006	148
CED	Convention for the Protection of All Persons from Enforced Disappearance	Dec. 20, 2006	44

Existing scholarship on treaty commitment also provides a foundation for our work. We accept and build on this literature's main findings, which focus almost entirely on state-level factors affecting ratification choices, e.g., regime type and domestic human rights respect (Hafner-Burton et al., 2015; Neumeyer, 2007; Simmons, 2009). We innovate by creating a treaty-level variable that we propose also affects ratification decisions: the degree to which the text of a treaty creates a larger number of demanding obligations for states, i.e., the extent to which a treaty is more demanding. Treaties that are more demanding imply greater potential

compliance costs on ratifying states than treaties that are less demanding. After discussing the main costs of ratifying human rights treaties, below, we briefly summarize the main benefits.

Costs of Human Rights Treaty Ratification

Human rights treaties create costs, and we argue that more demanding treaties generate greater potential costs by making it easier for domestic and international actors to identify and penalize a state's non-compliance. In other words, the text of a treaty affects the likely costs of complying with its terms. By focusing almost exclusively on state-level attributes, existing research on treaty commitment has so far tended to assume that human rights treaties do not vary in terms of the burden of the obligations they create or that those differences do not matter. But we argue that treaties vary dramatically in the quantity of obligations they impose as well as in how demanding those obligations are.

From some theoretical perspectives, the substantive content of human rights treaty obligations is essentially irrelevant. For international law realists, states ratify human rights treaties for political or symbolic reasons. Posner (2014: 65) suggests that "ratification of a human rights treaty may seem like a costless propaganda exercise" for non-democracies or rights-violating democracies. World society theory, for its part, sees state adhesion to human rights treaties as the product of world cultural scripts that states follow in order to be, and to be seen as, full members of the world society – not as the result of estimating the costs and benefits of specific treaty provisions (Goodman & Jinks, 2013). Other theories attribute human rights treaty ratification to the socialization that takes place in international organizations and through transnational networks (Goodman & Jinks, 2013). In all of these perspectives, however, the extent of the formal obligations that human rights treaties create does not factor into states' ratification decisions. Existing theories postulate that states weigh the costs and benefits of treaty

ratification, but for no category of states is the actual content of the treaty a factor in that calculus.

Benefits of Human Rights Treaty Ratification

A primary finding of international relations research is that the benefits of human rights treaty ratification vary across different types of domestic regimes (Simmons, 2009; von Stein, 2016). For strong democracies, the benefits of ratifying a human rights treaty are in part symbolic or expressive: joining affirms a country's core human rights norms and values, as well as its commitment to promoting rights internationally (Simmons, 2009). Strong democracies may also foresee benefits from raising the level of rights fulfillment in repressive countries because large-scale abuses can contribute to civil conflict, regional instability, humanitarian crises, and migrant and refugee pressures. Transitional democracies – those with new democratic institutions but recent experience with civil war or repressive regimes – foresee a different set of benefits from human rights treaty membership. For these states, joining a treaty can enhance the credibility of their commitment to democracy, rights, and the rule of law (Hafner-Burton et al., 2015; Moravcsik, 2000; Simmons, 2009).

Authoritarian governments may ratify human rights treaties, not because they plan to change their ways but because they might hope for some reputational gains. Adhering to a treaty might relieve some of the pressure to ratify from states with rights-promoting foreign policies and international and domestic non-governmental organizations (NGOs). It is possible that such reputational gains disappear once it becomes clear that a repressive regime has no intention of changing its behavior (Nielsen & Simmons, 2015). Authoritarian governments either fail to foresee that a human rights treaty might have real domestic and international legal and political effects, or assume that those consequences can be prevented or suppressed (Conrad & Ritter,

2019; Simmons, 2009).

Still, the benefits of human rights treaty ratification may not depend only on regime type. International human rights norms are part of world society institutions that define modern statehood and shape its structures (Boli-Bennett & Meyer, 1978; Wotipka & Ramirez, 2007); therefore, subscribing to the global human rights regime may be seen as an inherent component of modern statehood (Meyer et al., 1987; Meyer et al., 1997), whereby countries ritualistically commit to human rights treaties as evidence of their legitimacy as nation-states (Cole, 2009: 572). Conversely, the failure to ratify entails perceived costs, in the form of reduced international approval or legitimacy. Goodman & Jinks (2013) ascribe the global diffusion of human rights norms to processes by which state actors are acculturated, or socialized, into human rights discourse, which external pressure or coercion cannot explain.

Demanding Treaty Obligations

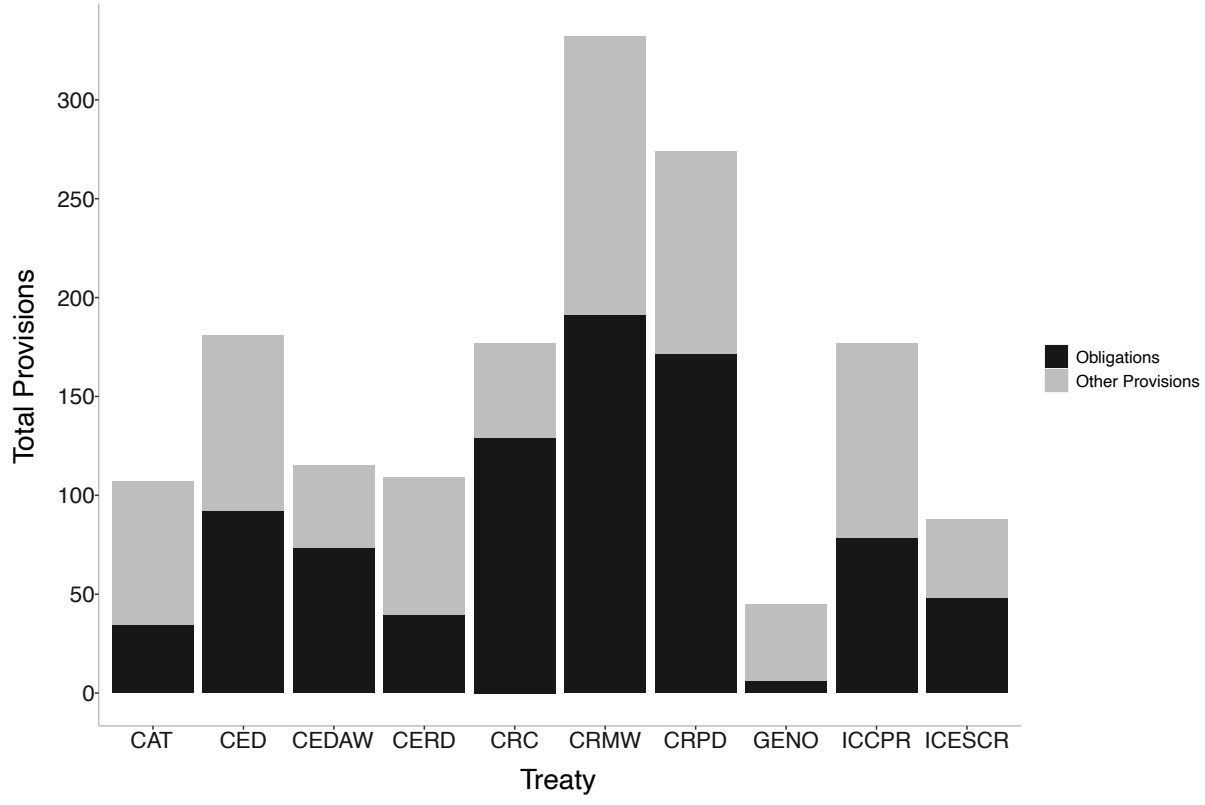
Because the concept at the core of our argument and analysis – *demanding treaty obligations* – is a fairly new one, we first define the concept and explain its usefulness. We propose that treaty provisions create obligations of varying demandingness. A more *demanding obligation* is one for which compliance likely requires more difficult or costly state action, for example greater policy adaptation or increased official accountability.

In operationalizing demanding obligations, we build on insights from the legalization project but go beyond it in key ways. In Abbott et al.'s formulation, *obligation*, *precision*, and *delegation* define a continuum of legalization. Norms are more *legalized* when they demonstrate a greater degree of obligation, precision, and delegation (Abbott et al., 2000; Goldstein et al., 2000). Our study puts obligation at the center, moving the concept beyond the legalization

project's "soft" versus "hard" distinction, to suggest that the obligations entailed by formal treaties (representing high levels of legalization) still vary in terms of what they demand of states. Three dimensions help us identify *demanding obligations*: precision, strength, and the stipulation that a state takes actions at home. We define a *more demanding treaty* as one that contains a larger number of demanding obligations.[6]

The first distinction is whether a treaty provision creates an obligation or duty for states. For example, Article 6(2) of the CRC establishes an obligation: "States Parties shall ensure to the maximum extent possible the survival and development of the child."[7] Not every treaty provision creates an obligation. Treaty provisions serve numerous other functions, including defining treaty terms, outlining treaty mechanics, and establishing a treaty body. Figure 1 depicts the proportion of treaty provisions that create obligations in the ten treaties included in our analysis.[8]

Figure 1. Proportion of treaty provisions that create obligations.



For provisions that establish obligations, we coded for three characteristics. First, obligations can be *precise* or imprecise (Abbott et al., 2000; Koremenos, 2016).[9] Precise obligations call for or ban specific, observable actions by state or other actors. Precision means that non-compliant behavior can be identified, whereas imprecise, broad, or ambiguous language creates uncertainty as to what constitutes a violation. We argue that more general or imprecise legal rules will be less costly for states to comply with because states can more easily argue that their behavior is consistent with the rule. More precise rules will have the opposite effect, however: the more precise the obligation, the easier it is for other actors to determine whether or not the state is meeting it. The following is exemplary of a precise obligation:

> "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."[10]

This obligation specifies the "who," persons committing genocide or other acts; the "what," shall be punished; and "under what circumstances," regardless of status. Next is an example of an imprecise obligation, where the "who" is not clear nor is the "what." There are a range of possible ways to interpret "effective" and "legislative, administrative, judicial or other measures":

> "Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."[11]

A potential objection to this logic might be that precision is really capturing the scope of provisions; provisions may be so specific that they narrow the state's obligation. More generally-stated obligations might require more of states because they are more broadly defined. We disagree. An obligation that is broad in scope implies lower compliance costs simply because it is difficult for actors to determine that it is being violated. A duty to provide for a "healthful

environment," for example, is imprecise because it does not generate clear expectations as to what a state must do and, therefore, it does not facilitate clear judgments as to when a state falls short. Of course, in a substantive sense, fully providing for a "healthful environment" would be costly in terms of the investments that would be required. But such an obligation would not be costly in the sense of establishing a basis for legal accountability, which is what matters here. We argue that the cumulation of precise (even narrow) obligations amounts to a more demanding treaty on the whole.

The second dimension captures whether an obligation is *strong* or weak. Weak obligations express what a state *should* or *should not* do; strong obligations express what a state *must* or *must not* do. A strong obligation requires states to enact laws, achieve objectives, or carry out actions. The difference between "shall" or "shall not" and "undertake to" is seemingly small but substantially changes the costs a state is likely to bear. Other examples of treaty terms giving states a wide berth to decide the extent of their obligation include: "when circumstances so warrant," "take all feasible measures," "whenever appropriate," "whenever desirable." These phrases let states decide, allowing them to individually set and meet bare-minimum standards. This language does little more than announce that states should do *something*. It is much less clear when a state is in violation of a weak obligation because the state is only obligated to make *an effort* to achieve an objective. As a strong obligation, we would reference the following:

> "States Parties *shall grant* women equal rights with men to acquire, change or retain their nationality. They *shall ensure* in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband."[12]

For a weak obligation, consider the following example:

> "States Parties *undertake to respect* the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law

without unlawful interference."[13]

The final dimension taps into whether a provision stipulates *domestic action*, which means that an executive, administrative, legislative, or judicial body must fulfill the obligation. The vast majority of, though not all, treaty obligations require domestic action. One obligation that entails domestic action is the following:

> "Migrant workers and members of their families shall have the right to equality with nationals of the State concerned *before the courts and tribunals*. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing *by a competent, independent and impartial tribunal established by law*."[14]

Some obligations pertain to states between and among themselves or vis-a-vis an international body. Here is one obligation that does not stipulate domestic action but international action:

> "States Parties undertake to *submit to the Secretary General of the United Nations*, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect…"[15]

Implementing domestic measures generally entails more direct and substantial costs of adjustment and compliance for states than fulfilling obligations to the international community broadly speaking. An established literature documents that human rights treaties affect states primarily through domestic avenues, by empowering domestic civil society and domestic bodies like national human rights institutions to pressure governments through political mobilization or judicial action (Simmons, 2009). Of course, there can also be international costs associated with violating human rights treaties, but the three mechanisms associated with enforcement of international economic, security, and environmental agreements – reciprocity, reputation, and retaliation – are simply not at work when it comes to human rights treaties, or at least not to the

same extent (Geisinger & Stein, 2008; Guzman, 2008). This is why much of the scholarship on human rights law turns to domestic institutions and actors to explain how human rights agreements are enforced (Conrad & Ritter, 2019; Hathaway, 2003; Simmons, 2009).[16]

Related to this point, one might argue that another design feature of international human rights treaties relevant to their demandingness is whether or not states accept the jurisdiction of a treaty body, court, or committee to receive submissions from other states or from individuals, to interpret the treaty, or to initiate inquiries (Reiners, 2021). In the human rights treaties we analyze, such acceptance is always subject to an optional clause or protocol. For this reason, the third dimension in the legalization framework – delegation – does not figure into our concept of demanding obligations. Delegation of enforcement to international mechanisms does not vary for nine of the ten treaties – it is optional. If some of the treaties required that individual complaints, for example, be heard by a treaty committee with the authority to issue binding judgments, then delegation to such bodies would offer an additional source of variation to analyze.[17]

One might also argue that each dimension should be analyzed separately. But we contend that strength, precision, and required domestic action contribute to demandingness.[18] If, for example, obligations are precisely worded but weak, states still have the flexibility to interpret their actions as compliant. For example, states can precisely craft the right to universal education by specifying that all children should be enrolled in primary school. However, if states are only obligated to "take all feasible measures" to accomplish this goal, they can always say they did all they could and blame failure on circumstances outside of their control.

Hypotheses

In this section, we specify our empirical expectations.

Demanding Obligations

As previously discussed, we expect that states will see treaties containing more demanding obligations as more costly to ratify, because they increase the likelihood that non-compliance will be identified, reported out, contested, and subject to political or judicial action at the domestic level. Prior research suggests that domestic accountability processes, including political mobilization and litigation, are effective in inducing governments to comply with human rights treaty obligations (Hill & Jones, 2014; Simmons, 2009). Domestic actors keen on improving respect for human rights will be better able to rely on treaty law that establishes demanding obligations.

At the international level, various actors – from rights-promoting states to transnational NGOs and review mechanisms like the Universal Periodic Review – can also bring pressure to bear on states that violate human rights treaty commitments. As with domestic actors, treaties containing more demanding obligations make it easier for international actors to observe, document, and denounce non-compliance, and take steps to impose costs on the violating state. Shaming, reducing aid or investment, engaging in political action, or filing lawsuits are but a few examples of the actions human rights promoters can take to achieve their objectives (Zvobgo, 2023). In brief, more demanding obligations create points of leverage for human rights defenders. This logic leads to the following proposition:

> *Hypothesis 1: States will be less likely to ratify treaties with a larger number of demanding obligations than treaties with a smaller number of demanding obligations.*

Regime Type

The likely costliness of a treaty to a country also depends on that country's existing level of

respect for the rights covered in that treaty. For example, an established democracy would likely, at the time of ratification, already be largely compliant with the human rights obligations contained in a particular treaty. But, given the greater openness of democratic regimes, in terms of a free press and access to courts of law, democracies might actually expect greater public attention, criticism, and/or legal consequences for rights violations, relative to non-democracies (Chapman & Chaudoin, 2013; Solis and Zvobgo, 2023). An autocratic government, in contrast, could more easily suppress criticism or complaints that it was violating human rights. Autocracies might also be disposed to ratify human rights treaties as a perceived means of deflecting criticism (Hathaway, 2003; Simmons, 2009). In other words, the anticipated effect of treaty demandingness on ratification may be different for democracies than for autocracies, given the difference in potential downstream costs.[19] We therefore hypothesize an interaction effect between treaty demandingness and regime type.

> *Hypothesis 2: Democracies will be less likely than autocracies to ratify more demanding treaties.*

Reservations

States sometimes attempt to adjust their treaty obligations using reservations. Reservations are permissible unless a treaty expressly prohibits them and as long as they are not "incompatible with the object and purpose of the treaty."[20] States can enter reservations at any time, including before or after ratification or accession, but the vast majority of reservations are registered at the time of ratification (Zvobgo et al., 2020). States' ability to modulate their treaty obligations raises the question of whether reservations wash out differences in treaty demandingness. That is, countries might simply enter more reservations on more demanding treaties,[21] canceling the effect of treaty demandingness on ratification. We argue that they do not, for several reasons.

First, reservations to human rights treaties are rare, as Zvobgo et al. (2020) show. The authors introduce and analyze the IHROC – Treaty Reservations dataset, now in its second version, which captures reservations and declarations for the ten core global human rights treaties at the paragraph level.[22] Each treaty provision that creates an obligation represents for each ratifying country an opportunity to enter a reservation and/or a declaration.[23] So, each data observation is a country-provision.[24] As an illustration, through 2014, 145 countries had ratified, acceded, or succeeded to GENO, with 6 provisions creating obligations. Thus, for GENO, there are 870 opportunities (145 × 6) to reserve. Of those 870 opportunities, states reserved in fewer than 40 cases, with a reservation rate of roughly 4 percent, the highest in the sample.[25]

Second, what matters is that states have the *option* of reserving, not that they actually reserve. All ten of the treaties in our analysis permit reservations, which means that the capacity to reserve does not vary.[26] The capacity to reserve, in other words, is a constant across treaties, across states, and across time. If treaties varied in terms of demanding obligations *and* the capacity to reserve, we could explore the possibility that two treaties at similar levels of demandingness, one permitting reservations and the other not, might have different ratification rates. But this variation does not exist.

Third, while demanding obligations attract more reservations in human rights treaties (Zvobgo et al., 2020), this is an issue of variation at the provision level, not at the treaty level. For example, in our formulation, CEDAW is one of the less-demanding treaties, yet it has one of the highest reservations rates, nearly 3 percent.

The level of treaty demandingness should therefore affect states' behavior with respect to entering reservations. The more demanding a treaty, the more likely states are to ratify it with reservations. This argument leads to our final proposition.

Hypothesis 3: Ratification without reservation should be more likely for less demanding treaties than for more demanding treaties.

Data

The IHROC – Treaty Obligations dataset, now in its second version,[27] captures 1,605 unique treaty provisions (i.e., article paragraphs and sub-paragraphs) across the ten core global human rights treaties,[28] 53.6 percent of which create an obligation.[29] Of these, 77 percent are precise, 53.1 percent are strong, and 91.3 percent require domestic action on the part of the state. *Demanding* is a binary variable that indicates whether an obligation is precise, strong, and requires domestic action. *Demanding obligations* is the sum of these for a given treaty. Treaties containing a larger number of demanding obligations are considered to be *more demanding treaties.* According to this operationalization, the CRMW is the most demanding, as it includes 107 demanding obligations. The least demanding treaty by this definition is the CERD, which contains only two such obligations.

Dependent Variable: Human Rights Treaty Ratification

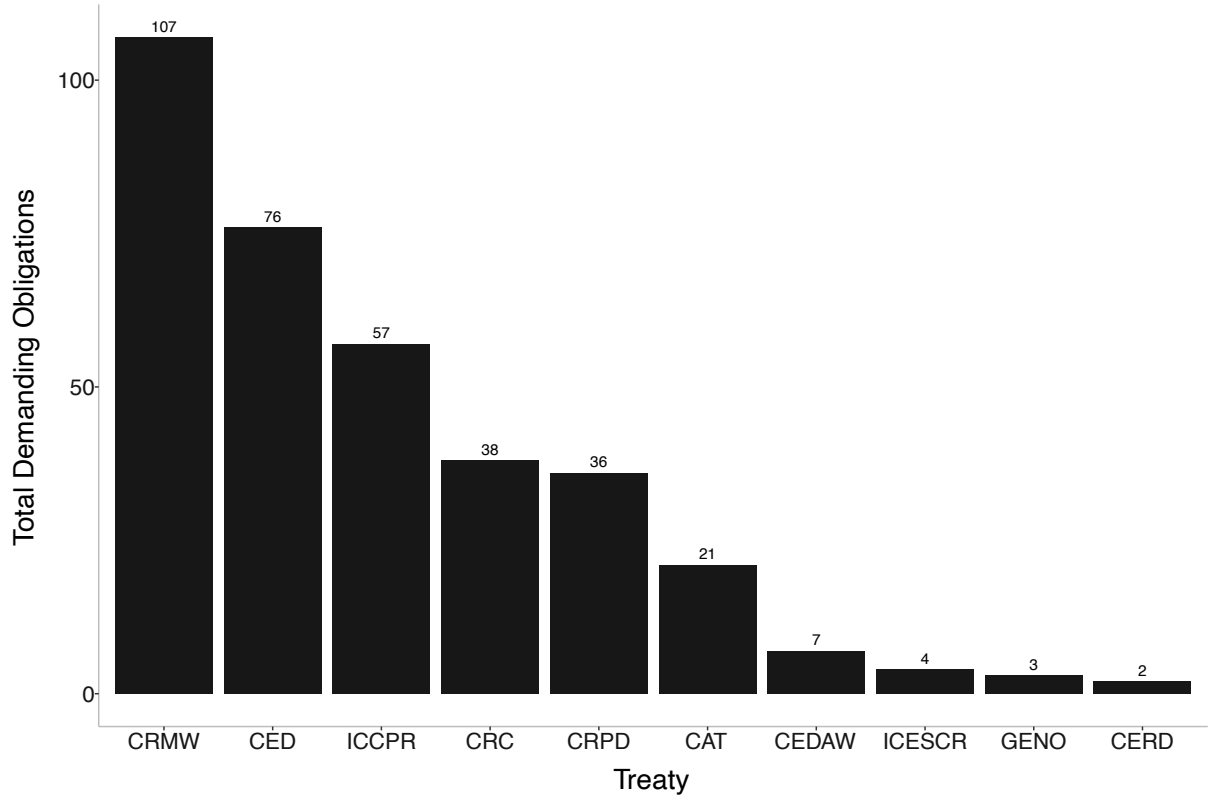
The first outcome variable is ratification of a given treaty, coded for each country as a binary variable taking a value of "1" if that country ratified the treaty within five years, otherwise zero. The second outcome variable is also binary, with a value of "1" if a given country ratified a given treaty within ten years, otherwise zero. The five and ten years are counted from the year in which the treaty was opened for signature or the year in which a state became independent and eligible to join treaties, whichever is later.

Primary Independent Variable: Demanding Obligations

The primary independent variable, used to test our main hypothesis, is a count of the number of

demanding obligations contained in each of the ten treaties. Figure 2 ranks the treaties according to the demanding obligations index.[30]

Figure 2. Number of demanding obligations, by treaty.



Covariates

We include in the analysis additional variables that have been shown to affect human rights treaty ratification in previous research. These include:

- *Democracy*: democracies will generally perceive lower costs to ratifying human rights treaties than autocracies (Simmons, 2009).
- *Basic rights respected*: countries with higher base levels of respect for human rights will likewise face lower policy adjustment costs and compliance costs.
- *Democratic transition:* for states that have recently transitioned to democracy, joining a

human rights treaty can enhance the credibility of their commitment to democracy, rights, and the rule of law (Hafner-Burton et al., 2015; Moravcsik, 2000).

- *IGO memberships (natural logarithm)*: international organizations are often seen as mechanisms of international socialization, meaning the more organizations of which a country is a member, the more it will be socialized in human rights and international law norms (Cole, 2005; Sandholtz & Gray, 2003; Wotipka & Tsutsui, 2008).
- *GDP/capita (natural logarithm)*: countries' level of wealth might also influence their ability to comply, with wealthier countries potentially better able to assume the costs of adjusting their policies than poorer countries.

Additional information on these covariates is available in the supplementary appendix.

Analysis

In this section, we present the results of logistic regression analyses. We pool all country-treaty pairs and employ robust standard errors clustered by country and treaty. We report odds ratios, which capture the effect of a given variable on the odds of treaty ratification. Odds ratios above "1" indicate that a variable *raises* the odds of ratification. Odds ratios below "1" indicate that a variable *reduces* the odds of ratification.

Table 2 presents the effect of *Demanding obligations* on the likelihood of ratification within five years and within ten years. Recall that demanding obligations are those that require domestic action, are precise, and are strong. Consistent with Hypothesis 1, the number of demanding obligations in a treaty is negatively related both to ratification within five years and ratification within ten years. Figure 3 presents this result graphically. This result is statistically significant across a range of specifications, including models that control for additional state-

level factors (see the appendix).

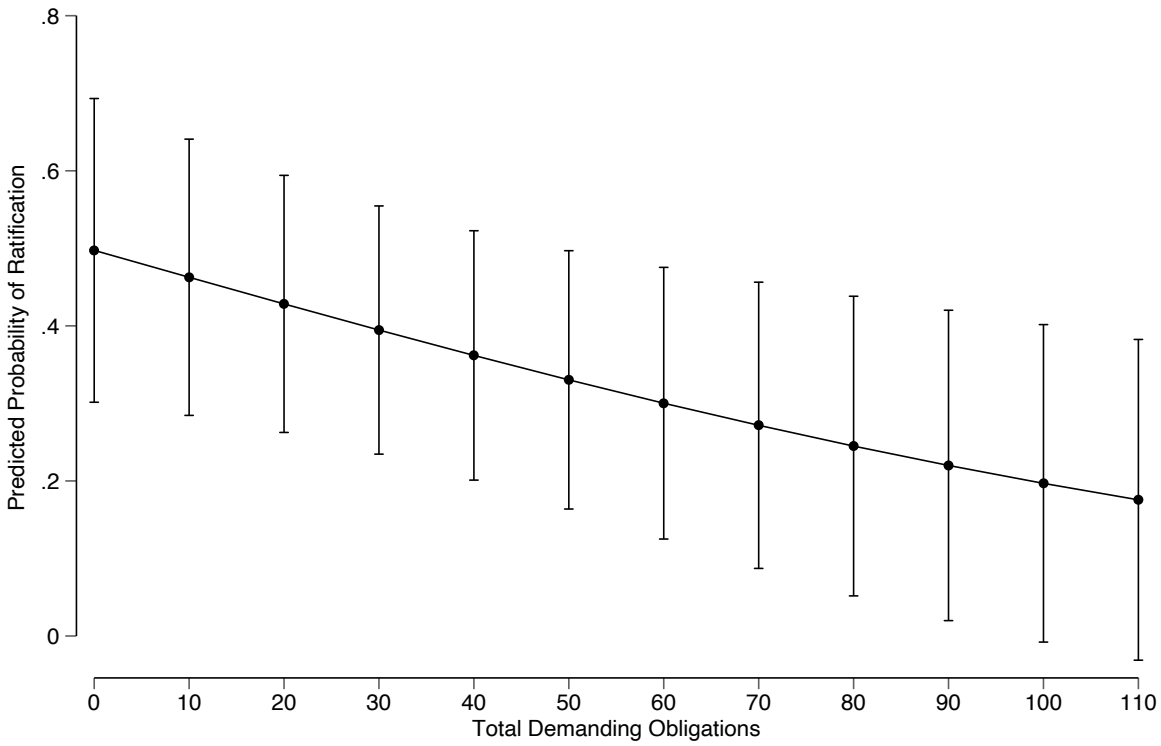
Table 2. Demanding obligations and treaty ratification, logistic regression.

	Ratification within 5 years		Ratification within 10 years	
	1	2	3	4
Demanding obligations	0.986*	0.987*	0.981**	0.982**
	(0.008)	(0.007)	(0.007)	(0.007)
Democracy	1.804***	1.901***	1.477**	1.536*
	(0.327)	(0.360)	(0.242)	(0.337)
Democracy x Demanding obligations		0.998		0.999
		(0.002)		(0.003)
Democratic transition	0.355**	0.352**	0.543	0.540
	(0.147)	(0.144)	(0.206)	(0.203)
Basic rights respected	0.910*	0.909*	0.998	0.998
	(0.046)	(0.046)	(0.052)	(0.052)
IGO memberships	0.996	0.996	0.998	0.998
	(0.009)	(0.009)	(0.010)	(0.010)
GDP/capita (ln)	1.000	1.000	1.000**	1.000**
	(0.000)	(0.000)	(0.000)	(0.000)
Constant	1.075	1.047	2.290*	2.248*
	(0.465)	(0.445)	(1.003)	(1.002)
Observations	1,587	1,587	1,587	1,587
Log-likelihood	-999.8	-999.7	-1015.7	-1015.6
X^2	25.41	25.14	18.39	18.01
$p > X^2$	0.0003	0.0003	0.0053	0.0062

Odds ratios reported. Robust standard errors clustered by country and treaty in parentheses.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

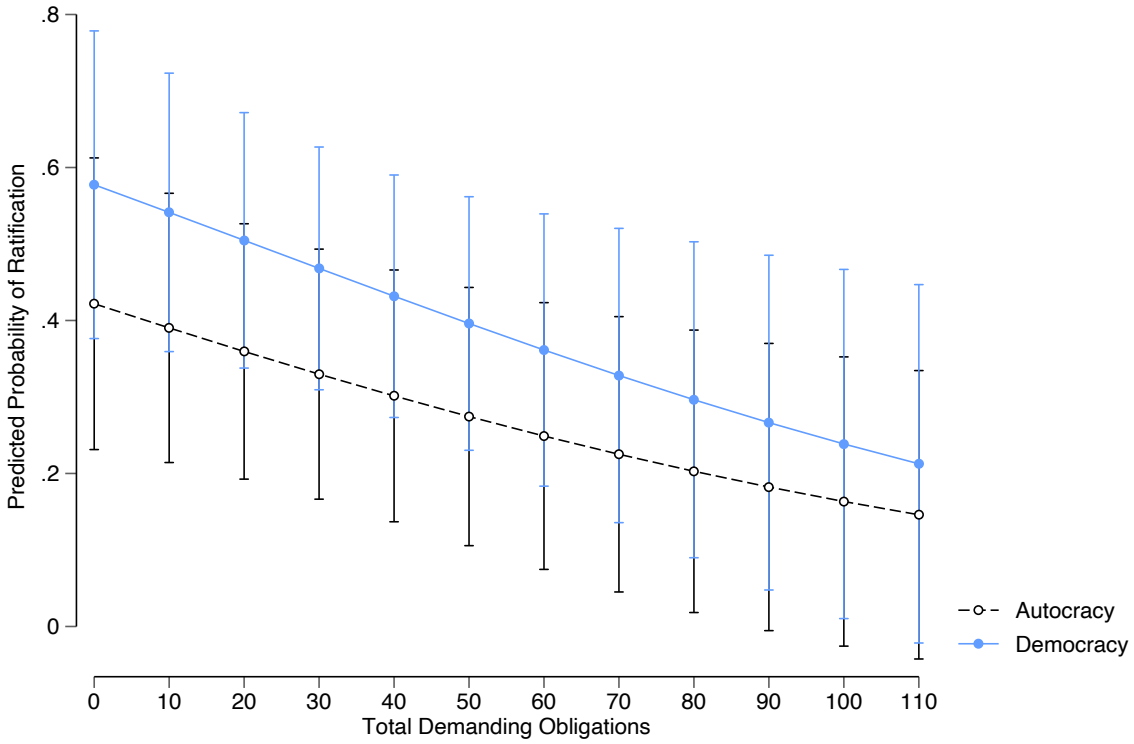
These findings add to our understanding of human rights treaty ratification. Prior research has tended to assume that human rights treaties are essentially alike and has not taken into account that they vary dramatically in the extent of the obligations they create. But our analysis shows that differences in the number of demanding obligations in human rights treaties affect states' ratification behavior.

Figure 3. Predicted probability of treaty ratification, by number of demanding obligations.



Under Hypothesis 2, we expect treaty demandingness to have different effects for democracies as compared to autocracies, with democracies more reluctant than autocracies to ratify more demanding human rights treaties. The analysis does not support this proposition. *Democracy x demanding obligations,* representing the interaction between democratic regime and treaty demandingness, is negative but not statistically significant. See Table 2, specifically Models 2 and 4. Figure 4 visualizes the decreasing likelihood of ratification, for both democracies and autocracies, as the number of demanding obligations rises. Though democracies ratify more demanding human rights treaties at a higher rate than autocracies, overlap in confidence intervals for the sample of democracies and autocracies means the difference in rates is not statistically distinguishable from zero. *Democracy*, itself, is positively signed and statistically significant, consistent with previous scholarship.

Figure 4. Predicted probability of treaty ratification, by number of demanding obligations, democracies versus autocracies.



We also test whether the effect of increasing the number of demanding obligations is offset by reservations. To assess our argument that ratification is not altered by reservation behavior, we run ordered logistic regressions. In these models, presented in Table 3, the outcome is an ordinal variable with three values: non-ratification (0), ratification with reservations (1), and ratification without reservations (2). The outcome is ordinal because higher values correspond with greater levels of acceptance of a treaty, ranging from "none" to "full," with "ratification with reservations" representing an intermediate category. The results are as we expect: the greater the number of demanding treaty obligations, the less likely is the next "higher" outcome. Increasing the number of demanding obligations decreases the likelihood of ratification, even when taking reservations into account. In addition, the interaction of

democracy and demanding obligations is not significant, though democracies are more likely to ratify overall in three of the four models.

Table 3: Demanding obligations and treaty ratification, including reservations, ordered logit regression.

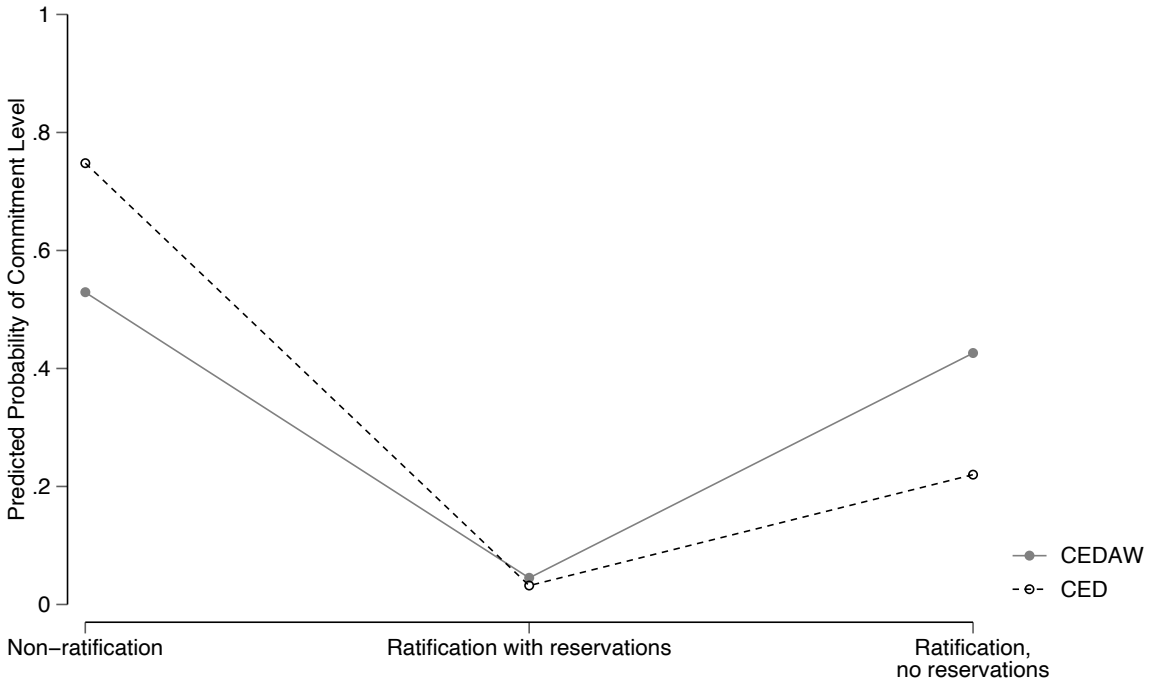
	Ratification within 5 years		Ratification within 10 years	
	1	2	3	4
Demanding obligations	0.986*	0.987*	0.982**	0.981***
	(0.008)	(0.007)	(0.007)	(0.007)
Democracy	1.751***	1.804***	1.391**	1.343
	(0.318)	(0.335)	(0.221)	(0.281)
Democracy x Demanding obligations		0.999		1.001
		(0.002)		(0.003)
Democratic transition	0.373**	0.371**	0.582	0.584
	(0.162)	(0.160)	(0.232)	(0.230)
Basic rights respected	0.908**	0.908**	0.985	0.985
	(0.044)	(0.044)	(0.046)	(0.046)
IGO memberships	0.995	0.995	0.996	0.996
	(0.009)	(0.009)	(0.009)	(0.009)
GDP/capita (ln)	1.000	1.000	1.000***	1.000**
	(0.000)	(0.000)	(0.000)	(0.000)
Observations	1,587	1,587	1,587	1,587
Log-likelihood	-1199.5	-1199.5	-1321.6	-1321.6
X^2	25.25	22.21	25.19	23.24
$p > X^2$	0.0003	0.0011	0.0003	0.0007

Robust standard errors clustered by country and treaty.
*** $p<0.01$, ** $p<0.05$, * $p<0.1$

To clarify these results, we generated predicted probabilities for all three outcomes at two levels of demanding obligations, holding all other variables at their means. Figure 5 graphs predicted probabilities for two prominent human rights treaties, CEDAW and the CED, which are widely separated in terms of the number of demanding obligations they contain. CEDAW contains 7 demanding obligations (ranking seventh among the ten treaties) and the CED includes 76 (the second highest total). The results are consistent with Hypothesis 3. We find a significant

effect, in the expected direction, of treaty demandingness on ratification while taking reservations into account. Non-ratification is more likely for the more-demanding CED than the less-demanding CEDAW. Ratification with reservations is equally likely for the two treaties. Last, ratification without reservations is more likely for the less-demanding CEDAW than it is for the more-demanding CED. In other words, accounting for reservations confirms our central finding, that states are less likely to commit to more demanding treaties. In addition to addressing the issue of reservations, the ordered logit analysis serves as a robustness check, confirming our central results.

Figure 5. Predicted probability of treaty commitment level, CEDAW versus CED.



Note: CEDAW contains 7 demanding obligations, while the CED contains 76 demanding obligations.

We tested additional variables that could plausibly be related to human rights treaty ratification. For instance, ratification of the two omnibus human rights treaties (the ICCPR and ICESCR) could affect a state's likelihood of ratifying subsequent treaties. A state's prior

ratification of the ICESCR had a significant positive effect on the likelihood of subsequent ratifications in both five- and ten-year timeframes, but prior ratification of the ICCPR did not.[31] See Tables A1 and A2 in the appendix. The timing of treaties also does not appear to have an effect: neither the Cold War period nor the post-Cold War period had a consistently significant effect on the likelihood of ratification.

Domestic legal institutions could also affect whether a country ratifies. Judicial independence, for example, could increase courts' capacity to apply human rights treaties in the domestic legal system, thus increasing the costs of ratification. However, the variable *Judicial independence* was not significant. Finally, as a further robustness check, we analyzed the relationship between treaty demandingness and ratification using a different model specification, time-series logistic regression, as presented in Table A3 in the appendix. With one observation per country-treaty-year, we tested our main hypothesis, that countries would be less likely to ratify more demanding treaties. The results were consistent: more demanding treaties are less likely to be ratified. All of these results are available in the appendix.

Conclusion

Political science research on human rights treaty ratification has largely neglected the content of treaties in both theory and empirical analysis. We sought to advance the field's understanding of treaty commitment by examining treaty content more carefully. We found empirical support for our prediction that states would more cautiously ratify treaties containing more demanding obligations. Our analysis suggests that states weigh the content of international human rights law – in particular, the extent of the obligations contained in treaties – when making decisions about ratification. This finding holds even though states can modify their obligations through

reservations.

We anticipate promising avenues of future research, including explorations of the role of treaty committees. Most human rights treaties create committees that can increase the precision or the strength of treaty obligations. The committees issue "general comments," authoritative interpretations of specific treaty provisions, that can clarify states' obligations (Reiners, 2021). For example, General Comment No. 35 for Article 9 of the ICCPR (on liberty and security of person) is 20 pages long. In total, it contains 68 paragraphs elaborating on specific state obligations related to arbitrary detention and notice of reasons for arrest, among others. The original Article 9 of the ICCPR contains only five paragraphs. General comments may alter perceptions of the demandingness of treaties by increasing their precision.

Notes

[1] Comstock (2021) complicates this picture, arguing that different commitment paths (e.g., ratification with or without prior signature, accession, and succession) also influence the expectation and likelihood of state compliance.
[2] One partial exception is Dancy & Sikkink (2012), who classify human rights treaties into three broad categories (physical integrity rights treaties with individual criminal accountability, physical integrity rights treaties without individual criminal accountability, and all others). Our approach differs in that it recognizes that human rights treaties vary in terms of how demanding the obligations they contain are and takes into account the level of "demandingness" of each treaty. Even among Dancy & Sikkink's three categories of treaties, there is variation in the degree of obligation.
[3] It is worth noting that all of the examples Gilligan (2004) uses to illustrate his argument are in the economic or environmental realms – not human rights.
[4] We acknowledge that unlike the other treaties in our sample, the GENO is both a human rights and criminal law treaty and is more limited in scope. In addition, while the other treaties have committees that monitor state compliance, the main compliance mechanism for the GENO is the International Court of Justice (ICJ).
[5] Note that our analysis excludes the European Union (recorded by the United Nations [UN] as a party to the CRPD), Palestine (recorded as a party to all ten human rights treaties, save for the CED and CRMW), Hong Kong and Macau (at one time recorded as parties to the CAT, CERD, CRC, and CRPD), and the Holy See (recorded as a party to the CAT, CERD, and CRC). These actors' ability to enter treaties is contested and variable across our period of analysis, making them too different to compare to the broader population. In any case, listwise deletions due to missing data for state-level covariates means their exclusion does not affect the overall results.
[6] If it is possible to measure the level of demandingness and demonstrate its effect on commitment to human rights treaties, it should be possible to do so in other domains (e.g., security, economics, environment) where the costliness of treaty obligations should be easier to observe and quantify. For security, economic, and environmental treaties, the costs of specific obligations should be more readily measurable, for example, in terms of particular weapons systems, military bases, trade gains and losses in specific industries or even products, and reductions in particular pollutants.
[7] *Convention on the Rights of the Child* (1989), Art. 6(2).

[8] This figure replicates Figure 2 in Zvobgo et al. (2020: 790).
[9] Our definition of precision aligns with Koremenos's: "an agreement's degree of *precision* or *ambiguity* refers to the exactness or vagueness of its prescribed, proscribed, and authorized behaviors" (2016: 160).
[10] *Genocide Convention* (1948), Art. 4.
[11] *Convention Against Torture* (1984), Art. 2(1).
[12] *Convention on the Elimination of All Forms of Discrimination against Women* (1979), Art. 9(1), emphasis added.
[13] *Convention on the Rights of the Child* (1989), Art. 8(1), emphasis added.
[14] *Convention on the Rights of Migrant Workers* (1990), Art. 18(1), emphasis added.
[15] *Convention on the Elimination of All Forms of Discrimination against Women*, Art. 18(1), emphasis added.
[16] A partial exception is Boyes, Eldredge, Shannon, and Zvobgo (2023) who investigate states' withdrawal of human rights treaty reservations in response to international social pressure, operationalized as peer state objections and treaty body periodic reviews calling for reservation withdrawals and affirming that a given state is legally bound by the provision to which it had attached a reservation.
[17] Of course, states can prosecute specific human rights violations under domestic law in domestic courts. The CAT is unique in requiring states to criminalize torture and prosecute or extradite persons who commit acts of torture.
[18] Given that obligations requiring domestic action account for 91 percent of obligations – and the exclusion of such a requirement would not alter the measure – the question about combining dimensions into one measure centers on whether precision and strength should be jointly included. See the appendix for further discussion.
[19] Hill and Watson's (2019) work challenges this idea. The authors find that regime type does not always condition treaties' effect on rights respect, at least in the case of CEDAW. To be sure, CEDAW is in many ways unique among human rights treaties and the lack of a conditional effect of regime type on compliance may be due to autocracies' substantial participation in the treaty's negotiations (Comstock, 2022) and autocracies' engagement with and socialization in women's rights, both during and after CEDAW's adoption (Comstock and Vilán, 2023).
[20] *Vienna Convention on the Law of Treaties* (1969), Art. 19.
[21] Hill (2016) argues that states are more likely to enter reservations when human rights treaties contain standards that are more rigorous than those in their domestic laws, and he tests the argument with respect to the ICCPR. Comparable data on domestic laws relevant to all ten of our human rights treaties are unfortunately not available. Still, our argument is slightly different from Hill's. We test the relationship between how demanding a treaty is and the likelihood that states ratify it with reservations as compared to without reservations. We find that states are less likely to ratify more demanding treaties, even when taking reservations into account. The higher the number of demanding obligations, the less likely states are to commit and the less likely they are to commit fully, i.e., without reservations.
[22] Version 2 of the IHROC – Treaty Reservations dataset is available via the JHR Harvard Dataverse site. This version increases the sample size by roughly six percent, to 77,821 observations, and the number of reservations to 1,013. We replicate Zvobgo et al.'s (2020) main findings in the appendix.
[23] Note, the reservations dataset captures additional observations for amendments to prior reservations and declarations. The dataset also includes observations for "edge cases," for example Hong Kong and Macau, for which there are recorded reservations and declarations. Because both reservations and declarations are rare, we erred on the side of inclusion for the reservations data and analysis, while we err on the side of exclusion for the ratification data and analysis. Due to missing values on a number of the covariates, observations for Hong Kong and Macau are ultimately dropped in statistical analyses of reservations accounting for state-level factors. The reservations dataset does not include observations for Palestine or the Holy See, which had no registered reservations or declarations through the end of 2014. Due to missing values on a number of the covariates, they too would be subject to listwise deletions. For its part, the European Union, as an international organization, is not germane to an analysis of state ratification or reservation behavior.
[24] We are interested in reservations that apply to specific treaty provisions. States sometimes enter reservations regarding a treaty as a whole. Such reservations are not directly relevant to our analysis because they concern a state's broader political values or goals, for example, its constitutional or religious law, or its relationship with the state of Israel. Whole-treaty reservations do not express a state's position regarding specific obligations.
[25] The average reservation rate across treaties is 1.3 percent.
[26] We note that the GENO first raised the question of the possibility and permissibility of treaty reservations, a question that was answered in a 1951 ICJ advisory opinion. The ICJ's "object and purpose" criteria laid the ground for Article 19 of the Vienna Convention on the Law of Treaties (VCLT), which further defines the possibility and

permissibility of reservations. As a technical point, the VCLT covers the human rights treaties in our sample from CEDAW onward.

[27] Version 2 of the IHROC – Treaty Obligations dataset is available at the JHR Harvard Dataverse site. Details on the data are available in the appendix.

[28] Each treaty was coded independently by two coders following detailed instructions from the principal investigator. Any differences in coding were resolved by the principal investigator. See the appendix for additional discussion.

[29] To identify treaty obligations, the relevant unit of the treaty text is sometimes the article (for example, CAT Art. 11 is a single-paragraph article). More often, an article contains two or more paragraphs, some of which also contain sub-paragraphs. We coded the lowest-level unit available in each instance.

[30] We measure the skewness of *Demanding obligations* at 0.85, which means that the distribution leans moderately to the right.

[31] In these models, we exclude observations in which ratification of the ICESCR or the ICCPR is the outcome variable.

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