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GENDER IN TREATY LAW: AN EMPIRICAL PERSPECTIVE

LAUREN KOLB
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Reviewed and approved* by the following:

John K. Gamble
Distinguished Professor of Political Science and International Law
Thesis Supervisor and Honors Adviser

Michael Rutter
Associate Professor of Statistics
Faculty Reader

* Signatures are on file in the Schreyer Honors College.

ABSTRACT

Feminist perspectives have become a substantial part of the development and interpretation of international law. Not only are there many treaties that assign various legal rights to women internationally; but international organizations, both governmental and nongovernmental, exist to proactively assert these rights for women domestically. There are many statistical indicators used to assess the quality of life for women around the world, but no such quantitative analysis has been done specifically about the legal instruments that have a significant impact on gender issues internationally. This thesis strives to address this void and supply a description of the legal rights granted to women globally through treaty law (analyses that describe virtually the entire population) throughout the past 500 years in order to understand trends in treaty making and the implications of these decisions.

TABLE OF CONTENTS

List of Figures	iii
List of Tables	iv
Acknowledgements.....	v
Chapter 1 Introduction	1
Understanding Gender in International Law	1
Defining Global Gender Issues	7
Multilateral Treaties	9
Empirical Analysis, Gender and Multilateral Treaties	11
Chapter 2 Methods.....	13
The Comprehensive Statistical Database of Multilateral Treaties	13
Gender Treaty Identification.....	19
Gender Subtopic Variable.....	22
Children	23
Affirmations of Civil/Political/Social Rights	24
Education	25
Employment	26
Marriage/Family	27
Trafficking.....	28
Violence.....	28
Hevener’s Gender Treaty Categorization	29
Chapter 3 Results	33
General Findings	33
Trends using Hevener’s Classifications.....	43
IGOs, Gender, and Multilateral Treaties	47
Chapter 4 Conclusion.....	51
Empirical Methods and Gender Treaties.....	51
Gender Issues and Treaty Law.....	60
Appendix:List of Gender Related Treaties	64
REFERENCES.....	72

LIST OF FIGURES

Figure 1. Multilateral treaties over 500 years.	16
Figure 2. Percentage of multilateral treaties by topic	19
Figure 3. Gender treaties by subtopic.	33
Figure 4. Gender treaties over time.....	36
Figure 5. Gender treaties in perspective.....	37
Figure 6. Treaties by type.	39
Figure 7. Treaty making trends for human rights v. gender relevant instruments.	41
Figure 8. Hevener's (modified) categorization of gender treaties	44
Figure 9. Hevener's (Modified) trends over time.	45
Figure 10. Hevener's categorizations by percentage	46
Figure 11. Top IGOs involved in gender related treaty making	49
Figure 12. State party status to CEDAW (2013)	53
Figure 13. Percentage of the labor force that is female.....	55
Figure 14. Ratio of females to males enrolled in secondary school.....	56
Figure 15. Percentage of females (ages 15-19) that have been married	58

LIST OF TABLES

Table 1. Gender Treaties by Broad Topic.....

Table 2. Frequency of Multilateral Treaties by Gender Subtopic.....34

Table 3. Gender Treaties by Time Period.42

Table 4. Involvement of Intergovernmental Organizations in Gender Related Instruments. ...48

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Chapter 1

Introduction

Understanding Gender in International Law

A gendered or feminist perspective¹ is not a new or revolutionary idea in international law. Activists, scholars and practitioners have contributed to ensuring that gender issues (and a gender conscious perspective) are no longer invisible within the scholarship and provisions of international law². Not only have many multilateral treaties—both with regional and universal foci—been widely accepted, but also many intergovernmental and nongovernmental organizations exist to address gender issues at both the international and domestic levels.³ Marked progress has been made in drawing attention to these issues and amending them, though stating that these global measures are fully responsible is an unfounded conclusion.

The use of empirical methods⁴ has added a new dimension to international legal study. Both quantitative and qualitative analyses in the field use objective criteria to

¹ Feminist and gendered will be used interchangeably to represent a perspective that focuses on the separate effect of an issue on women and men respectively.

² See generally H. Charlesworth & S.H. Rimmer, *Feminist Internationalisms*, 32 AUSTL. FEMINIST L.J. 3 (2010). C.A. Mackinnon, *Creating International Law: Gender as Leading Edge*, 36 HARV. J.L. & GENDER 105 (2013). K. Knop et.al, *From Multiculturalism to Technique: Feminism, Culture, and the Conflict of Laws Style*, 64 STAN. L. REV. 589 (2012). D. Otto, *The Exile of Inclusion: Reflections on Gender Issues in International Law Over the Last Decade*, 10 MELBOURNE J. OF INT'L L. 11 (2009).

³ E.g. UNIFEM, Women's Commission For Refugee Women and Children, Women's Environment & Development Organization, Relief Society, etc.

⁴ "A method of scientific investigation which involves systematic observation or experiments rather than speculation or mere theorizing." "empirical methods." Oxford Reference Online.

replace assumptions based on aspiration and anecdote about the functionality of international law.⁵ This relatively recent trend seeks to achieve more accurate ways of measuring progress cross culturally. Two scholars, Gregory Shaffer and Tom Ginsburg, documenting this trend in the *American Journal of international Law* write “empirical study of law helps to unpack assumptions, whether concerning law’s legitimacy or its benevolent impact.... Empirical scholarship provides a set of tools to refine understandings of institutional design and practice so as to enhance international legal institutions’ effectiveness.”⁶ This list of potential benefits provides the framework for empirical study in international law. Further, if one adopts a conditional IL theory perspective—implying that the operational aspects⁷ of international law have an impact on normative outcomes— empirical analysis can be used to assess past policies objectively to determine what sort of actions to take in the future, based on what has been and will be effective.⁸

Before considering an empirical analysis of gender issues in treaty law, a broader understanding of the intersection of quantitative methods, treaty law and the field of human rights is required. It seems problematic to try to apply a strict objective approach to a field as controversial and dynamic as human rights. Nevertheless it remains an important relationship to consider, with proper approach. As Shaffer and Ginsburg write,

2010. *Accessed at*

www.oxfordreference.com/view/10.1093/acref/9780198568506.001.0001/acref-9780198568506-e-2218 (14 July 2013).

⁵ G.Shaffer & T.Ginsburg, *The Empirical Turn in International Legal Scholarship*, 106 *AJIL* 1 (2012), at 2.

⁶ *Id.*, at 9.

⁷ Operational aspects of international law related to this thesis include the final clauses of multilateral treaties which stipulate the functional details of the treaty.

⁸ *Id.*, at 10.

“It is... of great importance to determine whether international human rights law does matter and, if so, how and under what conditions.”⁹ The implications of this research extend to millions of people around the world. Rationalist Beth Simmons sought to quantitatively analyze the relationship between ratification of human rights treaties and human rights outcomes.¹⁰ She concluded that the states that ratify human rights treaties generally do comply with their provisions. For the most part this behavior is simply a codification of parallel beliefs already held in the state, which has itself likely taken domestic action in that area.¹¹ She also found that ratification by states that do not readily accept the provisions does have some effect on subsequent state behavior, especially when domestic activism by stakeholders¹² held the state accountable for these rights.¹³ This research provides empirical evidence that can guide international treaty law in the area of human rights, to improve outcomes rather than merely harmonizing good intentions.

Quantitative analysis has been used to measure the prevalence of Human-Centric International Law (HCIL), both by examination of the frequency of HCIL subtopics and more generally by assessing frequency of HCIL treaties relative to all treaties.¹⁴ HCIL is defined by a focus on the individual’s needs and standing instead of those of the state. The shift in international legal norms from state based rights and policies, to priority given to individuals marks a movement that recognizes an increased importance of

⁹ *Id.*, at 20.

¹⁰ B. A. SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS*, 2009.

¹¹ *Id.*, at 21.

¹² Citizens that would be affected by the human rights policies, for example women’s groups.

¹³ *Id.*, at 35.

¹⁴ J. K. Gamble, C. Ku & C. Strayer, *Human-Centric International Law: A Model and a Search for Empirical Indicators*, 14 *TUL. J. INT’L & COMP. L.* 21 (2005-2006).

human rights in a global law regime. The article, *Human-Centric International Law: A Model and a Search for Empirical Indicators*, quantifies this trend which shows gradual rise of HCIL norms in multilateral treaties.¹⁵ The article also describes feminist legal activism that has been at the forefront of raising awareness of private actors, specifically individuals and nongovernmental women's organizations, in public international law.¹⁶ Generally, the increased focus on human-centric and human rights law is possibly both a cause and an effect of increased women's organization's activism. The patterns of human rights in multilateral treaty making are an interesting parallel to the more specific gender-related subtopic. The current status and historical perspective of the development of gender issues within the regime of human rights will be assessed below.

The use of quantitative methods is certainly not limited to treaty law, and empirical methods play another role in the understanding of international gender issues. A substantial assortment of statistical indicators, which fall along a broad range of validity and reliability, are collected within the states that consent.¹⁷ While these statistical reports¹⁸ indicate some improvement over the past several decades, they also highlight many areas of concern both qualitatively, in choice and process of measured variables, and quantitatively in the disparity between genders that is shown by the data.¹⁹

¹⁵ *Id.*, at 71,72,73.

¹⁶ *Id.*, at 74.

¹⁷ For example, organizations such as World Bank, Organization for Economic Co-operation and Development, and then United Nations Development Programme collect gender related statistics.

¹⁸ Such as those published by UNDP and the GID. Of course, the countries that do not consent to data collection may be the areas where data is most required to advance change.

¹⁹ See generally G. Young, et. al, *Moving from 'The Status of Women' to 'Gender Inequality': Conceptualisation, Social Indicators and an Empirical Application*, 9 INT'L SOC. 55 (1994). Also, N.M. Else-Quest and S. Grabe, *The Political is Personal: Measurement and Application of Nation-Level Indicators of Gender Equity in Psychological Research*, 36 PSYCH WOMEN Q.

While this thesis does not deal extensively with these issues, it is important to consider that serious gender disparities still exist, even where development has been made.

It therefore remains important to analyze what has been done to advance women's legal rights (and to ask, what more still can be done?). In order to achieve this end, this thesis will make use of the Comprehensive Statistical Database of Multilateral Treaties (CSDMT), a computer spreadsheet containing information about the population of multilateral treaties over the past 500 years. However, there are several important questions to answer prior to an analysis of gender issues in treaty law.

At the most basic level one may ask: should gender issues be dealt with (and further enforced) at the international level? Or, is a *global* effort for gender equity just? Gender issues certainly have strong ties to regional culture. In fact the feminism versus culture conflict is deep-rooted and complicated.²⁰ Often times international protections for minority cultures directly oppose the struggle for gender equality. Most academics and practitioners believe strongly in basic rights for all people, regardless of culture. However, the opposing argument is made that human rights are a post-colonial imposition of Western culture on Eastern and developing nations.²¹ Ethicist Peter Singer addresses this paradox by arguing that prioritizing respect of the cultures of different peoples is itself part of the principles of one's own, here "Western", society.²² One must first conclude that one's own perspective is inescapable, but second allow for the

(2012). Also, M. Mills, *Gender Roles, Gender (In)equality and Fertility: An Empirical Test of Five Gender Equity Indices*. 37 CANADIAN STUDIES IN POPULATION 3-4 (2010).

²⁰ K. Knope et.al, *From Multiculturalism to Technique: Feminism, Culture, and the Conflict of Laws Style*, 64 STAN. L. REV. 589 (2012).

²¹ P. SINGER, ONE WORLD, 2002, at 139.

²² *Id.*

possibility that shared values can have a positive impact on the condition of humanity across the globe.

If we accept that universal human rights should be a goal of international law, the second question we must ask is: can it be done effectively? Many gender issues are transnational problems and thus are beyond the jurisdiction of one state. Examples include unregulated factories owned by multinational corporations, the trafficking of women and children, the spread of HIV/AIDS, and regional poverty.²³ Therefore, it is not only a moral responsibility that suggests effort at the international level, but logic seems to imply that international law remains the only ‘legal’ way to establish and regulate multi-state issues.

While women and men remain active raising awareness about gender issues in their region or subfield, there seems to be a noticeable void in the aggregation of published work: a comprehensive picture of gender issues via treaty law.²⁴ An examination of gender in international law is an enormously difficult undertaking. Although much greater consensus exists, for example, on international economic issues and border disputes²⁵; the understanding of human rights and specifically gender is partial to deeply different histories and customs in each part of the world.²⁶ Not only is it difficult to define gender and the ideal ‘role’ for a woman or man in a society, but even

²³ *See generally*. S. L. HENDERSON & A. S. JEYDEL, *WOMEN AND POLITICS IN A GLOBAL WORLD*, 2010.

²⁴ Professor Natalie Hevener did attempt an abbreviated version of this in her article, discussed later, but many instruments, at least according to the definitions in this thesis, were not included in her analysis.

²⁵ Not to oversimplify, certainly international economic issues and border disputes have their own history of complications and conflict.

²⁶ For a discussion on the culture v. feminism debate: *See generally* K. Knope et.al, *From Multiculturalism to Technique: Feminism, Culture, and the Conflict of Laws Style*, 64 *STAN. L. REV.* 589 (2012).

on the most basic level of human rights, discrepancies make universally applicable standards seem impossible. This thesis will develop an approach for understanding gender issues in multilateral treaty making.

Defining Global Gender Issues

What is meant by gender? Often the definition of gender is confused with that of sex. Sex differences include those which separate male and females biologically.²⁷ Gender denotes differences that are socially constructed rather than biologically present.²⁸ There is much variation in the specific roles of women and men linked with each culture, but the commonality is the tradition as explained by Charlesworth and Chinkin, that “[m]en and maleness are assumed to be the norm from which women and femaleness are to be differentiated. Women are construed as the ‘other’, the deviant from the norm.”²⁹ It is not so much the inherent or learned differences³⁰ between the genders that in turn cause conflict and the continued suppression of women by men³¹, but the

²⁷ “sex, n.1.” OED Online. 2006. *Accessed at* <http://www.oed.com/view/Entry/176989?rskey=p0ZApF&result=1> (14 May 2013).

²⁸ “gender,n.” OED Online. 2006. *Accessed at* <http://www.oed.com/view/Entry/77468?rskey=QrLX30&result=1> (14 May 2013). “The state of being male or female as expressed by social or cultural distinctions and differences, rather than biological ones; the collective attributes or traits associated with a particular sex, or determined as a result of one's sex.” Also: “a (male or female) group characterized in this way.”

²⁹ H. CHARLESWORTH & C. CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW*, 2000, at 2.

³⁰ This thesis will not argue either side, except to acknowledge that regardless of the source of differences, the power attributed to males over females is what causes issues based on gender.

³¹ It must be understood that this power differential is between the whole of “men” and the whole of “women.” There are certainly cases where a specific woman has more power than a specific man. But the imperative perspective in the examination of the advantages or stereotypes that affect the perception of one gender is the broad one. Broad gender perception leads to not only disparities in employment but disproportionate levels of sexual assault perpetuated by men against women.

separation of the genders in the power hierarchy. It is then important to explore how this artificial separation operates both in the development and application of international law, specifically multilateral treaties.

There are ambiguities to address. To start with, is it possible to distinguish between a “gender issue” and a “nongender issue”? One could take a gendered perspective on almost every issue because the separation of genders in the power hierarchy, is a part of cultures across the globe. Sometimes the systematic pressures of a patriarchal³² society manifest at the psychological level, making it difficult to measure potentially harmful effects, but regrettably often we are able to quantify the power difference between the genders through variables such as salary, incidence of sexual assault, and property ownership. Any functional analysis of gender requires practical accommodations and one should not sacrifice prospective benefits for perfection. As long as the definitions are clear and consistent, the results can be interpreted accordingly.

The validity of assuming a unified perception of gender across cultures is open to debate. This complexity is expressed by Sarah L. Henderson and Alana S. Jeydel, “colonial legacies, weak governments, endemic poverty and some traditional cultural values ensure women in the developing world have a fundamentally different experience from Western women.”³³ However the preponderance of evidence highlights clear divisions by the gender groups. While it is both illogical and analytically simplistic to suggest that an absolute convergence of a ‘women’s perspective’ exists globally,

³² “patriarchy, n.” OED Online. 2006. *Accessed at* <http://www.oed.com/view/Entry/138873?redirectedFrom=patriarchy> (14 May 2013).

“The predominance of men in positions of power and influence in society, with cultural values and norms being seen as favoring men.”

³³ HENDERSEN & JEYDEL, *supra* note 23, at 208.

“employing the category ‘women’ can be a valuable method of highlighting the commonality of the marginalization of all women in the international legal system.”³⁴

Professor Catharine MacKinnon puts it this way, “Women are a global group in the sense that the distinctive social definition, treatment, and status of women as a sex relative to men is recognized in diverse forms all over the world... Gender inequality is a global system.”³⁵ It is on this assumption—that although specific treatment varies, the subordination of women by men is universal—that an examination of gender within multilateral treaties rests. Despite regional and other variations, there are actions that can be taken broadly that will apply to all women and will effectively impact the lives of women across the globe.

Multilateral Treaties

Treaties remain the most important source of international law.³⁶ Author Anthony Aust in *Modern Treaty Law and Practice* states that treaties must include the “element of an intention to create obligations under international law.”³⁷ The Treaty Handbook, published by the United Nations, explains further, “A treaty or international agreement must impose on the parties legal obligations binding under international law, as opposed to mere political commitments. It must be clear on the face of the instrument, whatever its form that the parties intend to be legally bound under international law.”³⁸ The

³⁴ CHARLESWORTH & CHINKIN, *supra* note 29, at 2.

³⁵ C. MACKINNON, ARE WOMEN HUMAN? AND OTHER INTERNATIONAL DIALOGUES, 2006, at 13.

³⁶ S. V. SCOTT, INTERNATIONAL LAW IN WORLD POLITICS: AN INTRODUCTION, 2nd ed., 2010, at 3.

³⁷ A. AUST, MODERN TREATY LAW AND PRACTICE, 2nd ed., 2007, at 1.

³⁸ United Nations, *Treaty Handbook*, 2006, at 26.

agreement among multiple states to codify terms signifies more than surface level conformity, most likely it is evidence of *opinio juris* and a new or developing international norm. Norms are standard behaviors states observe from a *sense* of legal obligation.³⁹ They represent general consensus about ideas and acceptable behaviors. Further, as described by Ann Florini, “Norms are obeyed not because they are enforced, but because they are seen as legitimate.”⁴⁰ The development of and deference to international norms plays an important role in securing human rights, where formal enforcement is often lacking.⁴¹

While treaties are not the only source of international norm construction and development, they do confer a sense of legitimacy and codify an understanding about a dialogue and its related terminology. The word treaty covers a wide range of agreements (e.g. protocols, amendments, conventions) which serve separate but interrelated purposes. For this analysis only multilateral treaties, those agreements with three or more *state* parties⁴², will be included in discussion and analysis. This limitation serves two purposes; the first is that broad norm development is more probable where multiple states consent

³⁹ A. Florini, *The Evolution of International Norms*, 40 INT’L STUD. Q. 365 (1996).

⁴⁰ *Id.* Similarly, cultural norms impact the behavior of the individual – what is accepted, what is allowed, etc.

⁴¹ See MACKINNON *supra* note 36, at 14, as relates directly to gender norms.

⁴² The definition of a multilateral treaty has, recently, become a more complicated matter. As intergovernmental organizations express the capability to become party to international agreements, questions arise: Has the definition moved to include treaties between two states and an IGO? What about 2 IGOs and one state? Or even, 3 IGOs? This thesis will not attempt to answer such questions, and instead limit the definition to agreements with at least three state parties.

to an agreement rather than just two and the second, is that the treaty database, for practical reasons and time constraint only includes multilateral treaties.⁴³

Empirical Analysis, Gender and Multilateral Treaties

Empirical analysis can deliver an unbiased view of the whole. This is especially true when the data is a consensus and the illustrations represent the actual description of a population. The goal is to observe what quantitative analysis can tell us about gender issues in multilateral treaties over the past 500 years. One criticism of this research or this type of research may be that treaties are an antiquated measure of action/inaction because of the prevalence of international organizations, both intergovernmental and nongovernmental. The difference however, between treaties and the policies or resolutions of organizations is the power of “legality” or consensual state contract. While we see some self-sanctioned erosion of state power over recent years due to the increasing power and number of international organizations, states remain the main actors in international law. States are free to leave intergovernmental organizations, refuse to fund them, or simply ignore their resolutions. The principle of sovereignty is still central to international law and its structure.⁴⁴

Another criticism may be the paradox of measuring the frequency of gender issue treaties while maintaining the ultimate goal of gender equality or equity. Ideally such

⁴³ But the database does not include simply a sample of multilateral treaties; it includes essentially the entire population of multilateral treaties. To be more accurate, the analyses from the database are not technically statistics (which are inferred from a sample) but parameters (which describe a population). However, in this thesis the more recognizable term ‘statistics’ will be used.

⁴⁴ One can certainly argue whether or not this is ideal. In her notable book *Are Women Human? And Other International Dialogues*, Professor MacKinnon makes the interesting claim that the state is increasingly irrelevant for women and feminist activism. See MacKinnon *supra* note 36, at 13.

treaties and applicable oversight would be progressively phased out. Realistically, as evidenced by statistical reports, this ideal has not been reached. If one adopts a liberal feminist perspective understanding that “women’s equality can be achieved by removing legal and other obstacles that have denied them the same rights as men,”⁴⁵ effective human rights organizations and a body of law can be useful for making improvements.

Quantitative methods permit a broader, more objective view of the legal rights of women internationally. We can begin to answer many important questions in this exploration: in what gender-significant areas are many countries (at least more than 3 states) able to agree? How can we categorize gender treaties and what do these categorizations imply? How prevalent have gender issues been in multilateral treaty making over time? How prevalent within the body of human rights treaties? What do treaties that deal with gender issues look like?

The following section will explain the Comprehensive Statistical Database of Multilateral Treaties and the methods used to prepare for the analysis. Section three will present the results of the analysis and evaluation for each table and chart. Section four will include the concluding remarks about the analysis and broader perspectives on the use of empirical methods, the value of multilateral treaties, and the status of gender related issues.

⁴⁵ J.A. Tickner and L. Sjoberg, *International Relations through feminist lenses*, in FEMINISM AND INTERNATIONAL RELATIONS: CONVERSATIONS ABOUT THE PAST, PRESENT AND FUTURE (J.A. Tickner and L. Sjoberg, eds., 2011), at 5.

Chapter 2

Methods

The Comprehensive Statistical Database of Multilateral Treaties

This thesis offers a broad perspective on the prevalence of gender issues within the body of international law through empirical analysis of multilateral treaties. The Comprehensive Statistical Database of Multilateral Treaties (CSDMT) is a project unique to the Behrend College of Pennsylvania State University. Created in 1998 and inspired by Christian Wiktor's *Multilateral Treaty Calendar*⁴⁶, this computer based database contains information (approximately 40 variables⁴⁷) about the population of multilateral treaties (all those with 3 or more parties) entering into force between 1500-2013. Therefore, results are not inferences from a sample, but rather a description of the universe of multilateral instruments. Using the CSDMT it is possible to observe trends in multilateral treaties over the past 500 years. Each treaty has its own row and is coded for each of the 40+ variables. The count of multilateral instruments⁴⁸ is now over 6,500, yielding over 350,000 data points.

⁴⁶ C. WIKTOR, *MULTILATERAL TREATY CALENDAR*, 1998.

⁴⁷ Headnote, Calendar number, Sign date, Force date, Years in force, Type, Quality, Status, Threshold, Broad Topic, Narrow topic IGO Relation, IGO Party, Committee created, ILO, Dimiss clause, Dispute-Settlement Mode, Reservation clause, Duration clause, Official language combination, Number of official languages, Variables for language identification, length, variables for major party identification, number of parties, Region, Location, etc.

⁴⁸ "Instrument" and "treaty" are used interchangeably as a general term for an international agreement.

While most studies and associated publications in international law, specifically gender issues, involve the thorough analysis of one treaty or a small group of treaties, the CSDMT allows for a broader picture through statistical examination which provides descriptions and highlights trends over defined time periods. Identifying these trends is an essential step in understanding how gender issues have been perceived at the global level and how this view has developed by observing the actions that have been taken to address perceived areas of concern.

It is important to note that for this thesis, instruments that have never or not yet been in force were excluded from analysis. Also, agreements that do not cross the threshold of “multilateral treaty” (e.g. fewer than 3 state parties, Final Acts, etc) were not included. Finally, the reader should know that only those treaties that have been registered and published can be coded and thus included. This process can take several years, depending on whether or not the depository states/organizations responsibly register their instruments, so the analysis cannot accurately portray the most recent time period.

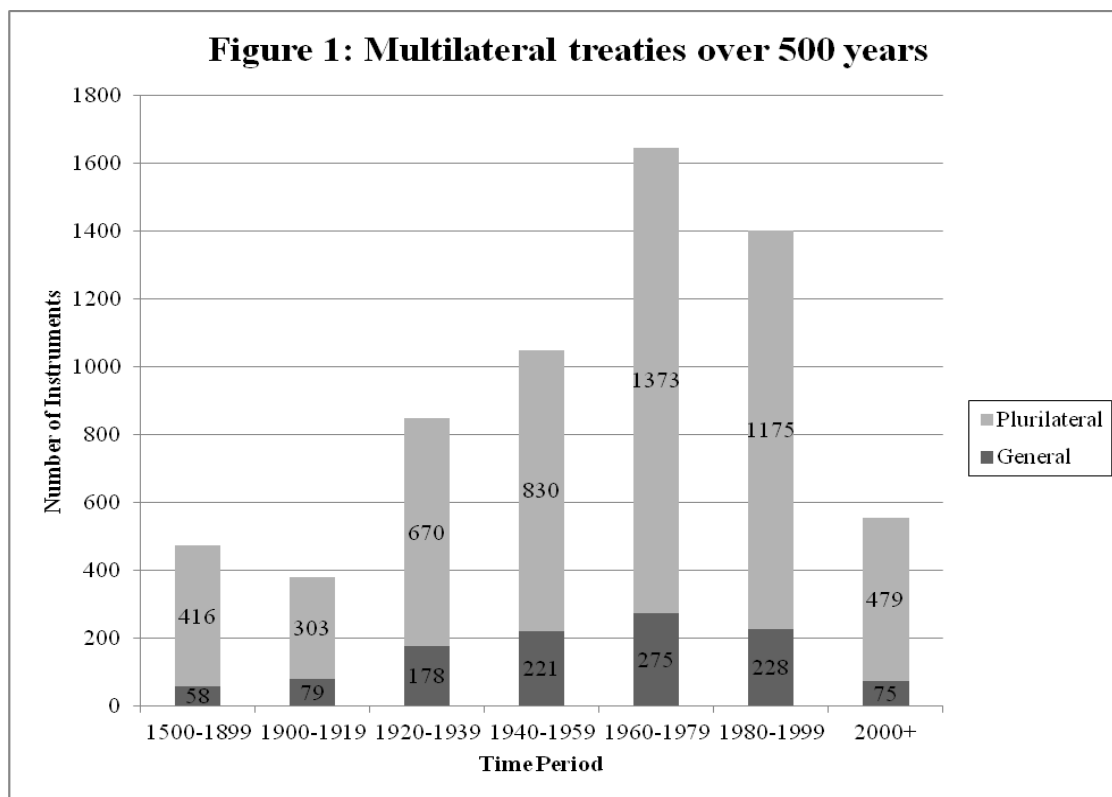
Figure 1 gives an overview of treaty activity displaying the frequency of plurilateral versus general instruments in each time period. In this graphic, the time period bins are defined in twenty year intervals, which allow for a very general picture, except for the first bin which covers 1500-1899. Because only several hundred multilateral treaties were created before 1900, extending the twenty year intervals backward to 1500 would waste space and deliver very little additional information. Plurilateral instruments are those that limit the right to participate by some factor; usually

topic or geography.⁴⁹ General instruments are those that seek universal participation. This graph illustrates that plurilateral treaties are much more common than general. The majority of treaties deal with minor and narrow issues, often times slight modifications of previous instruments, such as amendments or protocols. Understanding the nature of international law, as put by one scholar, ‘that it works best when needed least’,⁵⁰ this makes sense. Specific treaties are more likely to be accepted because they are less controversial. They will often also include binding dispute settlement clauses.⁵¹ The less important and easier to follow the treaty is, the more willing parties will be to submit themselves to binding dispute settlement. Treaties that are expected to deal with issues in the political realm or cover cross-cultural problems tend to be less specific and enforceable.

⁴⁹ J. K. Gamble, R. Watson & L. Piera, *Ocean Regimes as Reflected in 500 Years of Multilateral Treaty-Making*, in *THE FUTURE OF OCEAN REGIME-BUILDING* (A. Chircop, T. L. McDorman, and S. J. Rolston eds., 2009), at 98.

⁵⁰ Dr. John King Gamble.

⁵¹ N.H. Kaufman & S. A. Lindquist, *Critiquing Gender-Neutral Treaty Language: The Convention on the Elimination of All Forms of Discrimination Against Women*, in *WOMEN’S RIGHTS HUMAN RIGHTS* (J. Peters and A. Wolper, eds., 1995), at 117.



This graph also highlights the trend over time for multilateral treaty making.

There is a general increase/spike after WWII (a response to the vast destruction and likely linked to the creation and development of the United Nations and other intergovernmental organizations) and then there has been leveling off and slight decrease in the past 30 years.⁵² The decrease in treaties signed does not necessarily imply decreased international legal activity. It may mean that legal norms have been created and enforcement rules established, rendering further international legal contracts redundant. It may mean that states have turned to bilateral treaties to handle the detail work. It may mean that supranational organizations have been created that themselves have the power

⁵² Perhaps due to increased use of IGOs or treaties that have already effectively provided legal cover and enforcement where thought necessary.

to issue directives that implement treaty norms. It may mean that nongovernmental organizations and other nonstate actors now have a larger role in impactful action at the international level. In fact, the work of constructivist scholars has shown that new global human rights norms are often the product of initiatives by international advocacy networks, NGOs and regional social movements.⁵³ This must be taken into account – the analysis of treaties alone is limited (in more ways than one).

To measure the subject range of treaty making⁵⁴, the CSDMT includes two variables that categorize each instrument based on subject matter. The Broad Topic variable contains eight options:

- Economic
- Environmental
- Human Rights/ Humanitarian
- Laws of War/Use of Force
- Political/Diplomatic
- Science
- Aid and Development
- Cultural⁵⁵.

⁵³ J.True, *Feminist problems with international norms*, in FEMINISM AND INTERNATIONAL RELATIONS: CONVERSATIONS ABOUT THE PAST, PRESENT AND FUTURE (J.A. Tickner and L. Sjoberg, eds., 2011), at 74.

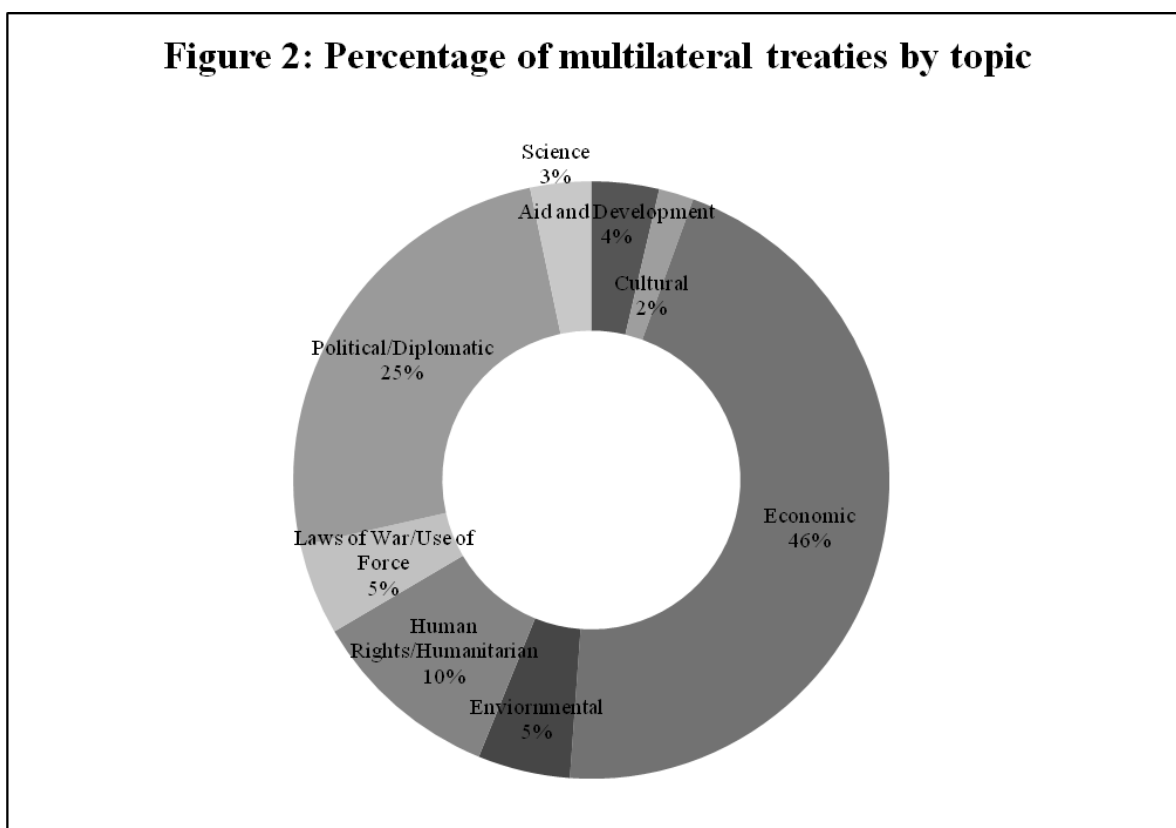
⁵⁴ For an excellent discussion of normative and operating systems of international law, *see generally*: PAUL F. DIEHL & CHARLOTTE KU, *THE DYNAMICS OF INTERNATIONAL LAW* 156 (2010), at 43. "...the topics of the normative system are issue specific, and many components of the system refer to sub-topics within issue areas...the normative system of international law defines the acceptable standards for behavior in the international system. These are issue-specific prescriptions and proscriptions."

These topic options were modifications of the classification system used by the United Nations Treaty Series. The ring chart in Figure 2 shows the percentage of instruments in each Broad Topic. Many multilateral treaties could be best classified as combinations of subjects, however for the broad picture each treaty was coded with the topic which most accurately describes the treaty's main content. Economic Treaties make up the majority of multilateral instruments. Why? Money is a value recognized across cultures and easily understood. The power of multinational corporations has grown rapidly, many of which have more concentrated wealth than states themselves. The group of Economic treaties also may tend to various specific issues, for example, Declaration of Accord with Respect to the Unification of Screw Threads signed in 1948.⁵⁶ This topic analysis allows a broad understanding of substantive areas of norm creation. The human rights 'segment' is most relevant for this paper. Note that it only encompasses 11% of the total.

⁵⁵ These options were derived from the list of topics used by the United Nations. This list was refined by a previous Schreyer Scholar student who combined, added, and deleted to eliminate overlap and overgeneralized terms. The Narrow Topic variable contains 125 options (e.g. Space, Intellectual Property, Whaling, and Consular Relations).

⁵⁶ Declaration of Accord with Respect to the Unification of Screw Threads, 18 November 1948, C.T.S. 021.

Figure 2: Percentage of multilateral treaties by topic



Gender Treaty Identification

The initial goal was to identify which of the 6,500 instruments are gender-related. The first approach was to analyze only those treaties that deal explicitly with women's issues; basically those that mentioned the treatment of women or gender issues directly in the headnote. It soon became clear that this was far too narrow an approach. In taking a feminist perspective, one that asks—how do international contracts impact women's lives, separate from men's lives?—it seemed much more important to collect treaties that had an arguably “significant” impact on women's lives. Unfortunately, “the realities of

women's lives do not fit easily into the concepts and categories of international law,"⁵⁷ and it was difficult to limit subjectivity.

For example, one may consider the recent collapsed building in Bangladesh that took the lives of 1,100 workers.

Out of the 3.5 million people who work in Bangladesh factories, 85 per cent are women. Although the principle of women working in this predominantly Muslim country has been accepted – largely for economic reasons – they still face paternalism, at best, and outright discrimination at worst, according to the European Union, which noted high levels of forced, early marriage and domestic abuse.⁵⁸

With the proportion of women workers this high, the argument can be made that work place regulations disproportionately affect women's lives over men's in Bangladesh.

While the legislation itself may make no reference to gender, the fact that the large majority of workers are female means that the legislation does, in practice, have a gender bias. This type of approach is similar to the one used for this thesis. Further, this specific case involves multiple international actors; the state where the workers live, the states that 'house' or headquarter the multinational corporations involved, the organizations permitting this type of interstate exploitation, and the organizations that seek to prevent this exploitation. It is important to keep this in mind: "Challenging prevailing concepts of, and reinterpreting the movement for, human rights from a feminist perspective is not

⁵⁷ CHARLESWOTH & CHINKIN, *supra* note 36, at 17.

⁵⁸ T. Metcalf, "Blood on your labels: What you need to know about the Bangladesh factory collapse", METRO.US., *accessed at* <http://www.metro.us/newyork/lifestyle/style/2013/05/15/blood-on-your-labels-what-you-need-to-know-about-the-bangladesh-factory-collapse/> (May 15 2013).

merely a matter of semantics. It is about the lives and deaths of individual women everywhere, every day.”⁵⁹

Therefore categorization of gender treaties was broadened to include instruments that have a disproportionately large effect on women’s lives in areas pervasively highlighted in feminist discourse which are then outlined and argued for below. The treaties identified as gender related for the most part do have provision specifically mentioning the treatment of women. The remaining treaties involve issues, such as child bearing, that by their nature are gender related. In order to accomplish this, instruments were sorted by topic and then each considered based on the content of the headnote.⁶⁰ If a headnote was identified as potentially being relevant for gender relevant analysis, the treaty text was consulted. Each gender relevant instrument was marked, and later rechecked. One hundred and thirty five instruments were identified, coded and analyzed.

Table 1 shows the percentage of gender treaties that fall under each broad topic. As expected, the majority of gender treaties are what would be considered human rights treaties. These include instruments such as conventions by the International Labour Organization, the Convention on the Political Rights of Women⁶¹, and the Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women.⁶² The other nine treaties which are not explicitly human rights treaties, do play a relevant role in the international consideration of gender. The Political/Diplomatic

⁵⁹ C.Bunch, *Transforming Human Rights from a Feminist Perspective*, in *WOMEN’S RIGHTS, HUMAN RIGHTS 17* (Julie Peters & Andrea Wolper ed., 1995).

⁶⁰ Title of an international agreement.

⁶¹ Convention on the Political Rights of Women, 31 March, 1953, 193 U.N.T.S. 135.

⁶² Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women, 6 October, 1999, 2131 U.N.T.S. 302.

portion includes the United Nations Charter, which while not predominantly a human rights treaty, certainly has had a notable effect on international human rights, and more specifically gender related norm development.

Table 1: Gender Treaties by Broad Topic		
Broad Topic	Number of Gender related treaties	Percentage of all Gender related Treaties
Aid and Development	2	1%
Cultural	1	1%
Economic	1	1%
Human Rights/Humanitarian	123	91%
Political/Diplomatic	8	6%

Gender Subtopic Variable

However, these broad topics do not provide much insight about the nature of gender treaties. In order to assess which areas have been prioritized and addressed at the global level, each selected gender treaty was assigned a subtopic. The gender subtopic categorization has seven options:

- Children
- Affirmations of Civil/Political/Social Rights
- Education
- Employment
- Marriage/Family
- Trafficking
- Violence.

It was challenging to give each instrument its own subtopic. Of course many instruments, especially those granting women expanded legal protections (e.g. CEDAW), fall into multiple categories. These categories do not exist as absolute divisions, but as temporary qualifications to give an essence of the areas where international treaty law has taken explicit action on issues that impact women globally. The following section will include argument for each of the subtopics.

Children

Certainly, children also experience gender discrimination; after all they are males and females, albeit at a less developed stage. Historically discrimination in education and employment prevented young girls from the same opportunities as young boys. Article two of the Convention on the Rights of the Child deals with this directly;

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, *sex*, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.⁶³ (Emphasis added).

But non-discriminatory provisions are not the end of gender relevance.”It is no use to talk about children without talking about their mothers and women in general... We cannot separate the rights of women from the child”⁶⁴ It may be a gender stereotype in itself label ‘children’ a ‘women’s issue’, but the reality cannot be ignored. Women remain,

⁶³ Convention on the Rights of the Child, 20 November, 1989, 1577 U.N.T.S. 044, at art. 2.

⁶⁴ J. Devaki, *Children's Rights And Women's Rights: Some Connections And Disconnections*, 44 DEVELOPMENT 2, 2000.

globally, the primary caretakers of children.⁶⁵ As such, the legal obligations that apply to children, and often their caretakers, apply prominently to women.

As mothers, women are also often directly mentioned and protected in treaties addressing children's rights. Besides just playing the role of a 'parent' or 'legal guardian' mothers, because only they are able to carry the child until birth, possess a special role in the development of the child. Therefore, they require special assistance to guarantee the safety and health of their children. The Convention on the Rights of the Child⁶⁶ grants special rights to the mother, stating: "States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures ... (d) To ensure appropriate pre-natal and post-natal health care for mothers."⁶⁷

Affirmations of Civil/Political/Social Rights

The Civil/Political/Social subtopic includes those instruments that grant civil, political, and/or social rights directly to women. Social rights are based on concepts of human dignity and freedom and are designed to guarantee that each individual can meet her/his basic needs.⁶⁸ Civil/Political rights are those that grant women public standing, including the power to vote and the ability to run in official elections. For example, the Convention on the Political Rights of Women (1953) confirms these specific rights:

⁶⁵ *Id.*

⁶⁶ Convention on the Rights of the Child, *supra* note 63.

⁶⁷ *Id.*, at art. 3.

⁶⁸ National Economic and Social Rights Initiative, *What are Economic and Social Rights?* Accessed at www.nesri.org/human-rights/economic-and-social-rights (18 May 2013).

ARTICLE I

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

ARTICLE II

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

ARTICLE III

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.⁶⁹

These treaties are the foundation of what has been done internationally to combat gender discrimination and dismantle some of the explicit consequences of the gender power hierarchy. In order to be accepted across various cultures, many of these instruments are intentionally general with vague provisions.

Education

The Education subtopic covers agreements that seek to prohibit discrimination specifically within institutions of learning. There is no question of the value of education in a globalized world; reading, writing and communication about ideas allow individuals to protect and provide for themselves. According to statistics collected by the United Nations Educational, Scientific and Cultural Organization, fifty-seven percent of the world's children out of school are girls.⁷⁰ Furthermore, 64% of the world's adult illiterates are female.⁷¹ Therefore it remains an international priority to provide educational access to all children regardless of culture or gender. The Convention Against Discrimination in Education (1960), is an example of this.

⁶⁹ Convention on the Political Rights of Women, *supra* note 61, at art. 1 & 2.

⁷⁰ UNESCO Institute of Statistics, *Education Profile*, 2004, accessed at <http://unesdoc.unesco.org/images/0014/001477/147794E.pdf> (25 May 2013).

⁷¹ UNESCO Institute of Statistics, *Adult and Youth Literacy: Global Trends in Gender Parity*, 2010, accessed at http://www.unesco.org/education/ild2010/FactSheet2010_Lit_EN.pdf (25 May 2013).

Article 1

“1. For the purposes of this Convention, the term ‘discrimination’ includes any distinction, exclusion, limitation or preference which, being based on race, colour, *sex*, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are in-compatible with the dignity of man.”⁷² (Emphasis added)

The right to education, and opportunity for higher education, relates directly to women entering the workforce and attaining equal social status. Women who are educated “will be able to earn higher wages... [they will be empowered] to participate more fully in public life... [it enables them] to make autonomous choices about their personal lives... [and] they are more likely to send their children to school...”⁷³ Non-discriminatory provisions ensure progress for gender equity and benefit society as a whole.

Employment

The instruments in the Employment subtopic deal generally with discrimination in the workplace. This covers policy concerning equal pay, requirements for a safe working environment, anti-discrimination policies in hiring and promotion, and other work-related regulations. The International Labour Organisation (ILO), created in 1919, has been the major force behind worker protection in international law. This role has been an essential part of the initial establishment of gender protection in international law. While some of the earlier conventions exploited gender stereotypes that kept women from working certain hours or certain jobs, later treaties advanced women’s rights in the workplace.

⁷² Convention Against Discrimination in Education, 14 December 1960, 429 U.N.T.S. 093.

⁷³ *Supra* note 20, at 300.

The Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value⁷⁴, signed in 1951, is one of these progressive instruments. Article two states “Each Member shall... ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value” and further confirms that this principle may be realized through national laws, established bureaucracy, and collective agreements.⁷⁵ Contemporary gender-based employment inequalities, such as wage disparity, make employment policy especially relevant for ensuring that women are able to safely and fairly earn a living.

Marriage/Family

The Marriage/Family subtopic was included to describe regulations about marriage law, property ownership, child custody, and other private legal matters. Historically marriage has been an institution of oppression the women by the man; often times the wife was even considered property. Today, most cultures have progressed to a much more egalitarian view of marriage. Though definition of marriage itself has broadened, many of these instruments, especially the earlier ones, operated under the assumption of the traditional one (dominant) male-one female relationship. Some of these agreements codified unequal privileges for the two spouses. One of the earliest examples, the Convention Containing Certain Provisions of Private International Law Regarding

⁷⁴ The Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 29 June 1951, 165 U.N.T.S. 303.

⁷⁵ *Id.*

Marriage, Adoption, and Guardianship⁷⁶, signed in 1931, was one of the first to lay out some of these responsibilities.

Trafficking

The Trafficking subtopic includes all instruments dealing with the trafficking of women and girls. “Women account for 55-60 per cent of all trafficking victims detected globally; women and girls together account for about 75 per cent.”⁷⁷ This huge proportion makes every legal protection extremely relevant to the safety of women around the world. For example, the International Convention for the Suppression of the Traffic in Women of Full Age⁷⁸, signed in 1933 was one of the first agreements to address human trafficking.

Violence

Quantifying violence against women is complicated because there are multiple obstacles to acquiring valid and accurate information. Women often do not report acts of violence, especially those perpetrated by individuals the victim knows. Laws against these violent acts vary drastically from country to country. Reports by local police departments or at the national level may attempt to conceal higher rates and the stigma associated with them.

⁷⁶ Convention containing certain provisions of private international law regarding marriage, adoption, and guardianship, with final protocol, and exchanges of notes, 6 February, 1931, 126 U.N.T.S. 121.

⁷⁷ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, 2012, at 7. Accessed at May 23, 2013, http://www.unodc.org/documents/data-andanalysis/glotip/Trafficking_in_Persons_2012_web.pdf

⁷⁸ International Convention For The Suppression Of The Traffic In Women Of Full Age, 11 October 1933, 150 L.N.T.S. 431.

According to research by the United Nations “[r]ates of women experiencing physical violence at least once in their lifetime vary from several per cent to over 59 per cent depending on where they live.⁷⁹” How much of this is due to methodological inconsistencies? It is unknown. But the notion that there are states, like Zambia, where nearly 60% of women reported haven been violently attacked is an inflaming fact, and shows how much remains to be done.⁸⁰

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women⁸¹ signed in 1994, is an example of the type of instrument drafted to combat this appalling reality.

Hevener’s Gender Treaty Categorization

While these subtopic categorizations highlight the theme of each treaty, it is important to understand that some of these instruments do not advance the legal status of women.

Professor Natalie Hevener, in her notable article *An Analysis of Gender Based Treaty law: Contemporary Developments in Historical Perspective*, has written about this difference. She acknowledged three categories for gender relevant treaty law:

- Protective,
- Corrective,

⁷⁹ United Nations, *The World’s Women 2010, 2010*, accessed at [http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010%20Report_by%20chapter\(pdf\)/violence%20against%20women.pdf](http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010%20Report_by%20chapter(pdf)/violence%20against%20women.pdf) (23 May 2013), 127.

⁸⁰*Id.*, at 127.

⁸¹ Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 9 June 1994, 33 I.L.M. 1534.

- Non-discriminatory.

Some of the earlier employment treaties (mentioned above) by the International Labour Organisation promoted discrimination against women, such as the Convention Concerning Night Work of Women Employed in Industry.⁸² Professor Hevener labels this type of interfering instrument a “protective treaty.” Protective treaties “assume that women should be treated differently to men in particular circumstances because they are physically different to and more vulnerable than men.”⁸³ While the intention of these treaties was to protect women by granting them a special societal status⁸⁴, exclusionary language ultimately discriminates against them as a subordinate group. These laws seem to do more harm than good codifying gender stereotypes, purposefully implying that women are weaker and need protection.

Hevener also describes the two other categories used to describe women’s treaties. ‘Corrective’ treaties seek to improve women’s standing, “without making overt comparisons to the situation of men.” These treaties are aimed at addressing issues where blatant gender inequity remains. This intent can be seen in treaties such as Convention on the Nationality of Married Women⁸⁵ (signed in 1957) which was created to correct the issue of a married women’s loss of nationality during a change in married status.

The final category is ‘non-discriminatory treaties’ which establish principles that directly prohibit discriminatory practices in fields such as education and employment.

⁸² Convention Concerning Night Work of Women Employed in Industry, 9 July 1948, 81 U.N.T.S. 147.

⁸³ CHARLESWORTH & CHINKIN, *supra* note 36, at 17.

⁸⁴ N. Hevener, *An Analysis of Gender Based Treaty Law: Contemporary Development in Historical Perspective*, 8 HUMAN RIGHTS Q. 1, 1986, at 74.

⁸⁵ Convention on the Nationality of Married Women, 20 February, 1957, 309 U.N.T.S. 065.

The goal is to “revise the legal system in such a way that gender will no longer be a basis for the allocation of benefits and burdens in society... [and] broaden the range of behavioral options open to *both* sexes regardless of their inherent or cultural differences.”⁸⁶ While the Convention on the Elimination of All Forms of Discrimination against Women contains many provisions that could be labeled corrective, it is principally a non-discriminatory agreement. If the headnote fails to make this clear, article one certainly does.

Article I

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.⁸⁷

Non-discriminatory policy is necessary for achieving absolute gender equality under the law.

In order to better understand the content of gender related instruments, the treaties in this analysis were coded using a modified version of Hevener’s treaty classification. The methods used to define gender related treaties included many instruments that would not fit properly into the protective, corrective, or non-discriminatory groups. Thus the term ‘legal responsibility’ was added to the categorization. The distinction of ‘legal responsibility’ describes instruments that restrict or codify a women’s legal capacity. Legal capacity “refers to the ability to accept and to exercise the responsibilities of adulthood in one’s society and to perceive and be perceived as an adult. Nationality and

⁸⁶ *Id.*, at 78.

⁸⁷ Convention On The Elimination Of All Forms Of Discrimination Against Women, 18 Dec. 1979, 1249 U.N.T.S. 013.

family law are two of the most important areas in which this recognition is essential.”⁸⁸

These include areas, as described above, such as child custody, and property ownership.

For example, in the Convention on the Rights of the Child, signed in 1989, this responsibility is generally dictated: “Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.”⁸⁹

⁸⁸ M. A. Freeman, *The Human Rights of Women in the Family: Issues and Recommendations for Implementation of the Women’s Convention*, in *WOMEN’S RIGHTS HUMAN RIGHTS* (J. Peters and A. Wolper, eds., 1995), at 151.

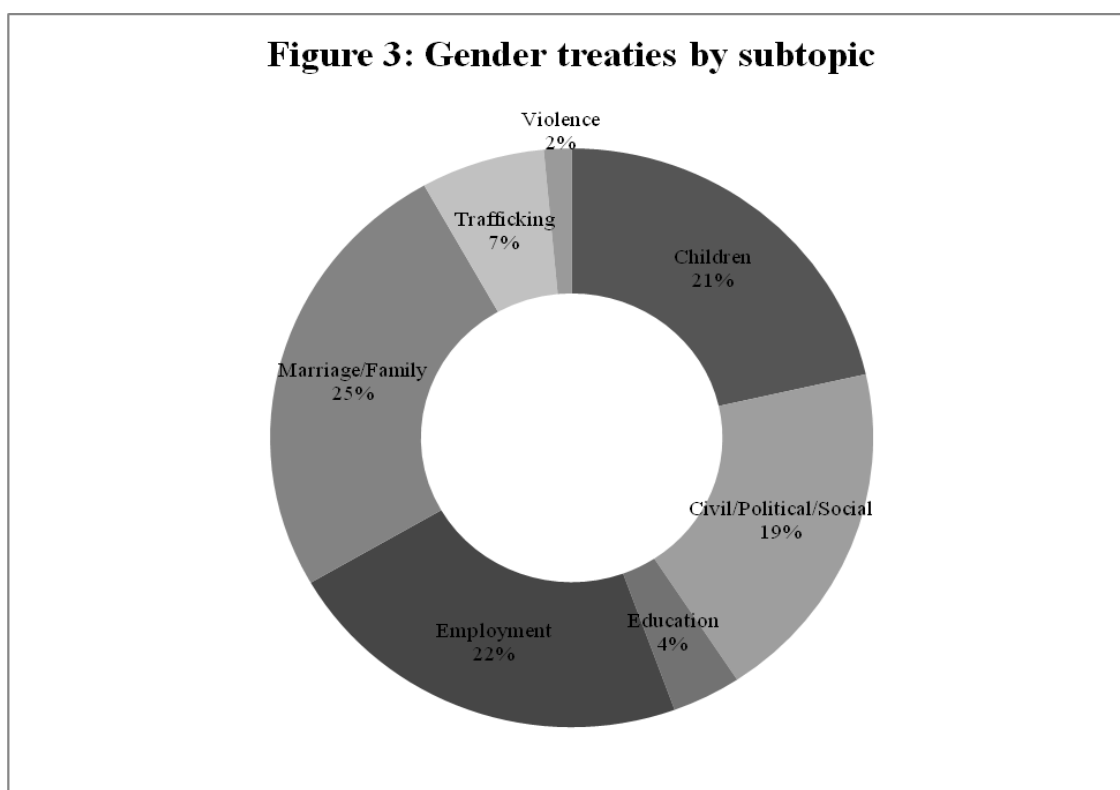
⁸⁹ Convention on the Rights of the Child, *supra* note 63.

Chapter 3

Results

General Findings

As discussed previously this analysis was done to broaden the understanding of gender issues in multilateral treaty making. One hundred and thirty five instruments were identified as gender related and included in the subsequent examination. The following is an effort to help describe the nature and historical perspective of gender related instruments. Figure 3 shows the distribution of the gender treaties in each subtopic and Table 2 gives the frequencies for each of the subtopics.



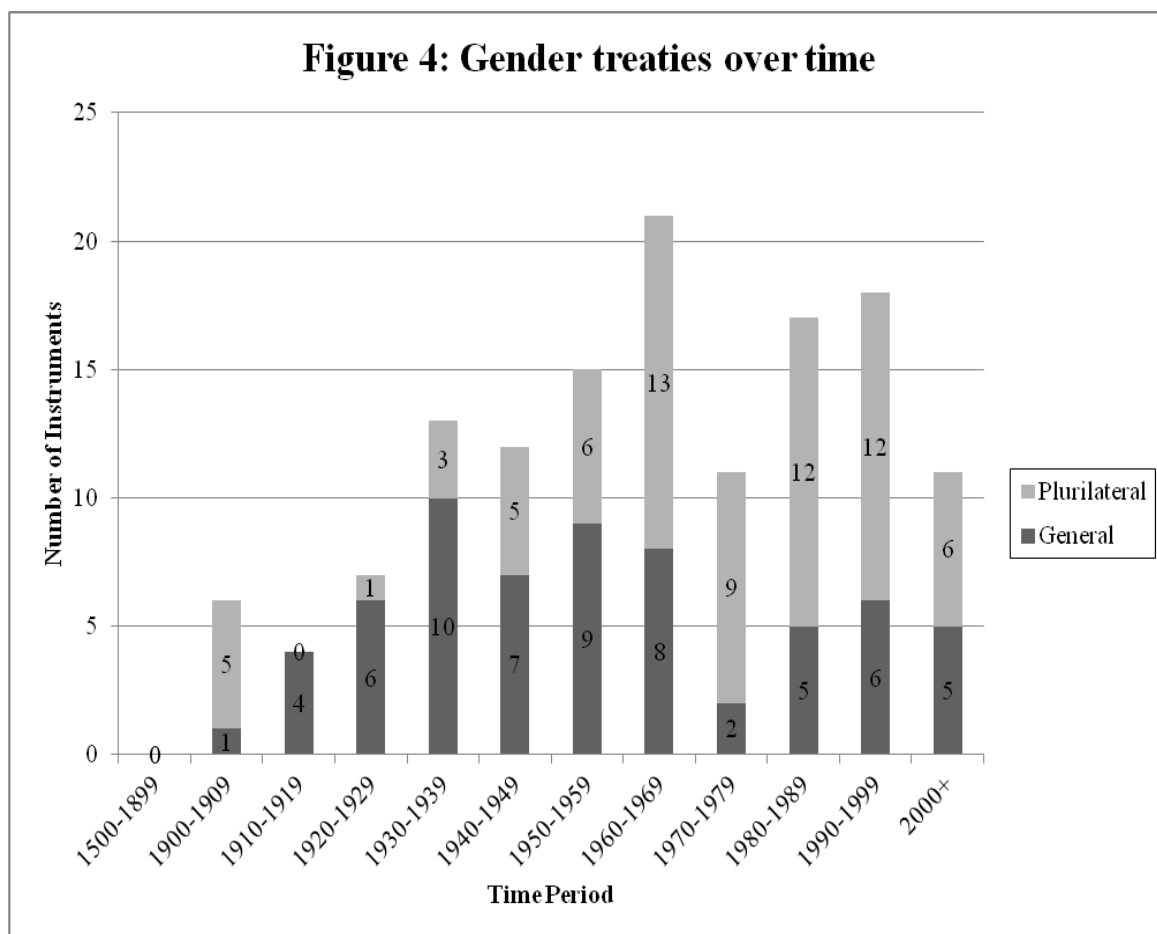
Gender Subtopic	Number of Treaties
Children	29
Civil/Political/Social	26
Education	5
Employment	30
Marriage/Family	34
Trafficking	9

The number of treaties in each subtopic varies from a handful to over thirty. The subtopic categorizations are clearly not of the same magnitude, and evaluating their levels of importance is very problematic. How does one compare issues such as genital mutilation and war-time sexual violence to wage disparities and discrimination in schools? The point is not to assume that all topics are equal, but to illustrate where the international community has been able to reach agreement. The number of instruments is about equal in Marriage/Family issues, Employment, Children, and Civil/Political/Social issues. Unfortunately some of the most ‘important’ issues, those that cause serious physical and mental harm – violence and trafficking – have produced the fewest instruments. Why are these areas the least amenable to international agreement? Is employment such a complex topic that many legal instruments are required to protect female workers where the trafficking of women can be resolved with just a few? These are questions that require further discussion including a debate about the validity of measuring priority based on treaty prevalence.

The CSDMT is especially valuable in providing a historical perspective to topical analysis. Figure 4 shows the number of gender-related instruments signed in each decade since 1900. The 1500-1899 period was also included; there were no multilateral treaties prior to 20th century. Of course, there have been enormous changes to the international system, especially since 1918. The 20th century was the beginning of women's movements across the world, starting with domestic activism for suffrage in what we now refer to as First-wave feminism.⁹⁰ The presence of women in the public sphere likely facilitated the inclusion of gender issues as new IGOs and treaty regimes were established. The 500 year trend seems to show a general increase over time, with a slight dip in the 1970s and modest variations after that.⁹¹

⁹⁰ M. WALTERS, *FEMINISM: A VERY SHORT INTRODUCTION*, 2005, at 68.

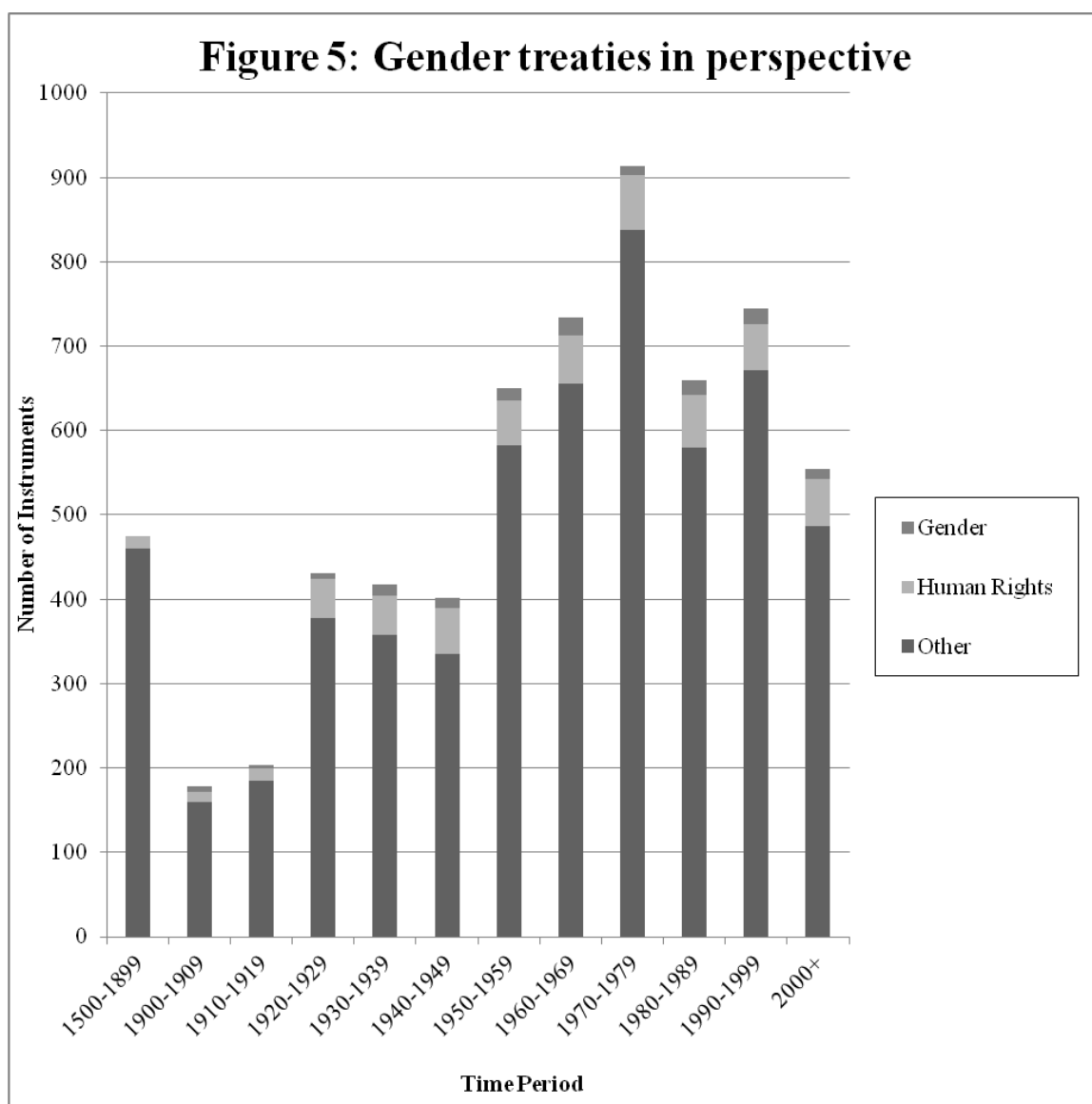
⁹¹ Recall that the most recent time period may not be completely accurate because new treaties take time to be fully registered at the United Nations.



Even though they provide a broad view, frequency statistics lack an assessment of importance. While there were only two general treaties in the 1970-1979 time period, the most important and progressive treaty advancing women's rights, the Convention on the Elimination of Discrimination Against Women⁹², was signed in 1979. Importance is a complex concept and hard to quantify. Does one include the number of parties? The strength of enforcement provisions? The breadth of the treaty? This thesis will do little more than acknowledge the difficulty. Figure 4 does however give us an overall perspective. It appears that gender related treaties are about split 50-50 between plurilateral and general instruments.

⁹² Convention on the Elimination of Discrimination Against Women, *supra* note 87.

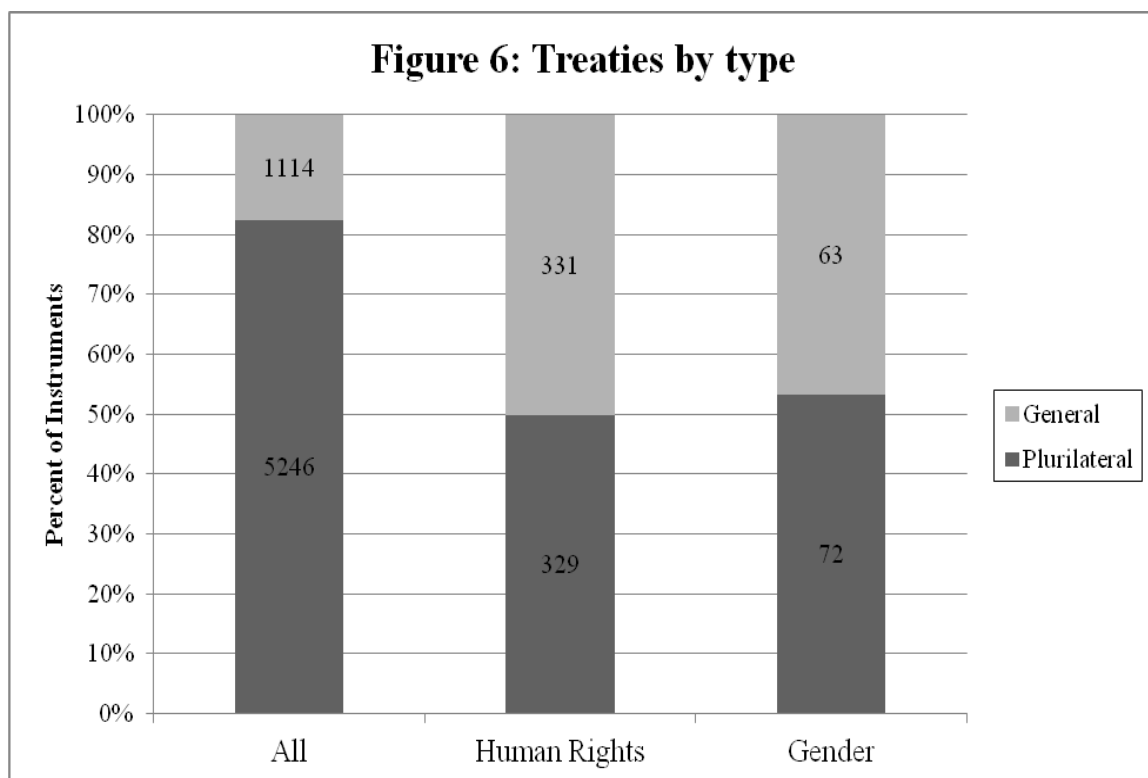
Figure 5 shows the frequency of multilateral treaties over time divided into the groups of gender-related treaties, human rights treaties, and all other remaining treaties. Each bar represents the total number of treaties in that decade, which is then broken down by the three categories. This figure looks at absolute numbers, while Table 3 below includes the percentage of total treaties that are gender related.



This chart illustrates how small a proportion of multilateral treaties have been gender related (according to the definition applied here). About 2% of all multilateral treaties are gender related. While not entirely unexpected—recognizing that multilateral treaties cover everything from polar bear preservation to nuclear disarmament—it does seem somewhat perplexing that the protection of rights for 50% of the world’s population has not been a higher priority⁹³ in the creation of international legal norms.

Figure 6 shows the breakdown of instruments by treaty type (plurilateral or general) for each of the groups: all multilateral treaties, human rights treaties, and gender-related treaties. The bars represent 100% of the treaties in that category and the numbers contained in the bars contained the actual count of treaties in that group. Nearly 50% of gender issue treaties are general instruments, compared to less than 20% all of multilateral treaties.

⁹³ To the extent that this can be measured through frequency statistics.



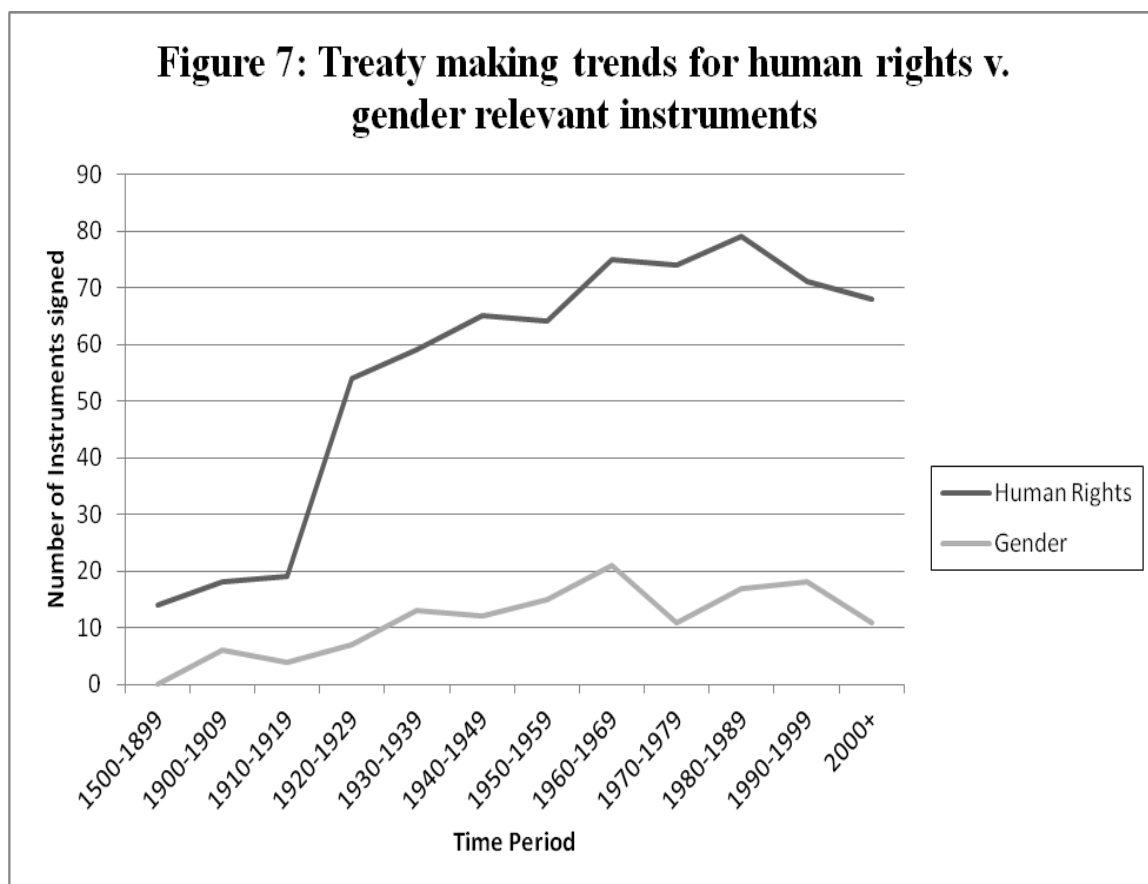
These results are consistent with the previously discussed differences between specific and broad legal provisions. Treaties that are specific, which will in all probability fall under the plurilateral type, are more likely to be ratified, more likely to be followed, and further, more likely to contain strong enforcement provisions. However, there is a percentage of plurilateral treaties that could not accurately be labeled ‘specific.’ State associations like the Organization of American States have generated treaties like American Declaration of the Rights and Duties of Man (signed in 1948)⁹⁴ that exemplify this complexity. Therefore some of these treaties would more appropriately be considered ‘broad’, and are included in the discussion below.

⁹⁴ American Declaration of the Rights and Duties of Man, 2 May, 1948, 43 J.S.T.O.R. 133. “Article II. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.”

The fact that nearly half of all gender-related treaties are ‘general’ and thus necessarily broad means they are less likely to contain strong enforcement provisions. Unfortunately, this seems to be the case for most human rights treaties. Countries with long histories of human rights violations would not otherwise ratify human rights treaties. Professor Jacqui True explains the weaknesses of broad instruments: “Regardless of their good intentions, norms universally applied frequently do not take account of power relations and cultural contexts nor do they anticipate the unintended consequences of adopting certain norms.”⁹⁵ Though they may seek universal participation, and often come close to achieving it (though the provisions aren’t much more than idealistic objectives), most of the agreements will lack binding enforcement. Despite these shortcomings, there can be broad benefits such as agenda setting and increased confidence in the UN treaty-making system.

Figure 7 illustrates the trends in treaty making for the human rights topic and the more specific gender related subfield. This side by side graph allows for the comparison of the treaty making trends for gender related treaties versus those of human rights treaties.

⁹⁵True, *supra* note 53, at 78.



The trend line for human rights instruments increased substantially from 1910-1919 to 1920-1929, likely due to the systemic changes after the carnage of WWI, and continually rises after that. The trend for gender-related instruments shows a gradual increase and then reaches a rough plateau. There was a small dip in the 1970s, but this may be due to the expenditure of resources on the Convention on the Elimination of Discrimination Against Women, signed in 1979. Why has the more recent trend for gender related treaties been static while the trend for human rights treaties seems to be continually rising? It is challenging to hypothesize with so few instruments observe, but perhaps the consensus has been that legal coverage has already been provided for the

majority of gender issues. Additionally, perhaps a different venue for change such as action through intergovernmental and nongovernmental organizations has been preferred.

Table 3 gives the actual figures and percentages for the number of gender treaties signed in each time period. About 2% of all multilateral treaties are gender related, and that proportion has been nearly consistent throughout time. Because the number of gender treaties is small, trends are must be assessed with caution. Perhaps the most interesting point below is that the doubling in number of gender treaties did not happen after World War II, but during the 1930s. Eight of these treaties are conventions by the International Labour Organization, which was fairly new at the time, and was functioning to protect workers from oppressive working conditions in the increased industrialization prior to and entering World War II. At this time, women were entering the workforce at greatly increased numbers.⁹⁶

Table 3: Gender Treaties by Time Period			
Time Period	Number of gender-related treaties	Percentage of all gender related treaties	Percentage of all multilateral treaties in time period
1500-1899	0	0%	0%
1900-1909	6	4%	3%
1910-1919	4	3%	2%
1920-1929	7	5%	2%
1930-1939	13	10%	3%
1940-1949	12	9%	3%
1950-1959	15	11%	2%
1960-1969	21	16%	3%
1970-1979	11	8%	1%
1980-1989	17	13%	3%
1990-1999	18	13%	2%
2000+	11	8%	2%

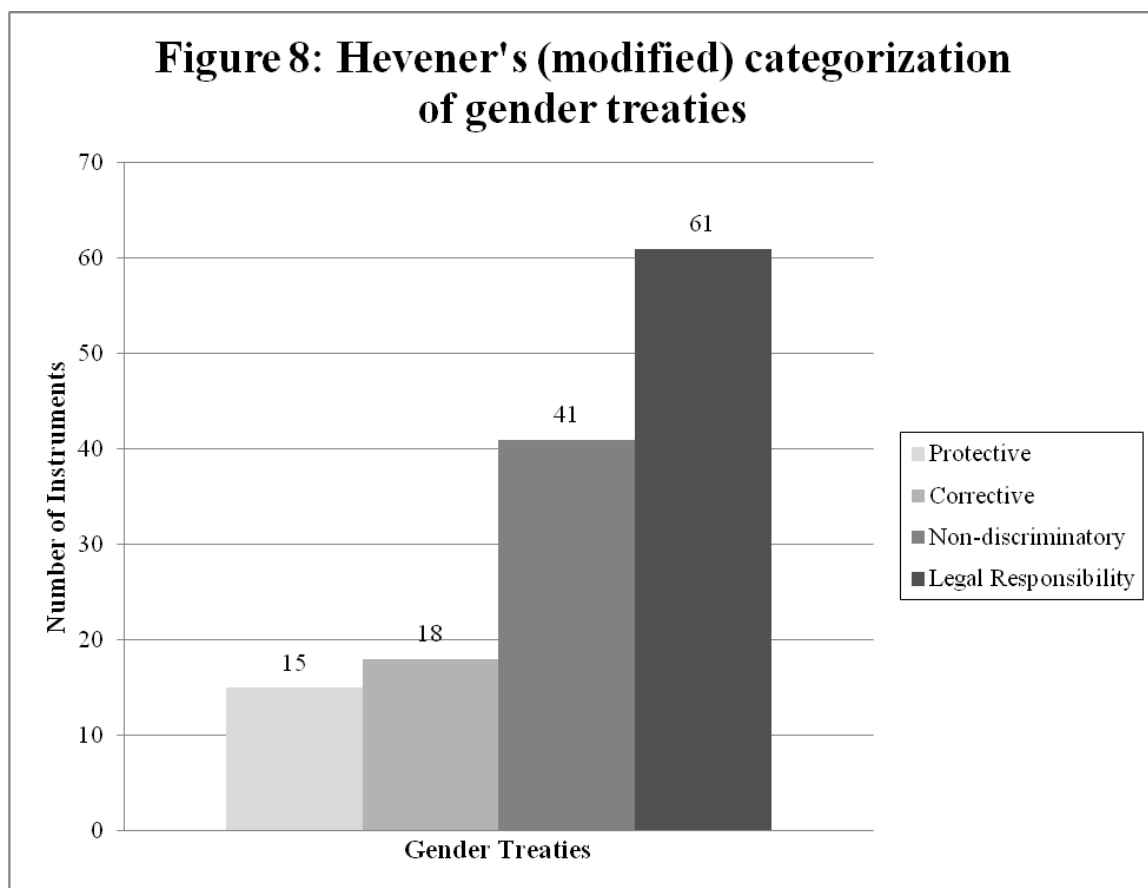
⁹⁶ WALTERS, *supra* note 90, at 86.

Table 3 also directly shows the plurality⁹⁷ of gender related treaties happening during the 1960-1969 time period. In the United States, second wave feminism had just begun during the early 1960s, and internationally, especially in Western states, it was a time of both economic prosperity and social upheaval. This redefining of society, including gender roles, affected international agreement.

Trends using Hevener's Classifications

The Hevener's variable, as described above, allows for a basic understanding of the type of provisions contained in gender issue treaties. Does the treaty contain mainly protective, corrective or non-discriminatory provisions? The importance of these categorizations goes beyond describing the basics of the treaties and gives some insight into their deeper implications, because the categories give a sense of the intent of the instrument. This will be discussed in detail below. Figure 8 expresses how these categorizations are reflected in the treaty data.

⁹⁷ The greatest number, though not the majority. (Under 50%)



The most prevalent type of provision is the legal responsibility categorization, probably because it is broad enough to include treaties that do not contain explicit provisions about gender based rights. The non-discriminatory description is the second most common, providing some hopeful evidence that international legal norms have developed from protective and corrective treaties, to those which espouse true gender equality. But what does the incidence of these provisions look like over time? Figure 9 includes the time variable to give a historical perspective on provision type.

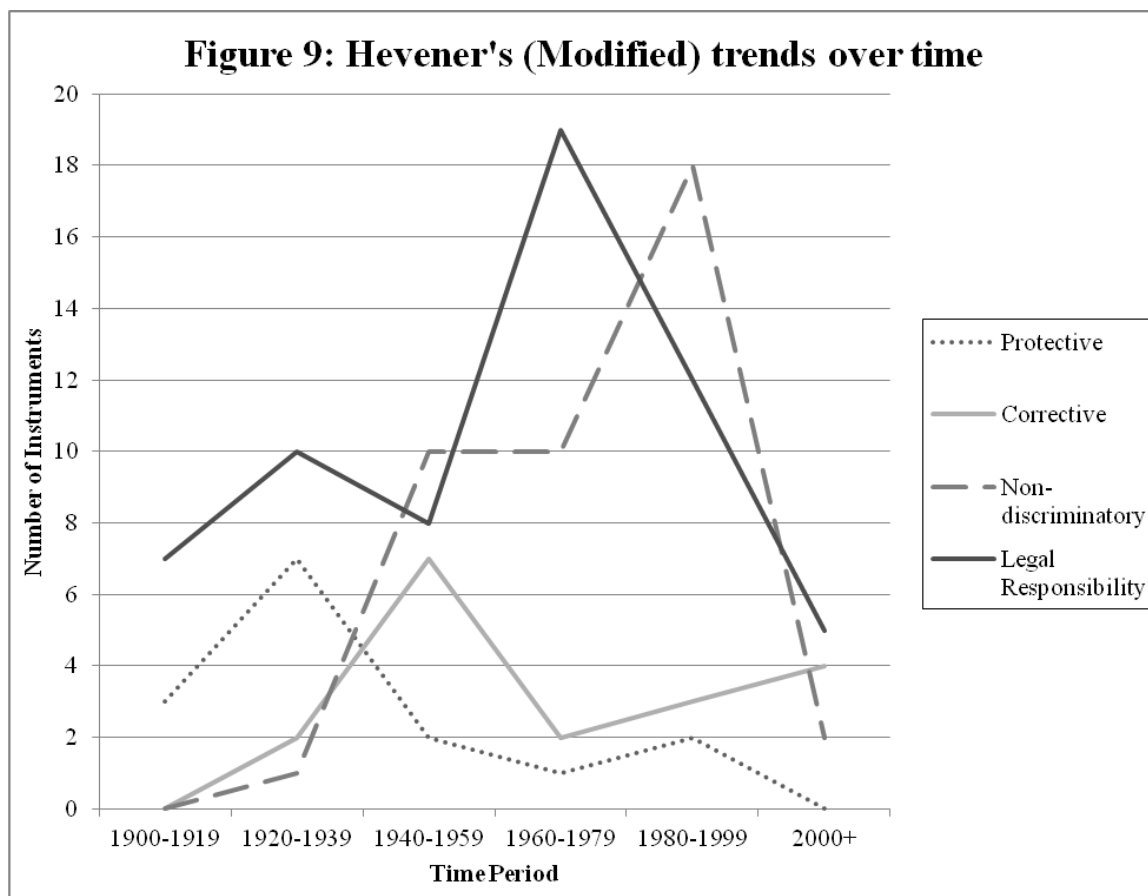
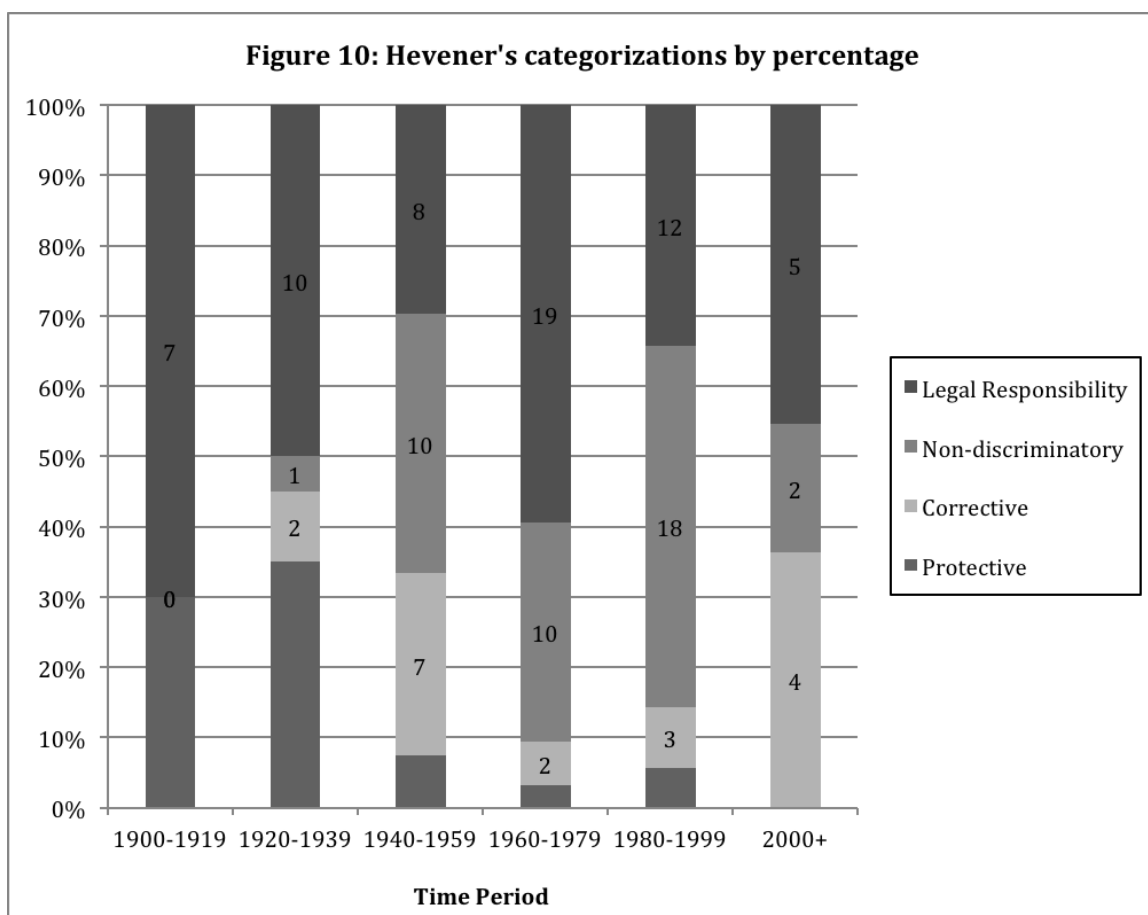


Figure 9 shows clear trends for the modified version of Hevener's categorizations. The earliest international discussions of gender issues in international law began with legal responsibility and protective instruments, likely due to the male dominated establishments creating these treaties during that time. Following that, as protective treaties declined after the 1930's (a positive development in that it reflected the changing perception about women and their proper role in society) the incidence of corrective treaties increased, as more specific issues began to prompt serious international discussions. Protective treaties have virtually disappeared, but the number of corrective treaties continues to increase. The added legal responsibility descriptor seems to

overshadow this chart with its overall frequency and steep increase from 1940-1959 to 1960-1979. Perhaps the increased responsibilities allocated to women foreshadowed the significant rise in non-discriminatory treaties as women began to achieve equality in municipal legal systems. Figure 10 presents the same data in a different format, highlighting the breakdown among the categorizations for each time period. The bars in this chart represent 100% of the gender related treaties in each time period, and they are broken into the modified Hevener categorizations. The length of each segment represents the percentage of total gender treaties, and the unit in the center of the segment is the actual number of instruments.



Corrective instruments, which rectify specific gender based issues, are mostly beneficial to the status of women. However, Hevener also writes that “[c]orrective legal activity may be examined as a meaningful indicator of societal treatment of women in that it specifies what needs to be corrected.”⁹⁸ Therefore the steady rise in corrective treaties over the past century does not imply that gender issues are being resolved, rather that there are many areas where serious concerns about the treatment of women remain.

The rise in non-discriminatory treaties is certainly a positive change from simply ‘protecting’ women to the elevation of women as equal members of society. It’s important to note that the significant decrease from the 1980-1999 time period to the 2000s is likely due to the absence of some of the recent treaties which have not yet been registered and coded. The downward trend may indicate lack of concern for women in future treaty making. If so, existing IGOs may assist in remediation.

IGOs, Gender, and Multilateral Treaties

The final section of data analysis involves the relationship of intergovernmental organizations (IGOs) in gender-related multilateral treaties. IGOs, organizations that have states as members, have a complex relationship with multilateral treaties. A multilateral treaty may create an IGO or modify an existing IGO, and inversely IGOs may be primarily responsible for organizing the drafting of a multilateral treaty. IGOs may create original instruments, or they may adjust or amend previous instruments. Some IGOs may

⁹⁸ Hevener, *supra* note 84, at 74.

also have the power to become party to certain treaties, a relatively recent phenomenon.⁹⁹

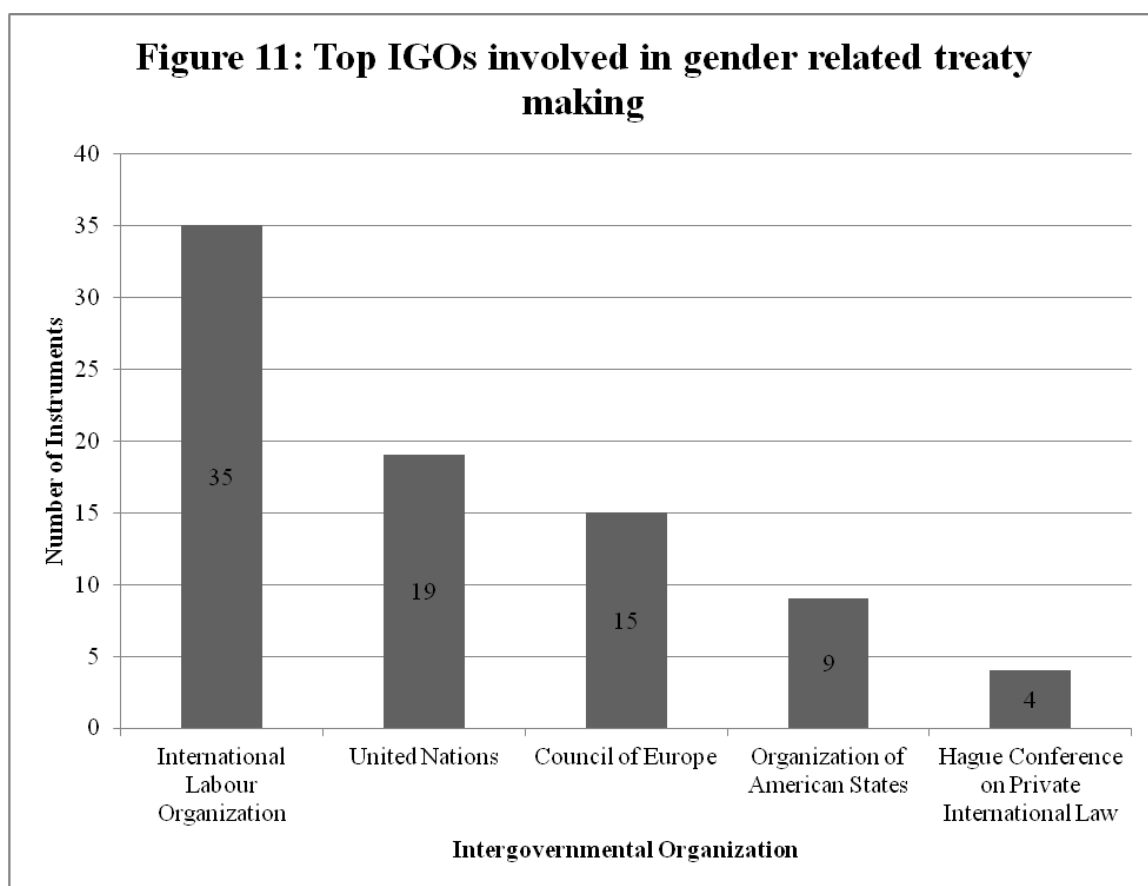
The CSDMT contains variables that record these behaviors. Table 4 shows the distribution of gender treaties which involve an IGO.¹⁰⁰

Table 4: Involvement of Intergovernmental Organizations in Gender Related Instruments		
	Number of Treaties	Percentage of Treaties
IGO Involved	91	67%
No IGO Involved	44	33%

The majority of instruments have some involvement with IGOs. This is generally a positive development. IGOs, especially those with a narrower focus, can provide oversight and resources to ensure the enforcement of treaty provisions. For example, both the Council of Europe is a regional IGO that has its own binding court system; the European Court of Human Rights. The Council of Europe is also the third most productive treaty making organization, shown below in Figure 11, which highlights the intergovernmental organizations most prevalent in gender related treaty making.

⁹⁹ For a discussion on the complexity of this power *See*. A. Reinisch, *Securing the Accountability of International Organizations*, 7 GLOBAL GOVERNANCE 131 (2001).

¹⁰⁰ For this analysis, the “involvement” of an IGO means that an agreement created an IGO, modified an IGO, or was created under the auspices of an IGO.



The International Labour Organization, discussed previously, has been the most active organization in gender related treaty law. This explains the fact that Employment treaties are 22% of gender related treaties in the CSDMT. These treaties are much narrower than those developed by the United Nations or the Council of Europe as they commonly address one area or one topic of employment at a time. The United Nations has also been an active contributor to international gender norm development. Not only have nineteen separate instruments been developed under the auspices of the United Nations, but a part of the organization, UN Women, functions principally to provide resources and a forum for women's voices internationally.

The Organization of American States (OAS) is also a regional organization. Although the OAS is not predominantly a human rights organization, it also has its human rights court, the Inter-American Court of Human Rights. The OAS also provides regional affirmation of gender rights in the Americas through multiple conventions and it maintains the Inter-American Commission of Women.¹⁰¹

¹⁰¹ See generally: Organization of American States, *Inter-American Commission of Women*, Accessed at <http://www.oas.org/en/cim/> (June 30, 2013).

Chapter 4

Conclusion

Empirical Methods and Gender Treaties

This thesis has continuously struggled with finding the appropriate methods for valuable research. As discussed throughout, an empirical and, more specifically, quantitative approach to an analysis of gender issues in treaty law has been difficult. Not everything can be immediately understood through quantitative methods. In a field where central concepts, such as ‘gender’ do not have broadly accepted definitions, objective examination is never more than a laudable goal. There is only so much understanding (about the status of women internationally) that even the best treaty data can provide.

To illustrate the complexity of using empirical methods to evaluate gender issues in treaty law, observe Figure 12, a diagram of the party status of states to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The countries filled in with dark grey are parties¹⁰² to CEDAW while the light grey indicates a country that is not a party to CEDAW¹⁰³, as of July 2013. Signed in 1979, CEDAW is the ambitious instrument asserting equitable status for women; in fact it has been called

¹⁰² They either ratified, acceded or succeeded to CEDAW.

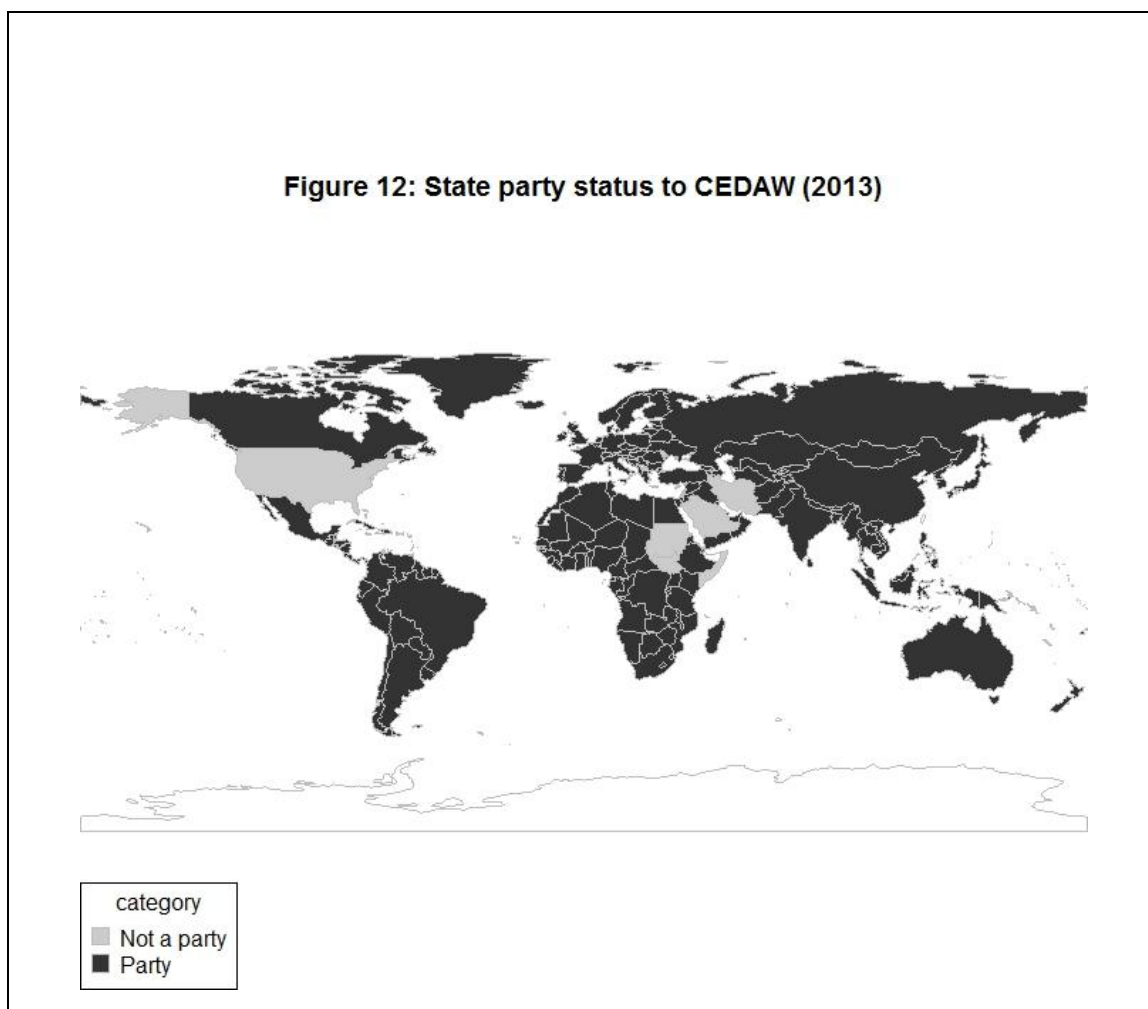
¹⁰³ Though it may or may not have signed the treaty. States are not legally bound to a treaty unless they ratify it.

the International Bill of Rights for Women.¹⁰⁴ The introduction in Article 2 of the convention explains this purpose: “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women....” Subsequent provisions discuss domestic legislation, family matters, political rights, marriage, nationality, education, employment, and much more. Not only are its provisions forward thinking, but CEDAW also includes active oversight, requiring parties to submit periodic reports on what they have done to implement CEDAW provisions.¹⁰⁵

¹⁰⁴ S. W. TIEFENBRUN, *WOMEN’S INTERNATIONAL AND COMPARATIVE HUMAN RIGHTS*, 2012, at 52.

¹⁰⁵ Convention on the Elimination of All Forms of Discrimination against Women, art. 18, December 18, 1979, 1249 U.N.T.S. 013.

Figure 12: State party status to CEDAW (2013)



CEDAW, which currently has 187 state parties, is among the most widely accepted treaties in history. There are only a few countries that are not members, notably Iran, Saudi Arabia and Somalia, a group regrettably joined by the United States¹⁰⁶. CEDAW is a broadly accepted, relatively strong agreement with clear progressive language. With that in mind, can one assume it is both a measure of changing gender norms and an effective means of producing equitable gender outcomes?

¹⁰⁶ For an excellent discussion on why the United States has refused to join CEDAW See generally, C. H. Sommers, *Feminism by Treaty*, POLICY REVIEW 37 (2011).

To answer that question, first observe Figure 13 which shows the percentage of the labor force in each state that composed of females. These data, from 2010, were taken from the Gender Statistics database maintained by the World Bank.¹⁰⁷ When the percentages are placed on a map, problem areas are highlighted across the globe. Certain regions - the majority of Europe, Australia, parts of North America, northern Asia, and parts of central and southern Africa - have a workforce about equally divided between males and females. However for the majority of states in regions like North Africa and the Middle East, women comprise only about 12- 30% of the labor force. When compared to Figure 12, it is easy to see that many of these countries are also parties to CEDAW, and they have been for some time. Egypt has been a party since 1981, and Tunisia ratified CEDAW in 1985.¹⁰⁸

¹⁰⁷ World Bank, *Gender Statistics* (2013) (available at <http://data.worldbank.org/data-catalog/gender-statistics>).

¹⁰⁸ United Nations Treaty Collection, Party status of the Convention on the Elimination of All Forms of Discrimination against Women, *STATUS AS AT : 26-07-2013 07:36:36 EDT* (available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en).

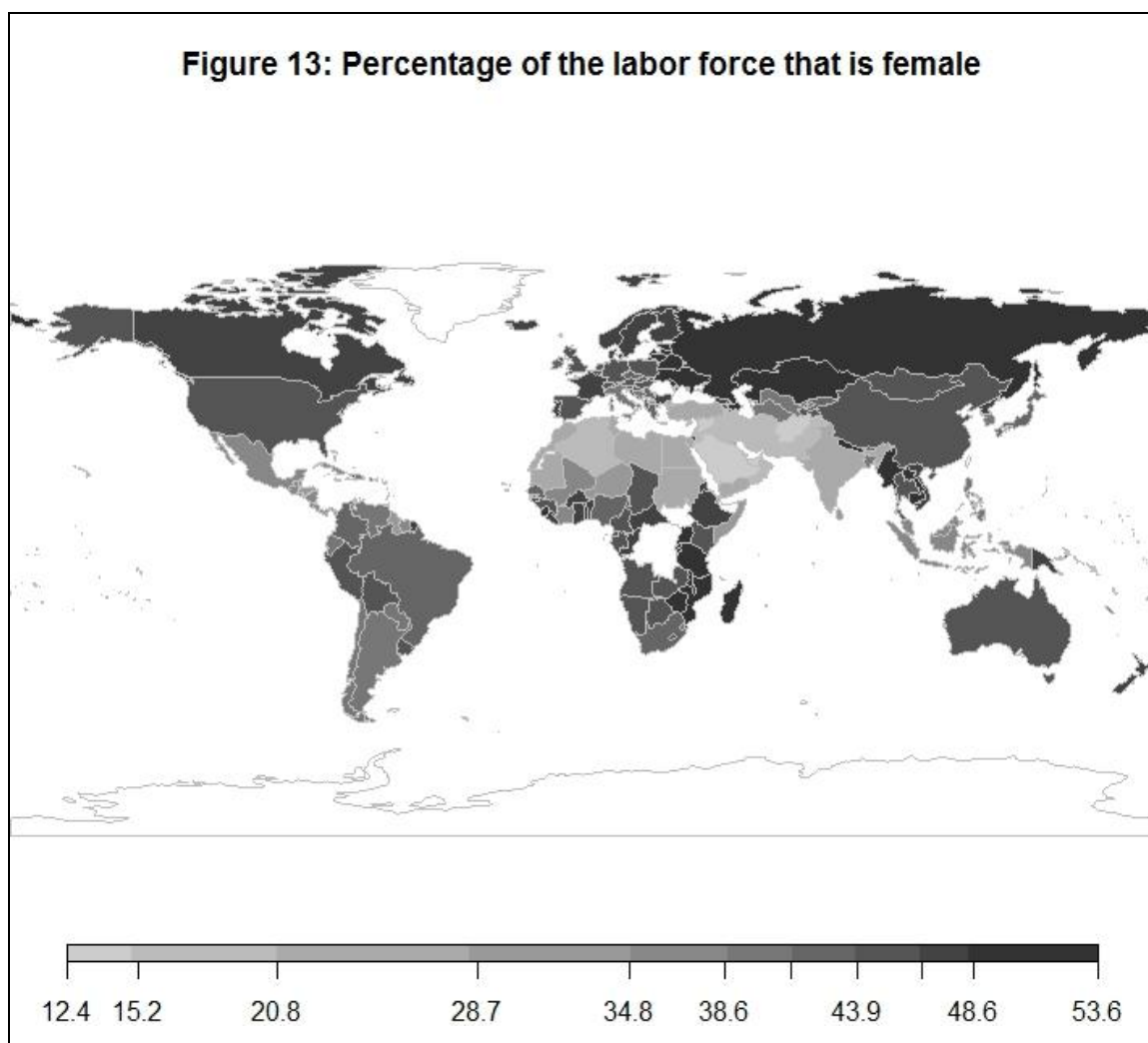


Figure 13: White fill indicates missing data.

In both states, females make up less than 30% of the workforce. Has real progress been made toward non-discrimination in employment and ending culturally engrained gender roles?

Examine Figure 14 which shows the ratio of females to males enrolled in secondary school. If the ratio equals 100, there are an equal number of females and males. If less than 100, there are fewer females than males, and the opposite is true for ratios greater than 100. These data, collected between 2008 and 2011, were also taken

from the World Bank's Gender Statistics database.¹⁰⁹ Despite the missing data, represented again as white blanks on the map, there is still enough information to draw useful conclusions.

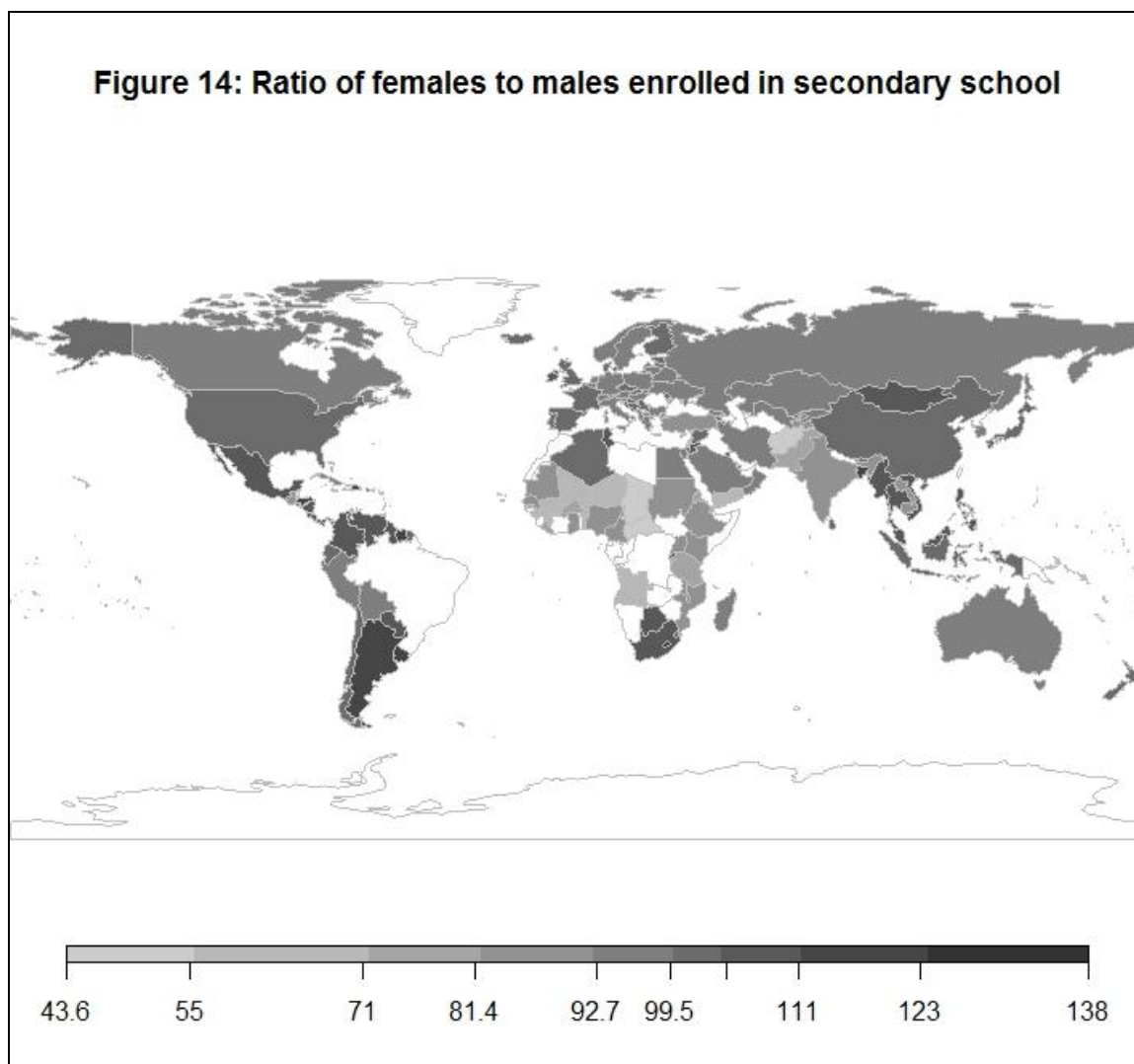


Figure 14: White fill indicates missing data.

Much of the globe seems to be near or above 100, signifying that females make up 50% or more of all students enrolled in high school (or the regional equivalency) an optimistic discovery. However, Chad and Afghanistan, parties to CEDAW, have ratios

¹⁰⁹ World Bank, *supra* note 107.

near 50, meaning that for every female student there are two male students. Other states in those areas also have low numbers. This indicates that many states have not achieved gender equality in education, despite having expressed that objective through their ratification of CEDAW.

For a final illustration, Figure 15 shows the percentage of females, between the ages of 15-19, in a given state that have been married. This is one indicator of oppressive cultural conditions; as most people agree that persons under the age of 18 are children. Therefore if a large majority of girls are married at a young age, often to men who are much older, questions of lack of consent and gender based stunted individual development are raised.

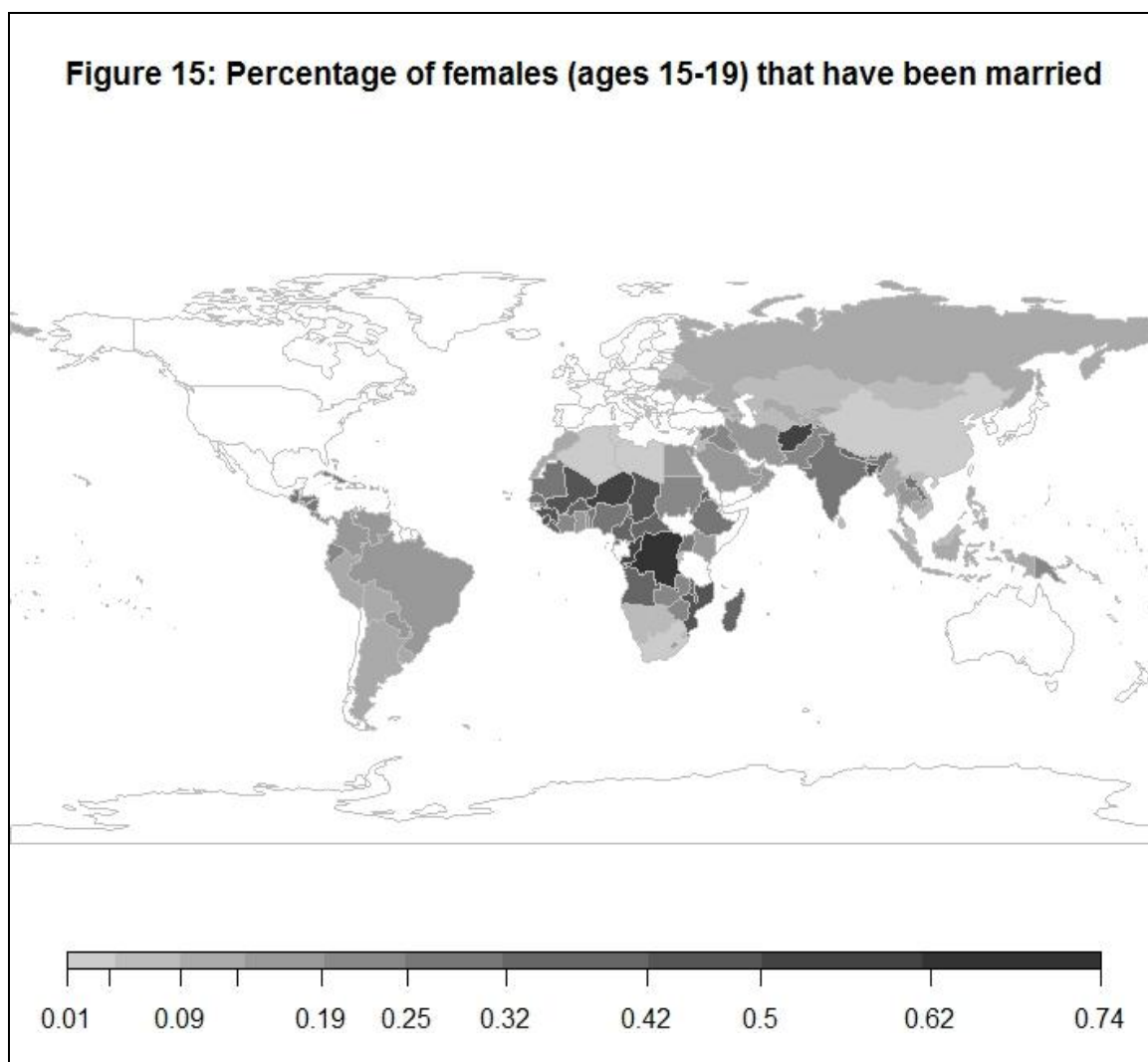


Figure 15: White fill indicates missing data.

For this map, data for much of the Western world are missing. However, early marriage is not a prevalent issue in these states, most of which have explicit laws prohibiting or regulating marriage for those under the age of 18. This map emphasizes states in central Africa where over 50% of the female population between the ages of 15-19, have been married. Many of these states are party to CEDAW. The Democratic Republic of the Congo, for example, ratified the convention in 1986 (over 25 years ago) and data collected in a 2009 report by the Organisation for Economic Co-operation and

Development¹¹⁰ shows that between 62-74% of the young female population has been married. Do these numbers imply gender equity in freedom and personal development?

The immediate reaction to these maps may be that international law is ineffective. CEDAW is supposed to be the most constructive treaty protecting women's rights (and 30 years have passed since it was originally open for signature), the vast majority of states are parties, and yet serious gender based disparities have not been eliminated. Yet, when one looks across multiple variables, there are no absolute areas of complete gender inequality. Certain countries are deficient by one criterion, but do better according to others. So many countries have signed the convention that the real effects of becoming party are impossible to calculate. Also, while CEDAW may be the most progressive instrument, it also has more reservations than any other human rights agreement.¹¹¹ Reservations are statements that a state can make that alter the legality of an agreement for that state. They are often used in human rights instruments to protect regional customs; consequently they may also negate important legal obligations enshrined in the treaty. "The abundance of reservations ... dilutes the effectiveness of the treaty which is designed to eradicate these underlying notions of inequality inherent in certain cultural practices and beliefs."¹¹²

Scholarship often compares gender equity outcomes, (statistics collected by intergovernmental or nongovernmental organizations) to the instruments that attempt to establish equality of opportunity. The debate about whether to pursue equality of

¹¹⁰ Organisation for Economic Co-operation and Development, *Gender, Institutions and Development Database 2009 (GID-DB)* (available at <http://stats.oecd.org/Index.aspx?DatasetCode=GID2>).

¹¹¹ TIEFENBRUN, *supra* note 104, at 53.

¹¹² *Id.*

opportunity or equality of outcomes is extremely difficult because it involves discussion of power differentials and moral dilemmas. However, it is one that deserves further debate. To ask for equality of opportunity, when the ideal is equality of outcome, puts treaties at a clear disadvantage. If, on the other hand, equality of opportunity is the ultimate goal, then measuring outcomes is logically flawed. A redefinition of acceptable outcomes may be the next step in refocusing international action.

A second purpose of including these statistical maps and brief evaluation is to highlight limitations in assuming that empirical methods can always produce a neutral and meaningful measure of gender equity. While the main analysis in this thesis measures gender as it appears in treaty law, a complete understanding of how gender relates to treaty law must also involve understanding current conditions and real outcomes. This thesis is a testament to both the utility and difficulty of employing empirical methods to evaluate gender equality at the global level.

General questions of validity are raised with the above example and those similar to it. To start, one must examine the value of the variables measured in these databases – how useful are the indicators that organizations have chosen to assess? What kind of inferences can or cannot be drawn from the gender divide in the workforce? The percentage of the labor force divided by gender is by no means an absolute measure of gender equality. In any given state, females may comprise 50% of the workforce, but the majority may be working in low wage or even sweatshop jobs, unable to receive an education or be hired for higher positions. These oppressive conditions cannot be seen as progress.

There are also questions of validity related to the methods used to collect the data. For Figures 13 and 14, data were taken from a spreadsheet compiled by the World Bank. The data are not collected with a uniform survey, but assembled from the work of multiple organizations. Are the numbers given adequately comparable? There is also a large amount of missing data for many of the variables. Furthermore, in order to assess progress or regression, data must be compared periodically and consistently. The map for Figure 14 contains data from several years, which was done to get figures for the majority of states. Where data are partial and subjected to different methods of acquirement, direct inferences are less valid.

There are steps that could be taken to address some of these issues. One suggestion that seems clear from this analysis is to require related organizations to pool their resources and conduct uniform and periodic surveys from which they can all draw information, instead of collecting incomplete data from numerous sources. Variables should be clearly defined, and definitions established at the international level.

Gender Issues and Treaty Law

The main objective of this thesis has been to explore gender issues in multilateral treaties over the past 500 years. Summarizing the population of gender related treaties may allow the international system to better understand and address the multitude of serious gender based issues that remain unresolved. The data show a complicated relationship: gender issues have had a consistent presence in human rights law since 1900, though overall they comprise a very small percentage of the multilateral treaties. Subtopic analyses show that most instruments deal with the less complicated topics:

employment, marriage/family law, children's issues, and affirmations of rights, leaving only a few agreements for some of the more intractable problems. Furthermore using Hevener's categorizations shows positive trends; both the rise of non-discriminatory provisions and a decline in the protective instruments that preserved negative gender stereotypes.

By and large, using multilateral treaties to combat gender inequity is problematic, but so is the multilateral treaty system writ large. Assuming for a moment the best of circumstances — women were directly involved in the creation of international legal norms, all states ratified instruments codifying progressive legal coverage in all outstanding gender issues, language in the agreements endorsed equity and not protective stereotyping, and the provisions were both clear and binding — the instruments would still ultimately require effective enforcement at the national level, and would not be handled comparably under starkly different domestic legal systems. Furthermore, the interpretations of intent are subject to the cultural paradigms of each state. As put by scholars Natalie Kaufman and Stefanie Lindquist, “treaties that grant equal rights dependent upon governmental implementation are less likely to provide the kind of help that women need most.”¹¹³

Gender treaties should play an important role in securing a sound legal footing for women in states where effective gender policies do not exist. International pressure to ratify human rights treaties drives states that have historically treated women poorly to adopt non-discriminatory norms. Treaties are one means to try to change cultural values where few other approaches are feasible, apart from perhaps intergovernmental

¹¹³ Kaufman & Lindquist, *supra* note 51, at 119.

organizations. However, legal rights may have the opposite effect of resolving issues if complacency results from *de jure* success and *de facto* failure. This is clarified by Kaufman and Lindquist, “although legal rights do not necessarily translate into actual equality of opportunities within a given society, the successful acquisition of rights may lead to decreased activism within a social movement if activists come to believe that the battle has been won.”¹¹⁴ If activism subsides due to these “treaty successes”, then the fundamental problems will remain unsolved. The research of Professor Beth Simmons is relevant here: she observed that consistent pressure from the people affected (here women) must be applied in order to bring positive outcomes in the states that have become party to human rights treaties.¹¹⁵

The following questions must then be asked: is international law, specifically multilateral treaty making, a viable venue for seeking real change in issues as complex as those discussed here? Once legal rights have been asserted, what else can be done by intergovernmental agreement, especially where binding enforcement is rare? Perhaps it is too easy, especially for those directly involved in scholarship and practice, to get caught up in the idealism of international law. The reality of dangerous situations, and the lives of the women who suffer through them, compels stronger action. Where were all of the labor protections for workers in Bangladesh when the building collapsed? Where are the trafficking laws when there were more than 22,000 female victims of human trafficking during the period 2007-2010? Do customary principles such as sovereignty silence women who are struggling for safety and human dignity? Seeking equality through the

¹¹⁴ *Id.*, at 118.

¹¹⁵ SIMMONS, *supra* note 10.

means of toothless treaties that are open to domestic interpretation ensures an uphill battle from the start. Treaties can, however, provide space for high level discussions. Ideally, these instruments provide a stimulus to embolden women around the world, with what appears to be a prominent level of international support.

This thesis has endeavored to build upon the goal explained by Professors Tickner and Sjoberg: “IR [International Relations] feminists have sought to ask where women and gender are in global politics and what such research reveals that was previously unseen.”¹¹⁶ Persistent gender inequity demands that future scholarship continue to collect and analyze data, despite the shortcomings of method and measurement, about gender problems and their implications. Furthermore, researchers should seek other methods of understanding the current place of and the future for gender issues in treaty law, to sustain and improve the conversation, and the search for new and effective solutions. International law, and treaties in particular, can play a valuable role in global development. Progress while slow, is undeniable. Measuring and assessing that progress, as well as areas that need work, is vital – it is in this area that this thesis has contributed.

¹¹⁶ Tickner & Sjoberg, *supra* note 45, at 2.

Appendix

List of Gender Related Treaties

No.	Headnote	Signature Date
1	Convention for the Regulation of Conflicts of Laws in relation to Marriage.	1902.0612
2	Convention for the Regulation of Conflicts of Laws and Jurisdictions in relation to Divorce and Separation.	1902.0612
3	Convention respecting the Guardianship of Infants.	1902.0612
4	Convention relative to the Conflict of Laws concerning Marriage.	1905.0717
5	Convention respecting the Conflict of Laws in Matters of Succession and Wills.	1905.0717
6	Convention respecting the Prohibition of Night Work for Women in Industrial Employment.	1906.0926
7	Convention concerning the employment of women during the night, adopted by the General Conference of the International Labour Organisation at its first session, Washington, 28 November, 1919, as modified by the Final Articles Revision Convention, 1946.	1919.1128
8	Convention fixing the minimum age for admission of children to industrial employment, adopted by the General Conference of the International Labour Organisation at its first session, Washington, 28 November, 1919, as modified by the Final Articles Revision Convention, 1946.	1919.1128
9	Convention concerning the night work of young persons employed in industry, adopted by the General Conference of the International Labour Organisation at its first session, Washington, 28 November, 1919, as modified by the Final Articles Revision Convention, 1946.	1919.1128
10	Convention concerning the employment of Women before and after childbirth, adopted by the General Conference of the International Labour Organisation at its first session, Washington, 28 November, 1919, as modified by the Final Articles Revision Convention, 1946.	1919.1129
11	Convention fixing the minimum age for admission of children to employment at sea, adopted by the General Conference of the International Labour Organisation at its second session, Genoa, 9 July 1920, as modified by the Final Articles Revision Convention, 1946.	1920.0709
12	International convention for the suppression of the traffic in women and children.	1921.0930
13	Convention fixing the minimum age for the admission for young persons to employment as trimmers or stokers, adopted by the General Conference of the International Labour Organisation at its third session, Geneva, 11 November 1921, as modified by the Final Articles Revision Convention.	1921.1111
14	Convention concerning the compulsory medical examination of children and young persons employed at sea, adopted by the General Conference of the International Labour Organisation at its third session, Geneva, 11 November 1921, as modified by the Final Articles Revision Convention.	1921.1111

15	Convention concerning the age for admission of children to employment in agriculture, adopted by the General Conference of the International Labour Organisation at its third session, Geneva, 16 November 1921, as modified by the Final Articles Revision Convention, 1946.	1921.1116
16	Agreement concerning the Creation of an International Association for the Protection of Children.	1922.0802
17	Convention on the Unification of Protective Laws for Workmen and Labourers.	1923.0207
18	Convention containing certain provisions of private international law regarding marriage, adoption, and guardianship, with final protocol, and exchanges of notes of FEBRUARY 6 and DECEMBER 22, 1931, and JUNE 9, 1931.	1931.0206
19	Convention concerning the age for admission of children to nonindustrial employment, adopted by the General Conference of the International Labour Organisation at its sixteenth session, Geneva, 30 April 1932, as modified by the Final Articles Revision Convention, 1946.	1932.0430
20	Convention concerning compulsory widows' and orphans' insurance for persons employed in industrial or commercial undertakings in the liberal professions and for outworkers and domestic servants, adopted by the General Conference of the International Labour Organisation at its seventeenth session, Geneva, 29 June 1933, as modified by the Final Articles Revision Convention, 1946.	1933.0629
21	Convention concerning compulsory widows' and orphans' insurance for persons employed in agricultural undertakings, adopted by the General Conference of the International Labour Organisation at its seventeenth session, Geneva, 29 June 1933, as modified by the Final Articles Revision Convention, 1946.	1933.0629
22	International convention for the suppression of the traffic in women of full age.	1933.1011
23	Convention relating to the international status of refugees.	1933.1028
24	Inter-American convention on the nationality of women.	1933.1226
25	Convention concerning employment of women during the night (revised 1934), adopted by the General Conference of the International Labour Organisation at its eighteenth session, Geneva, 19 June 1934, as modified by the Final Articles Revision Convention.	1934.0619
26	Convention concerning the employment of women on underground work in mines of all kinds, adopted by the General Conference at its nineteenth session, Geneva, 21 June 1935, as modified by the Final Articles Revision Convention, 1946.	1935.0621
27	Convention concerning the establishment of an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance, adopted by the General Conference of the ILO at its nineteenth session, Geneva, 22 June 1935, as modified by the Final Articles Revision Convention, 1946.	1935.0622
28	Convention fixing the minimum age for the admission of children to employment at sea (revised 1936), adopted by the General Conference of the ILO at its twenty-second session, Geneva, 24 October 1936, as modified by the Final Articles Revision Convention, 1946.	1936.1024

29	Convention fixing the minimum age for admission of children to industrial employment (revised 1937), adopted by the General Conference of the ILO at its twenty-third session, Geneva, 22 June 1937, as modified by the Final Articles Revision Convention, 1946.	1937.0622
30	Convention (No. 60) concerning age for admission of children to non-industrial employment (revised 1937), adopted by the General Conference of the International Labour Organisation at its 23rd session, Geneva, 22 June 1937, as modified by the Final Articles Revision Convention, 1946.	1937.0622
31	Charter of the United Nations.	1945.0626
32	Instrument for the amendment of the constitution of the International Labor Organization, 1946, with annexed constitution.	1946.1009
33	Convention (No. 77) concerning medical examination for fitness for employment in industry of children and young persons. Adopted by the General Conference of the ILO at its 29th session, Montreal, 1946.1009.	1946.1009
34	Convention (No. 78) concerning medical examination for children and young persons for fitness for employment in nonindustrial occupations, Adopted by the General Conference of the International Labour Organisation at its 29th session, Montreal 1946.1003.	1946.1009
35	Convention (No. 79) concerning the restriction of night work of children and young persons in nonindustrial occupations. Adopted by the General Conference of the International Labour Organization at its 29th session, Montreal, 1946.1009.	1946.1009
36	Protocol to amend the convention for the suppression of the traffic in women and children concluded at Geneva on SEPTEMBER 30, 1921, and the convention for the suppression of the traffic in women of full age concluded at Geneva on OCTOBER 11, 1933, with annex (amendments).	1947.1112
37	Inter-American Convention on the granting of civil rights to women.	1948.0502
38	Inter-American Convention on the granting of political rights to women.	1948.0502
39	American Declaration of the Rights and Duties of Man.	1948.0502
40	Convention (No. 89) concerning night work of women employed in industry (revised 1948).	1948.0709
41	Convention (No. 90) concerning the night work of young persons employed in industry. Adopted by the General Conference of the International Labour Organization at its 31st Session, San Francisco, July 10, 1948	1948.0710
42	Universal Declaration of Human Rights.	1948.1210
43	Convention for the suppression of the traffic in persons and of the exploitation of the prostitution of others, (with final protocol).	1950.0321
44	Convention for the protection of human rights and fundamental freedoms.	1950.1104
45	Convention (No. 100) concerning equal remuneration for men and women workers for work of equal value.	1951.0629
46	Convention respecting the reciprocal payment of child allowances.	1951.0828
47	Convention (No. 103) concerning maternity protection (revised 1952).	1952.0628

48	Agreement concerning changes in the text of articles 2, 7, and 9 of the convention of February 6, 1931, containing certain provisions of private international law regarding marriage, adoption, and guardianship.	1953.0323
49	Convention on the political rights of women.	1953.0331
50	Convention (with Final Protocol) respecting reciprocity in the granting of maternity assistance.	1953.0720
51	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery.	1956.0907
52	Convention on the law applicable to maintenance obligations towards children.	1956.1024
53	Convention on the nationality of married women.	1957.0220
54	Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children.	1958.0415
55	Convention (No. 110) concerning conditions of employment of plantation workers.	1958.0624
56	Convention (No. 111) concerning discrimination in respect of employment and occupation.	1958.0625
57	United Nations declaration of the rights of the child.	1959.1120
58	Convention against discrimination in education.	1960.1214
59	Convention on the extension of the competence of authorities qualified to receive acknowledgements of children born out of wedlock.	1961.0914
60	Convention concerning the powers of authorities and the law applicable in respect of the protection of infants.	1961.1005
61	European social charter (with appendix.)	1961.1018
62	Central American convention on the unification of the fundamental norms of education.	1962.0622
63	Convention concerning the establishment of maternal filiation of children born out of wedlock.	1962.0912
64	Convention on consent to marriage, minimum age for marriage and registration of marriages.	1962.1210
65	Protocol instituting a Conciliation and Good Offices Commission to be responsible for the settlement of disputes which may arise between states parties to the above-mentioned convention (against discrimination in education) of December 14, 1960.	1962.1210
66	Convention (No. 123) concerning the minimum age for admission to employment underground in mines, adopted by the General Conference of the International Labour Organisation at its Forty-Ninth session..	1965.0622
67	Convention (No. 124) concerning medical examination of young persons for fitness for employment underground in mines.	1965.0623
68	Convention on jurisdiction, applicable law, and recognition of decrees relating to adoptions.	1965.1115
69	International covenant on economic, social, and cultural rights.	1966.1216
70	International covenant on civil and political rights.	1966.1216
71	Optional protocol to the international covenant on civil and political rights.	1966.1216

72	European convention on the adoption of children.	1967.0424
73	Convention on the recognition of decisions concerning the marriage bond (with annexes).	1967.0908
74	European agreement on the instruction and education of nurses (with annexes).	1967.1025
75	Declaration on the elimination of discrimination against women.	1967.1107
76	Agreement between Norway, Denmark, Finland and Sweden concerning a common Scandinavian labor market for nurses.	1968.1205
77	Agreement amending the Convention containing certain provisions of private international law regarding marriage, adoption and guardianship.	1969.1103
78	American Convention on Human Rights "Pact of San José, Costa Rica."	1969.1122
79	Convention on the recognition of divorces and legal separations.	1970.0601
80	Convention on legitimation by marriage (with annex).	1970.0910
81	Agreement amending the convention containing certain provisions of private international law regarding marriage, adoption and guardianship of FEBRUARY 6, 1931, as amended by the agreements of MARCH 23, 1953, and NOVEMBER 3, 1969.	1973.1120
82	Convention establishing an international family record booklet, with annex.	1974.0912
83	Agreement concerning sickness benefits and benefits in respect of pregnancy and confinement (with protocol).	1975.0206
84	European Convention on the legal status of children born out of wedlock.	1975.1015
85	Agreement amending the Nordic convention of 19 November 1934 regarding inheritance and the settlement of the devolution of property.	1975.1209
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87	Convention on the law applicable to matrimonial property regimes.	1978.0314
88	Convention on celebration and recognition of the validity of marriages.	1978.0314
89	Convention on the elimination of all forms of discrimination against women.	1979.1218
90	European convention on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children.	1980.0520
91	Convention concerning the issue of certificates of nonimpediment to marriage, with annex.	1980.0905
92	Convention on the voluntary recognition of children born out of wedlock.	1980.0905
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95	Banjul Charter on Human and People's Rights.	1981.0627
96	Convention concerning the delivery of certificates in connection with the attribution of different family names.	1982.0908

97	Inter-American convention on conflict of laws concerning the adoption of minors.	1984.0524
98	Statute of the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW).	1984.0926
99	Protocol No. 7 to the European convention for the protection of human rights and fundamental freedoms.	1984.1122
100	Additional protocol to the European social charter.	1988.0505
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102	Additional protocol to the American convention on human rights in the area of economic, social and cultural rights "Protocol of San Salvador."	1988.1117
103	Convention concerning the working environment.	1989.0629
104	Inter-American convention on the international return of children.	1989.0715
105	Convention on the rights of the child.	1989.1120
106	Community charter on the fundamental social rights of workers.	1989.1209
107	Convention (ILO No. 171) concerning Night Work.	1990.0626
108	Protocol of 1990 to the Convention (No. 89) concerning Night Work of Women Employed in Industry (revised 1948).	1990.0626
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111	Declaration on the Protection of all Persons from Enforced Disappearance.	1992.1218
112	Convention on protection of children and cooperation in respect of intercountry adoption.	1993.0529
113	North American Agreement on Labor Cooperation, Between the Government of the United States of America, The Government of Canada, and the Government of the United Mexican States.	1993.0914
114	Declaration on the elimination of violence against women.	1994.0223
115	Inter-American Convention on International Traffic in Minors.	1994.0318
116	Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women. "Convention of Belem Do Para"	1994.0609
117	Amendment to article 20, paragraph 1 of the convention on the elimination of all forms of discrimination against women, adopted at New York on 18 December 1979.	1995.0522
118	Amendment to article 43 (2) of the Convention on the Rights of the Child	1995.1212
119	European Convention on the Exercise of Children's Rights.	1996.0125
120	The Revised European Social Charter.	1996.0503
121	Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.	1996.1019
122	Convention on the Recognition of Qualifications concerning Higher Education in the European Region	1997.0411

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124	Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women	1999.1006
125	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.	2000.0525
126	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography.	2000.0525
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130	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.	2000.1212
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ACADEMIC VITA

Lauren Kolb

5250 Robinhood Lane, Erie PA, 16509 ~ lauren.el.kolb@gmail.com

Education

B.A., Political Science, 2013, Pennsylvania State University, Erie, Pennsylvania

Honors and Awards

- Honors Certificate, Penn State Behrend Honors Program
- Dean's List, 6 semesters
- Awarded Council of Fellows Undergraduate Student Research Award
- Awarded Summer Research Fellowships (2011, 2012), Pennsylvania State University
- Received Writing Award for Excellence in Critical Writing in the School of Social Sciences and Humanities (2013)
- Member of the Penn State Schreyer Honors College
- President of the Pi Sigma Alpha Political Science Honor Society

Professional Experience

Research Associate, *Comprehensive Statistical Database of Multilateral Treaties*

Penn State Erie 2009- present

- Organized and analyzed data concerning the population of multilateral treaties since 1500
- Assisted with research and help prepare papers and lectures
- Trained new students for work on the database and research in international law

Teaching Assistant, Fall 2011 & Fall 2012, *Introduction to Comparative Politics*

Penn State Erie 2011 & 2012

- Assisted students with learning material
- Conducted research of various countries and presented information international politics
- Assisted with the organization and delivery of lectures

Research Assistant, Cognition and Effect Size

Penn State Erie 2012 & 2013

- Assisted with the design of a study to measure how individuals think about effect size

Professional Presentations

“Statistical Approaches to Intergovernmental Organizations and Treaties”

Delivered Summer 2011, Waterloo Ontario, Academic Council on the United Nations System

Publications and Papers

- Co-author of the article “International Law Teaching: Glass(es) Half Full? Rose Colored? Red/White and Blue?” accepted for publication in the South African Yearbook of International Law (Forthcoming)
- Co-author of the article “Choice of official text in multilateral treaties: The interplay of law, politics, language, pragmatism and (multi)-nationalism” accepted for publication in Santa Clara Journal of International Law (Forthcoming)