Negotiating Gender Equity in the Global South

The fact that women have achieved higher levels of political inclusion within low- and middle-income countries has generated much speculation about whether this is reaping broader benefits in tackling gender-based inequalities. This book uncovers the multiple political dynamics that influence governments to adopt and implement gender equity policies, pushing the debate beyond simply the role of women's inclusion in influencing policy. Bringing the politics of development into discussion with feminist literature on women's empowerment, the book proposes the new concept of 'power domains' as a way to capture how inter-elite bargaining, coalitional politics, and social movement activism combine to shape policies that promote gender equity.

In particular, the book investigates the conditions under which countries in sub-Saharan Africa and South Asia have adopted legislation against domestic violence, which remains widespread in many developing countries. The book demonstrates that women's presence in formal politics and policy spaces does not fully explain the pace in adopting and implementing domestic violence law. Underlying drivers of change within broader domains of power also include the role of clientelistic politics and informal processes of bargaining, coalition-building, and persuasion; the discursive framing of gender-equitable ideas; and how transnational norms influence women's political inclusion and gender-inclusive policy outcomes. The comparative approach across Uganda, Rwanda, South Africa, Ghana, India, and Bangladesh demonstrates how advancing gender equality varies by political context and according to the interests surrounding a particular issue.

Negotiating Gender Equity in the Global South will be of interest to students and scholars of gender and development, as well as to activists within governments, political parties, nongovernmental organizations, women's movements, and donor agencies, at national and international levels, who are looking to develop effective strategies for advancing gender equality.

Sohela Nazneen, Research Fellow, Gender and Sexuality, Institute of Development Studies, University of Sussex, UK.

Sam Hickey, Professor of Politics and Development and Research Director, Effective States and Inclusive Development Research Centre (ESID), The University of Manchester, UK.

Eleni Sifaki, Research Associate, Effective States and Inclusive Development Research Centre (ESID), The University of Manchester, UK.

Routledge ISS Gender, Sexuality and Development Studies

The *Routledge ISS Gender, Sexuality and Development Studies* series explores the diverse ways in which topics of gender and sexuality relate to international development, both in theory and in practice. The book series aims to publish 'classical' gender, sexuality and development themes – such as the sexual and reproductive rights policy debates on population and sustainable development, adolescence and sex education, and policy on abortion – together with cutting edge work on embodiment, queer theory and innovative strategies of resistance to hegemonic discourses of sexuality and gender. The book series will pay special attention to the role of intergenerational power relations and how they interact with different gendered understandings of sexuality at diverse stages in the life cycle.

Wendy Harcourt leads the international editorial board with her colleagues from the renowned International Institute of Social Studies of Erasmus University, The Netherlands. The Board welcomes book proposals from researchers working in all geographic areas with special interest in research undertaken from feminist grounded theory and with marginalized groups in the global South and North.

To find out more about how to submit a book proposal, please contact the Development Studies Editor, Helena Hurd (Helena.Hurd@tandf.co.uk) or Wendy Harcourt (harcourt@iss.nl).

Gender Responsive Budgeting in Fragile States
The Case of Timor-Leste
Monica Costa

Gender Justice and Human Rights in International Development Assistance
Transcending Universal Divisions
Sarah Forti

Masculinity and Modern Slavery in Nepal
Transitions into Freedom
Matthew Maycock

Negotiating Gender Equity in the Global South
The Politics of Domestic Violence Policy
Edited by Sohela Nazneen, Sam Hickey, and Eleni Sifaki

Negotiating Gender Equity in the Global South

The Politics of Domestic Violence Policy

Edited by
Sohela Nazneen, Sam Hickey,
and Eleni Sifaki

This book is dedicated to Roushan, Fiona, and Sayan for their love, patience, and support, and to the memory of our esteemed colleague Simeen Mahmud, whose dedication to women's empowerment helped inspire our work on this project.

Contents

PART III
**The significance of informal networks: promoting gender
equity in competitive settlements**

PART IV
Concluding thoughts and ways forward

Figures

Tables

Appendixes

Abbreviations

ACFODE	Action for Development
ACHPR	African Commission on Human and Peoples' Rights
AFRC	Armed Forces Revolutionary Council
AG	Attorney General
AL	Awami League
AMwA	Akina Mama Wa Africa
ANC	African National Congress
ANCWL	African National Congress Women's League
ASK	Ain o Salish Kendra
BJP	Bharatiya Janata Party
BLAST	Bangladesh Legal Aid Services Trust
BMP	Bangladesh Mohila Parishad
BNP	Bangladesh Nationalist Party
BNWLA	Bangladesh National Women Lawyers' Association
CA	Consultative Assembly
CDD	Centre for Democratic Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDOVIP	Centre for Domestic Violence Prevention
CEEWA	Council for Economic Empowerment for Women in Africa
CGE	Commission of Gender Equality
CiDV	Citizen's Initiative Against Domestic Violence
CPP	Convention People's Party
CSO	Civil society organization
CSW	Committee on the Status of Women
CTG	Caretaker government
CWGL	Centre for Women's Global Leadership
DEWA	Declaration of the Elimination of Violence Against Women
DOVVSU	Domestic Violence and Victim Support Unit
DRB	Domestic Relations Bill
DV	Domestic violence
DVA	Domestic Violence Act
DV Coalition	National Coalition on Domestic Violence Legislation

DWCD	Department of Women and Child Development
DWM	31st December Women's Movement
EDPRS	Economic Development and Poverty Reduction Strategy
FEDSAW	Federation of South African Women
FGD	Focus group discussion
FIDA	International Federation of Women Lawyers
FWP	Forum of Women Parliamentarians
GBV	Gender-based violence
GIZ	German Corporation for International Cooperation
GOI	Government of India
GWL	Ghana Women's League
HRD	(Ministry of) Human Resource Development
IAC	Inter-American Convention
ICGLR-SGBV	International Conference of the Great Lakes Region on Sexual Gender Based Violence
IO	International organization
INGO	International nongovernmental organization
JC	Joint Committee on the Improvement of the Quality of Life and the Status of Women
LAWA	Leadership and Advocacy for Women in Africa
LI	Legislative instrument
MAJ	Maisons d'accès à la justice
MDGs	Millennium Development Goals
MDR	Mouvement Démocratique Républicain
MGLSD	Ministry of Gender, Labour, and Social Development
MIGEFASO	Ministry of Gender, Family, and Social Affairs
MIGEPROF	Ministry of Gender and Family Promotion
MINEDUC	Ministry of Education
MLA	Member of the Legislative Assembly
MOGCSP	Ministry of Gender, Children, and Social Protection
MOWCA	Ministry of Women and Children's Affairs
MP	Member of Parliament
MSVAW	Multi-Sectoral Project on Violence Against Women
NAC	National Advisory Council
NCT	National Capital Territory
NCW	National Council for Women (Uganda)
NCW	National Commission of Women (India)
NCWD	National Council for Women and Development
NDA	National Democratic Alliance
NGM	National Gender Machinery
NGO	Nongovernmental organization
NJAC	National Judicial Appointments Commission
NNVAW	National Network on Violence Against Women
NRM	National Resistance Movement
NPP	New Patriotic Party

NWC	National Women's Commission
NWDP	National Women's Development Policy
OSW	Office on the Status of Women
PFA	Beijing Platform for Action
PFVA	Prevention of Family Violence Act
PMO	Prime Minister's Office
PNDC	Provisional National Defence Council
POS	Political opportunity structure
PPCJ	Parliamentary Portfolio Committee on Justice
PS	Political settlement
PWD	People with disabilities
PWDVA	Protection of Women from Domestic Violence Act
RPF	Rwandan Patriotic Front
RPO	Representation of People's Ordinance
RWAMREC	Rwanda Men's Resource Centre
SALC	South African Law Commission
SAHRC	South African Human Rights Commission
SAPS	South Africa Police Service
UCW	Uganda Council of Women
ULRC	Uganda Law Reform Commission
UMWADD	Uganda Muslim Women Association for Daawa and Development
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UPA	United Progressive Alliance
UPC	Uganda People's Congress
UWONET	Uganda Women's Network
UWOPA	Uganda Women's Parliamentary Association
VAW	Violence against women
WAJU	Women and Juvenile Unit
WHO	World Health Organization
WIB	Women in Broadcasting
WID	Women in Development
WiLDAF	Women in Law and Development in Africa
WISE	Women's Initiative for Self-Empowerment
WNC	Women's National Coalition
WRB	Women's Reservation Bill
YWCA	Young Women's Christian Association

Contributors

Josephine Ahikire is Associate Professor in the School of Women and Gender Studies and Deputy Principal of the College of Humanities and Social Sciences at Makerere University in Uganda. She has led a variety of research projects on gender and land, elections, women and parliamentary performance, and gender and the politics of access. Recent publications include *Localised or Localising Democracy: Gender and the Politics of Decentralisation in Contemporary Uganda* (Fountain Publishers, 2007) and two co-edited books: *Controlling Consent: Uganda's 2017 elections*, with J. Oloka-Onyango (Africa World Press, 2017), and *Gender Poverty and Social Transformation: Reflections on Fractures and Continuities in Contemporary Uganda*, with G. Bantebya et al. (Fountain Publishers, 2014).

Beatrix Allah-Mensah is Senior Country Operations Officer of the World Bank Ghana office. She completed her PhD at the University of Ghana on 'The Politics of Implementing Environmental Policy for Sustainable Development in Ghana'. Her research interests also include women in politics and public life in Ghana. Other research interests and areas of publication include NGOs, democracy and elections, and women's advocacy and development issues. She is author of the book *Women in Politics and Public Life in Ghana* (Friedrich-Ebert-Foundation, 2005).

Lillian Artz is Professor and Director of the Gender Health and Justice Research Unit at the University of Cape Town, South Africa. She has published widely on sexual and gender-based violence, incarcerated women, and women's rights to freedom and security in Africa. Her current work includes female and other key populations in prisons and psychiatric settings, torture prevention, and the epidemiology and prevalence of child sexual abuse, the latter of which was recently published in *Lancet Global Health*. She is the Editor-in-Chief of *Acta Criminologica: Southern African Journal of Criminology*.

Asmita Basu is a lawyer with more than 15 years of experience working on women's rights and human rights law and policy as a researcher, consultant, and senior manager in the nongovernmental organization (NGO)/development sector. She served as Coordinator of the Lawyers Collective, a national-level Indian NGO, 'from 2002–2009'. She has significant experience in monitoring

and reviewing the implementation of laws and has been called upon as a policy expert to review legislative approaches in dealing with violence against women in Bangladesh, Laos, Myanmar, Tajikistan, and Pakistan.

Jennie E. Burnet is an Associate Professor in the Global Studies Institute at Georgia State University in the United States. She led the Effective States and Inclusive Development Research Centre (ESID) research project in Rwanda on Gender and Political Settlements. Her research on the social, cultural, and psychological aspects of war, genocide, and mass violence has appeared in *Politics & Gender, African Affairs*, and *African Studies Review*. Her book, *Genocide Lives in Us: Women, Memory & Silence in Rwanda* (University of Wisconsin Press, 2012) won the 2013 Elliot Skinner Award from the Association for Africanist Anthropology.

Anne Marie Goetz has been Clinical Professor at the Center for Global Affairs, New York University since January 2014. She served at the United Nations since 2005 as a Policy Director of Governance, Peace and Security, first at UNIFEM and since 2011 at UN Women. She is a political scientist studying how development policies in fragile states promote the interests of marginalized social groups, particularly poor women. She is the author of seven books on the subjects of gender, politics, and policy in developing countries, including the edited volume: *Governing Women: Women in Politics and Governance in Developing Countries* (Routledge, 2009).

Valérie Grand'Maison is a Research Assistant and PhD student at the Centre for the Study of Legal and Social Responses to Violence at the University of Guelph, Canada. She is involved in research on femicide and is specifically interested in the response of the healthcare system in preventing violence against women. Prior to this she was a Researcher in the Gender, Health and Justice Research Unit at the University of Cape Town, working on gender-based violence and, in particular, training of healthcare providers and evidence-based advocacy.

Sam Hickey is Professor of Politics and Development in the Global Development Institute, The University of Manchester, UK, and Research Director of the Effective States and Inclusive Development Research Centre (ESID). His recent work on the politics of development has been published in *African Affairs, Journal of Development Studies*, and *World Development*. He has edited or co-edited six collections, the most recent being *The Politics of Inclusive Development: Interrogating the Evidence* (Oxford University Press, 2015, with Kunal Sen and Badru Bukenya).

Sophie King is Research Fellow at the Urban Institute, University of Sheffield, UK. She has previously worked at The University of Manchester's Global Development Institute, UK, and the School of the Built Environment, University of Salford, UK. Her research and practice has focused on community organizing and inclusive local governance in the UK and the Global South. Her articles have been published in the *Journal of Development Studies*, *The European Journal of Development Research*, and *Third World Quarterly*.

Amon Mwiine is an Assistant Lecturer, School of Gender and Women Studies, Makerere University, Uganda, and a PhD (sociology) candidate at Stellenbosch University, South Africa. He has experience in teaching and research in participatory forms of qualitative research, gender mainstreaming, sexuality, and critical masculinity studies. His current PhD project is exploring the phenomenon of 'male champions'—men who speak to issues of gender on behalf of women—in legislative processes in Uganda. He is also a United Nations Development Programme-accredited Gender Auditor and a Research Associate at the Centre for Basic Research, Kampala, Uganda.

Sohela Nazneen is Research Fellow in Gender and Sexuality at the Institute of Development Studies (IDS) and formerly Professor of International Relations at University of Dhaka and a Lead Researcher at the Centre for Gender and Social Transformation (CGST), BRAC University, Bangladesh. Her research mainly focuses on institutional analysis of gender, particularly in the areas of governance and feminist movements. She is the project leader of the Gender and Political Settlements research project for ESID at The University of Manchester, UK. She is the co-editor of *Voicing Demands: Feminist Activism in Transitional Contexts* (Zed Books, 2014).

Rhoda Osei-Afful is a Research Officer with the Ghana Center for Democratic Development (CDD-Ghana), a leading research and advocacy think tank based in Ghana. She holds an MPhil in International Affairs and a BA in Sociology with Political Science from the University of Ghana. She has contributed to a number of publications on elections, gender, and political processes, including youth participation in contemporary Ghanaian politics and electoral violence, the increasing role of technology in elections in Africa, and women's inclusion in political processes in Africa.

Eleni Sifaki is Research Associate at the Global Development Institute, The University of Manchester, UK. She has previously worked at the Gender Institute–LSE and The University of Manchester. Her research focuses on the politics of gender equity, gender and labour in global production networks, and the gendered dimensions and implications of economic crisis and austerity. She was a commissioned author for the Food and Agriculture Organization of the United Nations, investigating the effects of women's unpaid care and productive work on their access to rural labour markets in developing countries. Among her publications is a forthcoming article in *Feminist Economics*.

Georgina Waylen is Professor of Politics at The University of Manchester, UK. Prior to this she was a Professor of Politics at the University of Sheffield and she previously taught at the Universities of Salford and East Anglia, UK. Her main research interests lie in the fields of comparative politics/political economy with a focus on gender and politics, international political economy, transitions to democracy, and governance and institutions. She has published widely in these areas, including her latest edited volume *Gender and Informal Institutions* (Rowman & Littlefield, 2017).

Preface and acknowledgements

In recent years, we have witnessed a counter-movement against feminism and the promotion of women's rights around the world. The global gag rule ushered in by the Trump administration, movements against sexual harassment such as Me Too, targeted trolling of feminist writers in the media, and the persistently high levels of violence against women around the world, all remind us that the gains made towards gender equity in the late 20th and early 21st centuries cannot be taken for granted. In particular, it seems clear that simply ensuring that women have a place at the table, in terms of political inclusion, is not enough to ensure that policies aimed at promoting gender equity are adopted and implemented.

In 2011, the Effective States and Inclusive Development Research Centre (ESID),[1] based at the Global Development Institute, The University of Manchester, commissioned a systematic review of the gendered nature of the politics of inclusive development, focusing mainly on studies conducted on countries in the Global South. The review revealed that while women had entered politics and policy spaces in the Global South in ever-greater numbers, their ability to influence the adoption and implementation of gender equity policies remained limited. This in turn raised questions about the political conditions under which ruling elites and governments gained the commitment and capacity to promote gender equity and what might be done to support this, including (but not only) by female parliamentarians. We realized that there is an urgent need for mid-range theories that could explain the politics of gender equity in the Global South, not least because much of the contemporary literature on gender and politics did not seem to be well-grounded in the political realities of developing countries. This led to the development of a comparative research framework, integrating elements borrowed from the politics and development literature along with recent advances within the gender and politics literature. The project, titled 'Gender and Political Settlements', was undertaken in six countries between 2013 and 2016, with a particular focus on the case of efforts to promote policy reforms against domestic violence.

This book brings together the findings and analysis from this project. We have been fortunate to work with excellent research partners in the six case-study countries, all of whom were involved in co-constructing the intellectual agenda with us and have been very patient as we put the collection together. As editors,

then, our first and foremost round of thanks goes to the stellar cast of researchers and authors who contributed such fascinating country case studies to the collection. From the initial meeting in Manchester in 2013, where the ideas were set in place, through the comparative analysis workshop in Kampala 2014 and the sharing of initial drafts at the conference on Gender Inequality at the University of East Anglia in 2015, the research team has been a pleasure to work with.

In addition to the chapters produced by the ESID gender equity research team, we are lucky to have had the opportunity to include critical commentaries from two leading authorities in the field: Georgina Waylen, from The University of Manchester, and Anne Marie Goetz, from New York University. Our initial thinking on the politics of negotiating gender equity was influenced by Anne Marie and Shirin Hassim's seminal 2003 book, *No Short Cuts to Power*, which laid much of the intellectual groundwork for our project. Georgina Waylen has been a critical friend throughout the project and her pioneering work on the gendered nature of informal institutions influenced our thinking on the role of informal networks and how these are gendered and influence how gender equity outcomes are negotiated. We were delighted and honoured that both agreed to contribute critical commentaries to help close the book by identifying what the collection contributes, what it misses, and where work on the politics of negotiating gender equity should next move.

We have accumulated many other debts along the way and are particularly grateful to the ESID research associates, who have provided outstanding support at different stages of the project. Early on, Sophie King produced detailed reports of the various workshops, researched global trends in domestic violence, and wrote an excellent co-authored chapter (with Eleni Sifaki) on how global norms had influenced the way domestic violence was framed as a key issue that needed to be addressed. Towards the end of the project, Eleni came on board and quickly became one of editors, injecting energy into the project and providing invaluable assistance in finalizing the draft chapters, ensuring integration among the chapters, liaising with the publisher, and the many other time-consuming tasks required to bring a book project through to completion.

Our thanks also to the anonymous peer reviewers who took time to comment on our early working papers. We are particularly grateful to Georgina Waylen, who offered incisive comments on all of the country working papers, and also to Pilar Domingo, who acted as discussant during our comparative analysis workshop in Kampala. We also benefited from presenting our findings at various academic forums—including the British Association of South Asian Studies, Political Studies Association, Development Studies Association, the afore-mentioned conference in 2015 at East Anglia—and at international events at United Nations Research Institute for Social Development, and through in-country dissemination events. The feedback received at these forums encouraged us to think harder about our analysis and its wider implications.

The ESID network has provided many opportunities for this work to be pored over, critiqued, and sharpened, and we thank our colleagues for their critical insights and encouragement, including Kunal Sen, David Hulme, Pablo Yanguas,

Kate Pruce, Sophie King, Naomi Hossain, Tony Bebbington, and Tom Lavers. Our country cases are indebted to the work done by ESID researchers: Mirza Hassan (Bangladesh), Brian Levy (South Africa), Michael Walton and Pratab Mehta (India), Fred Golooba-Mutebi (Uganda and Rwanda), Abdul-Gafaru Abdulai (Ghana), and Badru Bukenya (Uganda) on the political settlement in our case-study countries.

At Manchester, many people have assisted with the management of this project. They have facilitated our meetings, organized workshops, edited the work, handled budgets, and done all the other administrative work without which research—especially international collaborative and comparative research—would not be possible. In particular, we are grateful to Kat Bethell, Clare Degenhardt, Julie Rafferty, Anna Webster, and above all Julia Brunt. Julia not only managed the programme with great expertise throughout, but also played a key role in getting this manuscript ready for publication. Sohela is particularly grateful to the University of Dhaka, which granted her leave in 2015 to be in Manchester during the summer to work on the comparative analysis and the extension of the project to India and South Africa.

Our thanks to Helena Hurd at Routledge for commissioning this book and her support for this project and to her colleague Matthew Shobbrook for ensuring a smooth production process. Last but not the least, we owe a great deal to our families, who supported us throughout and made allowances for the times we were away working on this project.

<div align="right">

Sohela Nazneen, Sussex
Sam Hickey, Manchester
Eleni Sifaki, Manchester

</div>

Note

1. ESID consists of researchers located across the Global North and South. Since 2011, its aim has been to identify the political conditions under which elites become committed to, and states become capable of, delivering inclusive development. ESID has examined the politics of development across several different policy domains, including growth, natural resource governance, social protection, urban governance, education, and health, as well as the topic of gender equity (see www.effective-states.org).

Part I

The politics of gender equity

Setting the scene

1 Beyond the inclusion-to-influence debate

The politics of negotiating gender equity

Sohela Nazneen and Sam Hickey

Introduction

Under what conditions do governments in the Global South introduce policies aimed at reducing gendered inequalities? Is the progress of women's rights an inevitable outcome of the spread of democratization in the Global South? Does it depend on how many women hold positions of political influence, in parliament and beyond? Are women's movements and activists significant players in this process, and what are the most effective strategies that they deploy? What role, if any, is played by international actors and ideas in promoting gender equity in the Global South? Although it has long been recognized that women's empowerment is a fundamental political challenge (Waylen et al. 2013), the fact that we are still searching for answers to these questions suggests that identifying the specific ways in which politics shapes progress towards gender equity has proved a very difficult task. This gap in understanding flows in part from the nature of the problem: progressive reforms aimed at reducing inequalities can flow from multiple sources and are likely to unfold in different ways in different places. The obstacles facing proponents of women's rights—and, therefore, the most effective strategies of overcoming them—are likely to differ according to the specific nature of political power and institutions in given contexts.

However, this gap also flows from certain problems within existing approaches to the study of gender, politics, and development, and the predominant conceptual and methodological approaches that underpin these. Although there have been some important advances within recent scholarship on gender and politics, the field lacks a coherent and holistic conceptual framework for comparative research that can reveal the multiple ways in which politics shapes gender equity in different political contexts. Furthermore, it is not clear that the tools of political analysis used to unpack the politics of gender equity in the Global North necessarily travel well to the Global South, where states and civil societies alike have undergone different historical trajectories and are inserted into global governance orders in different ways. The forms that politics takes in parts of the Global South can create particular difficulties when it comes to expectations that women's political inclusion, levels of which have improved in recent years, will necessarily lead to improved outcomes in terms of gender equity. We argue that

recent advances within feminist analysis, comparative politics, and the politics of development can be integrated within a more holistic conceptual framework for exploring the politics of gender equity in the Global South.

Methodologically, there are two main problems to overcome here. The first is the relative absence of systematic comparative research into the politics of gender equity, which seeks to identify the variations in political context that may shape the progress of gender equity. The second has been the bias in recent gender and politics analysis to focus on just one amongst many important pathways through which gender equity might be achieved—namely, through increased female participation in politics. This focus on whether women's political inclusion offers an effective route to governments adopting and implementing gender equity reforms has, we argue here, distracted from identifying the multiple forms of politics that shape the ongoing negotiation of gender equity in the Global South.

In seeking to provide a clearer answer to this question, this volume examines the progress of a particular gender equity reform—policies to combat domestic violence—in six different countries of the Global South. Anti-domestic violence policy has been adopted in an increasing number of countries over the past two decades, but as yet, we lack a clear sense of how this process has unfolded in different political contexts and what the main drivers have been for these changes. Rather than focus on women's political inclusion alone, we adopt a new conceptual framework that identifies how underlying configurations of politics and power shape the broader incentives and ideas that enable and constrain progressive reforms on gender equity. By focusing on how power is distributed and struggled over in overlapping domains of politics and policy, our 'domains of power' approach promises to offer a more comprehensive view of the multiple forms of politics that shape gender equity, one that enables a focus on the role of ideas as well as incentives, of elite and popular forms of politics and the connections between them, of formal and informal institutions, and of the international as well as national and local drivers. Importantly, we distinguish between different types of national-level power domains (which we refer to as 'political settlements') and, by selecting case studies to reflect these different types, hope to offer a clearer sense of the different political pathways through which gender inequalities can be challenged. This should have payoffs, not only for theory-building within gender and politics, but also for feminist activists and policy actors seeking to identify which strategies work best in different types of political context.

The next section of this chapter begins a critical engagement with the inclusion-to-influence agenda. We set out the main findings generated by this research agenda to date, before arguing that the agenda is both problematic in itself and can only offer a partial view of the politics that help to shape gender equity. The chapter then moves on to explain why domestic violence policy has been selected as a case study of gender equity policy and introduces the structure of the volume that follows. Chapter 2 introduces the power domains framework that underpinned our investigations of the passage of anti-domestic violence legislation in six countries and the comparative case-study methodology that we employed. Chapter 3 completes this opening section of the book by examining

the rise of domestic violence as a global policy agenda and the role of transnational ideas and actors in efforts to establish a new global norm against gendered forms of violence. The second section of the book focuses on the progress of policy in what we term 'dominant party settlements', with case study exemplars of Uganda, Rwanda, and South Africa, before the third section focuses on our three 'competitive' settlement settings—Bangladesh, Ghana, and India. All empirical chapters investigate the same themes and follow a similar structure to ensure coherence of analysis and comparability of findings. The fourth section of the book starts with an overview chapter that brings together the comparative cross-country analysis and draws out the main theoretical and strategic implications that flow from this. Then, in the spirit of opening up a broader debate, the book closes with critical commentaries on our contribution by prominent scholars of gender, politics, and development.

Moving beyond the inclusion-to-influence agenda

The past few decades have witnessed significant gains in terms of the wider progress towards gender equity in the Global South. This is evident in the achievement of reduced rates of maternal mortality, increased access to schooling for girls, rising female labour force participation, and an impressive rise in the level of women's participation in political processes and institutions. However, continuing structural inequalities—such as in wages, employment opportunities, lack of decent employment, and ongoing struggles such as the Me Too movement—reveal that women's empowerment in different societies remains an incomplete project. Patriarchal privileges and control over women and girls remain firmly entrenched and are reasserted through violence and other forms of domination, particularly in the Global South. Approximately one-third of women worldwide have experienced physical and/or sexual violence by an intimate partner or sexual violence by a nonpartner at some point in their lives. Intimate partner violence is the most common form of violence, peaking during women's reproductive years in both developed and developing countries (UNDESA 2015). However, at the same time as fourth-wave feminism has firmly placed violence against women and girls firmly on the political agenda, the world is witnessing a backlash against the progress of women and women's rights within the public realm (Goetz 2018).

The rise of women's participation in political institutions has helped generate a significant amount of interest in the question of whether women's political inclusion has enabled them to achieve influence over the institutions and policies that help shape gender equity outcomes. Efforts to identify whether descriptive representation leads to substantive representation have proliferated in recent years and have helped to generate new insights into the constraints and opportunities that women face once in positions of power (e.g. Escobar-Lemmon and Taylor-Robinson 2014). This section briefly explores the impressive rise of women's political participation in the Global South before questioning whether this phenomenon alone should be the focus for thinking about the politics of negotiating gender equity.

Women's participation in political institutions has been increasing in recent years. In 2016, women accounted for 23 percent of all parliamentarians worldwide and 22 percent in low- and middle-income countries (World Bank Gender Data Portal).[1] Women are also increasingly well represented in state bureaucracies, not only via gender machineries, but also within more mainstream ministries and departments (Waylen 2010a, Krook and O'Brien 2012). This represents a considerable degree of progress, although clear limits to the advances made by women remain, particularly in terms of the seniority of positions attained. The number of female heads of state or government has increased slightly from 12 to 19 over the past 20 years, but this remains a tiny proportion (less than 10 percent) of the 196 states (UNDESA 2015). Only 18 percent of appointed ministers are women, and most of these are assigned to portfolios related to social issues. Women are also underrepresented amongst senior-level civil servants and seldom represent their governments at the international level (UNDESA 2015). Importantly, the long and rich tradition of women's involvement in civil society organizations and social movements continues vibrantly (Waylen 1996, Molyneux 2001, Al-Ali and Pratt 2009, Roy 2012). However, it remains unclear whether this growing level of female political inclusion is reaping broader benefits, including through the adoption and successful implementation of policies aimed at increasing gender equity. States have made significant progress in implementing policies on girls' access to education, maternal health care, and social safety nets targeting poor women (World Bank 2012). But governments have been far less willing and able to promote and implement policy agendas that challenge existing gender relations and male privilege more strongly, including on reproductive rights, family law reforms, domestic violence, and land rights (Waylen 2007a, Basu 2010). To what extent these trends reflect levels and patterns of female political inclusion remains unclear.

This suggests that, whilst largely ameliorative policies that do not seek to challenge gendered relations of power are proving acceptable to governments in the Global South, initiatives that seek to transform gender relations continue to face significant resistance (Htun and Weldon 2010, 2012). For example, although there has been a great deal of progress in terms of the number of countries that have adopted policies against domestic violence in the 21st century, significant problems remain in terms of how strongly these policies tackle both this and related problems (e.g. marital rape) and the extent to which governments are actually implementing the agenda. The agenda itself is under threat from reactionary political leaders with vested interests in stopping what they see as the relentless spread of 'liberal' values (Goetz 2018); in 2017 Russian president Vladimir Putin downgraded domestic violence as an act worthy of punishment by a fine, rather than imprisonment.

These stylized facts have helped to deepen the sense that there remains a significant gap between women's inclusion and their ability to influence institutional and policy reforms aimed at achieving higher levels of gender equity. This gap, identified in Goetz and Hassim's (2003) landmark study of women's political effectiveness, now informs a growing body of research into whether the increased participation of women in governance processes is 'effective' (e.g. Chattopadhyay

and Duflo 2004, Childs and Krook 2009, Agarwal 2010, Franceschet et al. 2012, Krook 2013, Escobar-Lemmon and Taylor-Robinson 2014).

According to Goetz and Hassim's study, women's political inclusion needs to be analysed in relation to three different spheres—the formal political arena, civil society, and the state bureaucracy—each of which can influence gender equity reforms. With regard to the first sphere, the empirical evidence on whether descriptive representation within formal political institutions leads to substantial representation is inconclusive (Childs and Krook 2009, Escobar-Lemmon and Taylor-Robinson 2014, Htun, 2004). Most studies agree that women representatives tend to express more concern over 'women's issues', including domestic violence, reproductive health, and women's welfare, compared with their male counterparts (Tripp 2003, 2004, Chattopadhyay and Duflo 2004, John 2007). However, female representatives may be reluctant to push issues that are perceived as 'women's issues' or risk being identified as the women's representative because these may put them at a disadvantage electorally (Goetz and Nyamu-Musembi 2008). Importantly, Rai's (2010, 2011) research on women parliamentarians in India shows that issues of women's welfare and violence against women were generally not high priority issues for female members of parliament (MPs) until these became politicized by certain events, after which most felt compelled to take them up. These findings suggest a need to move beyond critical mass theory and focus on a broader range of reasons that explain when and how the substantive representation of women occurs and with what impacts.

Research that has moved beyond the 'critical mass' issue helps to reveal a range of intervening variables at play, including coalition-building. This can involve coalitions between women representatives in different parties, of the type that led to the adoption of new laws and gender equity policies during democratic transitions in Chile, South Africa, and Brazil (Waylen 2007a, 2010b, Haas 2010). Where such coalition-building strategies have reached beyond parliaments to build alliances with actors in broader institutional spaces, success rates seem to have been higher. Studies employing large-scale parliamentary datasets (Weldon 2002, Htun and Weldon 2010) indicate that a critical mass of women in parliament is more effective when there are strong links with women's movements and where the gender machinery is effective. History is also critical here, particularly political transitions and key moments of state formation. Women's active engagement in promoting gender equality clauses in constitutions and introducing new laws on domestic violence, reproductive health, inheritance law, and property rights in countries such as Rwanda, Uganda, and South Africa all happened during such periods (Goetz 2003, Burnet 2008, Bauer and Burnet 2013, Nazneen and Sultan 2014, Tripp 2015), both because of women's role in the movements themselves and because women's rights became politicized through the widespread abuse women often suffered during such transitions.

In relation to Goetz and Hassim's second sphere of civil society, much of the literature draws attention to the critical role that women's movements have played in promoting gender equity policies, particularly, again, through building alliances and coalitions with key actors in both political society and government

bureaucracy at multiple levels. In terms of the substantive policy areas within which women's movements have been able to influence change, there is some evidence that success rates have been higher where the focus has been on policy issues closely related to the instrumental needs of the state, such as controlling population growth and increasing productivity (Basu 2010). The effects also seem to have been stronger in the realm of more 'feminized' policy issues, including reproductive health, education for women, child welfare, labour rights, and so on (Kabeer 1994, Cueva 2004).

In relation to the third sphere, the rather few studies that have examined women's representation within national bureaucracies suggest that the effectiveness of national gender machineries is contingent on them having the capacity not only to formulate and deliver policies within their own remit (which requires that they have the requisite level of staff expertise, budgetary resources, and delivery mechanisms), but also to influence policies formulated by other departments, coordinate different policies on gender across sectors, and sanction other departments if they fail to promote gender equity in their policies. This is a tall order and requires political as well as technical capacity. Although the literature draws attention to some significant successes, there is a more general sense that these conditions are rarely in place. In Rwanda, the Ministry for Women played a key role in creating a clear gender focus within the bureaucracy and in packaging and disseminating women's demands that emerge through the Women's Councils at the village level and their national secretariat (Burnet 2008). In Uganda, the Women's Ministry had strong links with women's organizations, and acted to promote their demands during the formulation of the new constitution (Goetz and Hassim 2003). In South Africa, the Gender Equality Commission's work was stretched in terms of time, staff, and money and so struggled to fulfil its mandate (Waylen 2010b, Fester 2014). The resource and capability constraints that beset governance in developing countries in general appear to be particularly apparent here.

More generally, these studies of whether women's inclusion in politics, civil society, and bureaucracy has been effective tend to reinforce the sense that the inclusion-to-influence agenda is problematic in itself and can only offer a partial view of the politics that helps shape gender equity. It is inherently problematic, in that it tends to frame women's political inclusion in instrumental terms, as being valuable only insofar as it leads to other outcomes, rather than insisting that women's political inclusion is a valuable right in and of itself. One of the dangers here is that should women's political inclusion be found to be an ineffective route to achieving gender equity, we are left without a basis on which to defend women's inclusion. The approach tends to reify gendered roles and responsibilities in ways that reflect rather than challenge unequal gender relations. On the one hand is the familiar problem of responsibility: it is presumed that women should once more do the heavy-lifting and exert their agency as the only viable means of addressing structural inequalities, a tendency that also relegates the role of female political actors to single-issue advocates. On the other hand, the agenda allows men off the hook because it places responsibility for achieving gender equity squarely with women.

The agenda also has significant methodological and conceptual limitations. In methodological terms, it tends to address the politics of gender equity from a single vantage point—that of whether women's political inclusion can help advance the cause—rather than taking into account the broader range of political factors that shape the progress of gender equity (this includes obscuring from view the often central role that male political actors have historically played in promoting gender equity). The attention that the inclusion-to-influence agenda has generated amongst researchers risks overlooking the extent to which the problem of women's inclusion has not been solved; many countries have yet to adopt quotas for female representatives and, once in power, women continue to face considerable constraints as a result of inequitable and exclusionary gendered norms. In conceptual terms, most research in this area has placed a greater emphasis on examining the influence of female political inclusion in the Global North, rather than the Global South, and has done so whilst deploying frames of analysis that are arguably less relevant to the ways in which politics actually plays out in developing countries, particularly in terms of the often pervasive influence of informal rather than more formal processes and the extent to which institutional arenas, such as politics, civil society, and bureaucracy, are seldom as differentiated as (Western) political theory tends to assume.

This discussion suggests that there is a need to move beyond the limitations of the inclusion-to-influence agenda, one that sees women's political inclusion as a valuable entitlement in and of itself and adopts a more holistic approach to identifying the political drivers of gender equity. In methodological terms, this involves starting with the outcome that needs to be explained—in this case the adoption and implementation of gender equity policies—and then working backwards from this to identify the fuller range of political factors at play in shaping this outcome. In pursuit of this, Chapter 2 will suggest how reconceptualizing this terrain of research, and adopting process-tracing methodologies, can enable fuller insights to emerge. We argue that recent theoretical developments within feminist political analysis can be usefully integrated with theoretical advances in understanding the politics of development, which are closely attuned to the realities of how politics plays out in the Global South. We elaborate this framework, which focuses on the interplay between overlapping domains of power, and argue that it can be applied comparatively to provide a more comprehensive view of how underlying configurations of politics and power shape possibilities for gender equity policy reforms in the Global South. Before we do this, however, it is important to explain why this book focuses on the specific case of anti-domestic violence policy reforms.

Investigating the politics of domestic violence policy

Domestic violence: prevalence, causes, and effects

Violence against women, and domestic violence in particular, has been a central concern within the so-called fourth wave of feminism that has emerged over the past decade, a period that has also seen a rapid increase in the number of countries

in the Global South adopting policies and legislation against domestic violence. Examining the processes through which this has happened thus provides a particularly relevant and timely route through which to explore the politics of gender equity in the Global South. Domestic violence is defined as:

> physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. (UN 1993)

As Chapter 3 argues, the United Nations, in its resolution against domestic violence (58/147), also includes economic violence as a form of domestic violence. Domestic violence is not only limited to violence by men against women, but also includes violence against children and men that occurs within a family context. A prevalent form of domestic violence is intimate partner violence. The World Health Organization (WHO) suggests that 'intimate partner violence' can be understood to be 'behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours' (WHO 2012).

Despite international efforts to draw attention to the problem, including by numerous transnational and local actors, levels of domestic violence remain high all over the world. For example, according to Alhabib et al. (2010), levels of intimate partner violence have increased rather than decreased over time. A WHO study (2013) reveals that intimate partner violence affects 30 percent of ever-partnered women, with significant regional variations. Table 1.1 shows the aggregate data of the study by region, revealing that the highest rates are found in Southeast Asia, followed by the Eastern Mediterranean.

As Table 1.1 shows, domestic violence is a global problem, prevalent in the Global North as well as the Global South, and subject to significant regional variations. These variations become more apparent when one starts looking

Table 1.1 Prevalence rates of intimate partner violence by region

WHO region	Prevalence (%)	95% CI (%)
Low- and middle-income regions:		
Africa	36.6	32.7–40.5
Americas	29.8	25.8–33.9
Eastern Mediterranean	37.0	30.9–43.1
Europe	25.4	20.9–30.0
Southeast Asia	37.7	32.8–42.6
Western Pacific	24.6	20.1–29.0
High income	23.2	20.2–26.2

CI = confidence interval

Source: WHO 2013, p. 17.

at different rates within the regions, as the WHO study does in its appendix. The highest prevalence is found in Central sub-Saharan Africa, where 65.5 percent of women have experienced domestic violence at some point in their lives. Moreover, the study finds that:

> all regions of sub-Saharan Africa are above the global average of 26.4%. The lowest prevalence is in East Asia, with 16.3 per cent of ever-partnered women reporting intimate partner violence. It is important to note that even in the case of the below-average regions, between one quarter and one fifth of ever-partnered women have still experienced partner violence. (WHO 2013, p. 46)

Inter-partner domestic violence has wide-reaching health, social, and economic consequences—both for survivors and for wider society. In terms of health, for example, women 'who have been physically or sexually abused by their partners' are:

> 16% more likely to have a low-birth-weight baby… more than twice as likely to have an abortion, almost twice as likely to experience depression, and, in some regions, are 1.5 times more likely to acquire HIV, as compared with women who have not experienced partner violence. (WHO 2013, p. 31)

Domestic violence also has major economic costs. Economic costs may be direct, such as those incurred by health, welfare, and refuge or police and criminal justice services directed towards the problem, or indirect, whereby the effects of domestic violence on labour force participation and productivity incur costs for 'victims, businesses, the public sector and society as a whole' (Advocates for Human Rights 2011, Day et al. 2005).

    These high prevalence rates and significant long-term effects of domestic violence indicate that political action has so far fallen short of addressing the problem. Nevertheless, progress has been made in introducing legislation: at least 140 countries have so far introduced anti-domestic violence legislation (World Bank 2015). Although some countries that have not passed specific legislation against domestic violence offer some form of legal protection, a specific law on domestic violence offer (offer)s stronger prospects for increased protection through, for example, public investment in crisis centres, comprehensive prosecution, and restraining orders against abusers. On the other hand, the adoption of a policy itself is not enough. It might not cover all forms of domestic violence, and it might be weakly enforced.

Domestic violence policy as a case study of gender equity policy

Feminist theory explains how domestic violence (and, in particular, intimate partner violence) is fundamentally a gendered issue that derives from unequal power relations between women and men (Dobash and Dobash 1979, Yllo 1993, DeKeseredy and Dragiewicz 2007). According to Dobash and Dobash (1979),

'the use of physical violence against women in their position as wives is not the only means by which they are controlled and oppressed but it is one of the most brutal and explicit expressions of patriarchal domination' (p. ix). Gender roles and constructions of masculinity (men as physically strong, aggressive) and femininity (women as compassionate, delicate) contribute to such manifestations of violence. The state as a male-dominated institution may seek to keep domestic violence as a private matter so as not to disrupt the gender order and broader 'sexual contract' (Pateman 1988).[2] The changing role of women in the public sphere, brought about through women's increased integration into the labour market and education, as well as women's participation in civil society and formal politics, might provide the grounds for a backlash from certain forms of masculinity, including increased levels of domestic violence, as well as the basis for a sustained challenge to gender inequities. This reflects the strong sense that the road to anti-domestic violence policy is likely to be highly contested and fundamentally political in character. If and how states decide to address domestic violence reveals the depth of their commitment towards challenging male privilege and their willingness to promote gender equity more broadly.

As Htun and Weldon (2012) argue, gender equity measures can fall under two main categories: ameliorative policies that are less controversial and that seek to improve women's condition rather than transform gender relations per se (e.g. policies on girls' basic education) and transformative policies that seek to challenge patriarchal structures. Transformative policies tend to face greater challenges as compared with ameliorative policies, which often achieve political consensus quickly. Domestic violence legislation can be thought of as 'transformative' because it touches on questions of family and marital relations. However, as the country studies in this volume illustrate, in practice, it can fit into either of these categories, depending on the specific nature and extent of the legislation introduced (which may include or omit measures such as the outlawing of marital rape) and the degree of its enforcement. Hence, it is illuminating to investigate which political dynamics contribute to more 'transformative' domestic violence legislation, and which to more 'ameliorative' versions.

In many countries of the Global South, politics often takes place through informal rather than formal means, via relations of patronage and informal networks that women often lack the resources and relationships to participate in (Goetz and Hassim 2003, Waylen 2007b). In contexts where 'the political' remains a highly contested realm, anti-domestic violence policy rarely aligns with the personal and gendered interests of ruling elites, many of whom are more concerned with the politics of surviving in power than with more programmatic concerns. Promotion of gender equity concerns rarely yields political and electoral gain for the ruling elite. Yet, such policies have been successfully passed in 140 countries around the world, including, but going far beyond, the six country cases in this study. Hence, an investigation into this policy issue can unpack what incentivizes politicians to adopt and implement policies that enhance gender equity, including (but also going beyond) the case of domestic violence.

Summary of findings

Chapter 3 places our national-level findings in their transnational context through an examination of the emergence, cascading, and diffusion of a new global norm that has challenged violence against women (VAW) since the 1990s. The chapter argues that transnational women's movements and the UN played a key role in promoting the emergence and institutionalization of opposition to VAW as a new global social norm. Women's movements brought the issue to the global agenda through framing domestic violence and VAW as a human rights violation, including through using high-profile instances of VAW in conflict situations to strengthen their argument. The chapter finds that the main channels through which this new norm was diffused within the Global South were regional agreements against VAW, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and, crucially, the translation of this norm by local activists operating within specific political contexts.

Our case study analysis of six countries in the Global South that adopted anti-domestic violence policies demonstrates that a range of different political factors—including, but not limited to, women's political inclusion—have shaped the process through which policies against domestic violence have been adopted and implemented. The factors that were most influential in shaping the timing and pace of adoption include the influence of international norms on violence against women, informal links between women's movements and political actors, the ability of women's movements to counter opposition to the proposed policy changes and to navigate their particular political terrain, and the strength and ideology of the ruling coalition. The degree to which these policies have been implemented has been further shaped by interactions between the national domain of power and the state bureaucracy, including the degree to which the bureaucracy operates amongst personalized or impersonalized lines.

In Uganda, the women's movement suffered a defeat in the mid-2000s regarding its efforts to promote a Domestic Relations Bill, which included a clause on co-ownership as well as domestic violence. This encouraged activists to adopt a different strategy for promoting gender equity, including a focus on less controversial issues that were not as threatening to patriarchal notions of male autonomy (e.g. dropping a reference to marital rape), an effort to form a stronger and broader coalition, and a move to carefully align their campaign with the ideas and incentives of powerful players. Using a range of informal strategies that helped to both reduce resistance and build alliances across civil and political society and the bureaucracy, the women's coalition was able to secure the support of President Museveni, leading religious figures, and many male parliamentarians. However, although the process of passing the legislation was fairly rapid, the capacity and commitment to implement the law has been largely absent (see Chapter 4).

In Rwanda, the groundwork for legislation against domestic violence had been largely achieved through earlier gains around gender equity in the post-genocide era. The post-genocide settlement had established what would become Africa's most heavily feminized parliament and also set in place transformative policy agendas

around land co-ownership in the 1990s. The case for the legislation against domestic violence in the mid-2000s was raised by women parliamentarians and swiftly gained the widespread approval of all key actors, including strong backing from President Kagame. The process of adoption was slowed down somewhat by the consultative process that formal policy-making requires in Rwanda; once in place, the government moved swiftly towards implementation (see Chapter 5).

In South Africa, the call for a new law addressing domestic violence was raised in 1996 by the Women's National Council (WNC), which was composed of both political and nonpolitical organizations and women parliamentarians. This demand was raised immediately after the new constitution was ratified, and South Africa was also a signatory to various international and regional conventions that committed the country to addressing domestic violence in the country. The policy coalition was in a strong position, given the prominent role played by women in the anti-apartheid movement, women's strong presence within the ruling party and parliament, and the fact that gender equality was a key idea that was linked to the vision of a new South Africa. The South African Law Commission (SALC) and the National Gender Machinery (NGM) played key roles in creating consultative spaces for women's rights activists to engage in the drafting process. The informal relations that existed between women's movement leaders and femocrats and women parliamentarians were crucial for pushing the agenda. The support for the law within the dominant African National Congress (ANC) party, which was seen as a critical part of how the post-transition South Africa projected itself, meant that the law came into operation within a year after it was tabled in 1998. However, its implementation remains marred by various problems, including limited financial and human resources, patriarchal tendencies within the state, and lack of effective monitoring (see Chapter 6).

In Ghana, the process of demanding a policy on domestic violence took at least six years to bear fruit, and legislation was only adopted in 2007 once the most controversial part of it, concerning marital rape, had been removed. The women's movement struggled to find support in key areas of political society, with female MPs constituting only 14 percent of parliament at the time, the Minister for Women's Affairs opposing the policy, and the lack of programmatic commitment amongst political parties to women's rights. What seemed to tip the balance in favour of the campaign was the appointment of a new and more sympathetic Minister for Women's Affairs in 2004, the removal of the clause on marital rape, a sustained campaign by civil society activists that included efforts to persuade other powerful actors that there were developmental and religious grounds for the legislation, and the evidence from local and international sources (e.g. the Beijing+10 Platform for Action) on the apparently high and rising level of domestic violence in Ghana. To date, the legislative instrument required to implement the legislation has yet to be finalized, and there is little evidence as yet that norms around domestic violence have started to shift in Ghana (see Chapter 8).

In Bangladesh, the citizen's coalition against domestic violence, largely composed of women's rights groups, was formed in 2007. The issue gained momentum with the policymakers when an army-backed caretaker regime came into power

in 2008 to manage the electoral process. With 'politics as normal' suspended, the bureaucrats in charge at the women's ministry were able to open doors for civil society activists to formulate and promote legislation against domestic violence. After Bangladesh reentered democratic politics in 2009, the issue was taken up by the new ruling coalition. The close personal links between the Women's Affairs Minister and the citizen's coalition created opportunities for institutionalizing the coalition's work within the ministry. Bangladesh was up for a CEDAW review at the Committee on the Status of Women (CSW) meeting in New York in 2011, where the government was keen to avoid embarrassment for not meeting its commitment to enact an anti-domestic violence law. The political ambitions of the prime minister, in terms of weakening Islamist groups and the need to ensure support of secular groups (including women's rights groups), and her dominance over the cabinet and parliament, were key factors in limiting resistance against the law by policymakers. However, compromises were also made in the provisions of the law, in order to reduce the potential for opposition from religious groups. The implementation of the law has been slow: it took three years for rules of procedure to be developed, and no significant steps were taken to enhance the power of the coordinating women's ministry (see Chapter 7).

In India, the Protection of Women from Domestic Violence Act (PWDVA) was passed after two decades of struggle in 2005 and came into effect in 2006. The women's movement actors formed a broad-based coalition to advocate for the law in the 1990s and were invited by the National Women's Commission (NWC) to develop a draft. A Committee on Status of Women (CSW) review of India's progress in implementing CEDAW in 2000 pushed the government to table the law in parliament in 2002; however, progress was stalled. The fate of the law was closely affected by which political party came to power, the kind of informal relations the policy coalition had with femocrats inside the state, and coalition politics. In the early 2000s, when the law was initially tabled under National Democratic Alliance (NDA), led by the nationalist Bharatiya Janata Party (BJP), the provisions in the draft law were compromised. The draft law contained no prescription for remedies and allowed men to plead self-defence— that is, the right to violence to protect self and property when faced with complaints of domestic violence. These gaps in the law led to extensive mobilization by women's movement actors. Whilst NDA MPs engaged in deliberations in the parliament, the draft was placed on the backburner, given the upcoming elections. In 2004, the United Progressive Alliance (UPA), under the leadership of the India National Congress party, won the elections, which was a turning point in terms of enactment of the law. The UPA had left-leaning parties in the coalition government, which included the PWDVA as a condition for forming part of the alliance. This move, along with the personal interests of Sonia Gandhi (the leader of Congress), other leaders of the coalition, and the National Advisory Council (which included many of the women leaders), meant that the law was quickly tabled and passed in 2006, although there were extensive debates over the expansive rights proposed under the law. Implementation of the law has varied across states. All states have protection officers, but the levels of trained personnel

and budget allocations are limited, leaving women's movement organizations to try to fill this capacity gap (see Chapter 9).

Conclusion: what explains the gap between women's inclusion and their influence?

The evidence from our case studies suggests that there are some common factors that facilitate the links between women's inclusion and the promotion of gender equity, as we discussed earlier in terms of the three institutional arenas identified by Goetz and Hassim (2003). These include support for gender equity amongst senior party officials; the formation of issue-based coalitions that involve women's movements building alliances with women representatives and male allies within the state bureaucracy and political parties; and a political opportunity structure that creates space for women's participation and promotion of gender equity, including discursive as well as institutional openings for change. However, the weight of each of these factors varies over time and place, particularly by political context. Female MPs, activists, and femocrats remain heavily constrained by the terms of their inclusion, including the types of institutional design that secure this inclusion and the wider political system and context within which these operate.

The 'inclusion-to-influence' research reviewed here is unable to shed light on the multiple routes through which politics shapes the promotion of gender equity in these cases. Our starting point, namely the women's political effectiveness framework (Goetz and Hassim 2003), offers a partial view of the politics of promoting gender equity as it struggles to provide an adequate explanation for the role played by some of the factors identified within the chapter. This is particularly the case in terms of grasping the critical role played by relationships and coalitions built *across* the three institutional arenas identified in the framework, the role of informal institutions and ideological/discursive factors, and the important history trajectories at play here.[3] Three problems with the framework seem apparent: first, the focus on three distinct spheres overplays the extent of institutional differentiation within countries in the Global South, where boundaries between the public and private, and political and bureaucratic, remain highly permeable. More specifically, focusing on how women gain agency *within* each of these spheres risks overlooking the significance of building alliances *across* them, particularly in the form of coalitions that recent research has suggested are critical in ensuring women's political empowerment (Hodes et al. 2011). Second, the framework focuses directly on formal institutional spaces and systems and, as such, tends to overlook the powerful influence of informal institutions in developing countries (Waylen 2017, Nazneen 2017). Although Goetz and Hassim conclude their study by stating that informal forms of politics (including patronage) help explain the gap between women's inclusion and their influence, we would argue that current research into the politics of women's empowerment in the Global South now needs to start rather than end with the understanding that politics is highly informalized in such contexts. Third, ideas are only examined here insofar as they relate to the ideologies of political parties within the formal political

arena, rather than in relation to broader social norms or to ideas (including those promoted in transnational discourse) that can be deployed in struggles for (and against) women's empowerment.

Given these problems, this book introduces a new framework to explore the wider forms of politics that lead to gender equity policy—a 'domains of power' approach—that we elaborate in the next chapter (Chapter 2). This approach draws on recent advances within scholarship on both gender and politics and politics and development, and can hopefully provide a conceptual basis for exploring not only the case of reforms against domestic violence, but also a broader range of reforms aimed at promoting gender equity in the Global South.

Notes

1. Accessed March 2018.
2. For Pateman, the sexual contract that characterizes social relations between genders flows from the institution of marriage, through which women relinquish legal personhood, equal property rights, and the right to seek redress for violence and crimes committed against them by their husbands.
3. Indeed, critical historical moments can generate their own demand for gender equity policies, irrespective of demands derived from female political inclusion, as with the decision by the Bangladesh government to introduce an assistance programme for rural poor widows and abandoned women, which was influenced by the famine of the mid-1970s, and the failure of the official rehabilitation programme to address the needs of war widows (Hossain 2007).

References

Advocates for Human Rights. 2011. 'Community Costs of Domestic Violence', Stop Violence Against Women, 19 July 2011. http://www.stopvaw.org/community_costs_of_domestic_violence [accessed: 29 November 2018].

Agarwal, B. 2010. *Gender and Green Governance*. Oxford: Oxford University Press.

Al-Ali, N. and N. Pratt. 2009. *Women and War in the Middle East: Transnational Perspectives*. London: Zed Books.

Alhabib, S., U. Nur and R. Jones. 2010. 'Domestic Violence against Women: Systematic Review of Prevalence Studies'. *Journal of Family Violence*, 25(4): 369–82.

Basu, A. 2010. 'Introduction'. In *Women's Movements in the Global Era*. Edited by Basu, A., 1–28. Boulder, CO: Westview Press.

Bauer, G. and J. Burnet. 2013. 'Gender Quotas, Democracy, and Women's Representation in Africa: Some Insights from Democratic Botswana and Autocratic Rwanda'. *Women's Studies International Forum* 41: 103–12.

Burnet, J. E. 2008. 'Gender Balance and the Meanings of Women in Governance in Post Genocide Rwanda'. *African Affairs*, 107(428): 361–86.

Chattopadhyay, R. and E. Duflo. 2004. 'Women as Policymakers: Evidence from Randomized Policy Experiment in India'. *Econometrica*, 72(5): 1409–43.

Childs, S. and M. L. Krook. 2009. 'Analysing Women's Substantive Representation: From Critical Mass to Critical Actors'. *Government and Opposition*, 44(2): 125–45.

Cueva, H. 2004. 'Women in Politics What Difference Does It Make? An Empirical Assessment of the Case of Abortion Law'. MPhil thesis. Brighton, UK: Institute of Development Studies, University of Sussex (Mimeo).

Day, T., K. McKenna and A. Bowlus. 2005. 'The Economic Costs of Violence Against Women: An Evaluation of the Literature'. www.un.org/womenwatch/daw/vaw/expert%20brief%20costs.pdf [accessed 18 June 2015].

DeKeseredy, W. S. and M. Dragiewicz. 2007. 'Understanding the Complexities of Feminist Perspectives on Woman Abuse: A Commentary on Donald G. Dutton's Rethinking Domestic Violence'. *Violence Against Women*, 13(8): 874–84.

Dobash, R. P. and R. E. Dobash. 1979. *Violence Against Wives: A Case Against the Patriarchy*. New York: Free Press.

Escobar-Lemmon, M. C. and M. M. Taylor-Robinson (eds). 2014. *Representation: The Case of Women*. New York: Oxford University Press.

Fester, G. 2014. 'South Africa: Revolution Protracted or Postponed?' In *Voicing Demands: Feminist Activism in Transitional Contexts*. Edited by Nazneen, S. and M. Sultan. London: Zed Books.

Franceschet, S., M. L. Krook and J. Piscopo (eds). 2012. *The Impact of Gender Quotas*. New York: Oxford University Press.

Goetz, A. M. 2015. The New Cold War on Women's Rights?' UNRSID, 22 June 2015. http://www.unrisd.org/beijing+20-goetz [accessed 29 November 2018].

Goetz, A. M. 2018. 'The Politics of Preserving Gender Inequality: Patterns of De-Institutionalization of Women's Rights and Re-Privatization of Women's Roles in Neo-Liberalism and Neo-Populism', DSA keynote lecture, University of Manchester.

Goetz, A. M. and S. Hassim (eds). 2003. *No Shortcuts to Power: African Women in Politics and Policy-Making*. London: Zed Books.

Goetz, A. M. and C. Nyamu-Musembi. 2008. 'Voice and Women's Empowerment: Mapping a Research Agenda'. Pathways to Women's Empowerment Working Paper 2. Brighton, UK: Institute of Development Studies, University of Sussex.

Haas, L. 2010. *Feminist Policy Making in Chile*. University Park, PA: Pennsylvania State University Press.

Hodes, R., J. Thorpe and O. Stren. 2011. 'Structure and Agency in the Politics of a Women's Rights Coalition in South Africa: The Making of South Africa's Sexual Offences Act, 2007'. DLP Research Paper 13. Developmental Leadership Program.

Hossain, N. 2007. 'The Politics of What Works: The Case of the Vulnerable Group Development Programme in Bangladesh'. CPRC Working Paper 92. Chronic Poverty Research Centre, BRAC University.

Htun, M. 2004. 'Is Gender like Ethnicity?' *Perspectives in Politics*, 2(3): 439–58.

Htun, M. and S. L. Weldon. 2010. 'When and Why do Governments Promote Sex Equality? Violence Against Women, Reproductive Rights, and Parental Leave in Cross-National Perspective'. *Perspectives on Politics*, 8(1): 206–17.

Htun, M. and S. L. Weldon. 2012. 'The Civic Origins of Progressive Policy Change: Combating Violence Against Women in Global Perspective, 1975–2005', *American Political Science Review*, 106(3): 548–69.

John, M. E. 2007. 'Women in Power: Gender, Caste and the Politics of Local Urban Governance'. *Economic and Political Weekly*, 42(39): 3986–93.

Kabeer, N. 1994. *Reversed Realities: Gender Hierarchies in Development Thought*. London: Verso.

Krook, M. L. 2013. 'Gender Quotas and Democracy: Insights from Africa and Beyond'. *Women's Studies International Forum*, 41(2): 160–63.

Krook, M. L. and D. O'Brien. 2012. 'All the President's Men? The Appointment of Female Cabinet Ministers Worldwide', *Journal of Politics*, 74(3): 840–55.

Molyneux, M. 2001. *Women's Movements in International Perspective: Latin America and Beyond*. London: Palgrave Macmillan.

Nazneen, S. 2017. 'Negotiating Gender Equity in a Clientelist State: The Role of Informal Networks'. In *Gender and Informal Institutions*. Edited by Waylen, G., 161–82. Lanham, MD: Rowman & Littlefield International.

Nazneen, S. and M. Sultan (eds). 2014. *Voicing Demands: Feminist Activism in Transitional Contexts*. London: Zed Books.

Pateman, C. 1988. *The Sexual Contract*. Stanford, CA: Stanford University Press.

Rai, S. M. 2010. 'Analysing Ceremony and Ritual in Parliament'. *Journal of Legislative Studies*, 16(3): 284–297.

Rai, S. M. 2011. 'The Politics of Access: Narratives of Women MPs in the Indian Parliament', *Political Studies*, 60(1): 195–212.

Roy, S. (ed). 2012. *New South Asian Feminisms: Paradoxes and Possibilities*. London: Zed Books.

Tripp, A. M. 2003. 'The Changing Faces of Africa's Legislatures: Women and Quotas'. IDEA (International Institute for Democracy and Electoral Assistance) Parliamentary Forum Conference. Pretoria, 11–12 November. www.quotaproject.org/CS/CS_Tripp_2004.pdf [accessed 30 July 2011].

Tripp, A. M. 2004. 'Women's Movements, Customary Law and Land Rights in Africa: The Case of Uganda'. *African Studies Quarterly*, 7(4): 1–19.

Tripp, A. M. 2015. *Women and Power in Post Conflict Africa*. New York: Cambridge University Press.

UN. 1993. '48/104. Declaration on the Elimination of Violence Against Women'. UN General Assembly. http://www.un.org/documents/ga/res/48/a48r104.htm [accessed 27 July 2018].

UNDESA. 2015. 'The World's Women 2015: Trends and Statistics'. UN Department of Economic and Social Affairs https://unstats.un.org/unsd/gender/downloads/worlds-women2015_report.pdf [accessed 9 April 2018].

Waylen, G. 1996. *Gender in Third World Politics*. Milton Keynes, UK: Open University Press.

Waylen, G. 2007a. 'Women's Mobilization and Gender Outcomes in Transitions to Democracy: The Case of South Africa'. *Comparative Political Studies*, 40(5): 521–46.

Waylen, G. 2007b. *Engendering Transitions: Women's Mobilisation, Institutions, and Gender Outcomes*. Oxford: Oxford University Press.

Waylen, G. 2010a. 'A Comparative Politics of Gender: Limits and Possibilities'. *Perspectives on Politics*, 8(1): 223–31.

Waylen, G. 2010b. 'Gendering Politics and Policy in Transitions to Democracy: Chile and South Africa'. *Policy and Politics*, 38(3): 337–52.

Waylen, G. (ed). 2017. *Gender and Informal Institutions*. Lanham, MD: Rowman & Littlefield International.

Waylen, G., K. Celis, J. Kantola and S. L. Weldon. 2013. 'Gender and Politics: A Gendered World and a Gendered Discipline'. In *The Oxford Handbook of Gender and Politics*. New York: Oxford University Press.

Weldon, S. L. 2002. 'Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policymaking'. *Journal of Politics*, 64(4): 1153–74.

WHO. 2012. 'Understanding and addressing violence against women: Intimate partner violence', Geneva: WHO. http://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf;jsessionid=0D780FB102EF32606D5DE99902B03DF2?sequence=1 [accessed: 29 November 2018].

WHO. 2013. 'Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence'. Geneva: WHO.

World Bank. 2012. *World Development Report: Gender Equality and Development.* Washington DC: World Bank.

World Bank. 2015. *Women, Business and the Law 2016: Getting to Equal.* Washington DC: World Bank.

World Bank. Gender Data Portal. http://datatopics.worldbank.org/gender/ [accessed 20 March 2017].

Yllo, K. 1993. 'Through a Feminist Lens: Gender, Power, and Violence'. In *Current Controversies on Family Violence.* Edited by Gelles, R. J. and D. Loseke, 47–62. Newbury Park, CA: Sage.

2 Investigating the politics of gender equity through a power domains approach

Sam Hickey and Sohela Nazneen

Introduction

If, as we have argued in Chapter 1, a focus on women's political participation can only offer a partial view of how politics shapes the adoption of policies aimed at promoting gender equity, then what other forms of politics matter? And what conceptual approaches can help illuminate these? Going in search of a fuller conceptual framework that goes beyond the inclusion-to-influence agenda, this chapter reviews recent developments in the field of gender and politics, including work on the role of political elites, institutions, social movements, and ideas. We find that, although a rich body of work already exists, the field currently lacks an integrated framework for undertaking comparative analysis of how politics shapes the progress of gender equity within the political and institutional realities of countries within the Global South.

Recent advances in theorizing the politics of development, which takes these realities as their starting point, are highly convergent with important developments in the recent feminist literature on gender and politics, particularly around a shared appreciation of underlying forms of power relations and informal institutions. We argue that, taken together, these approaches can offer the ingredients for a more coherent and overarching framework that encompasses the political conditions under which governments adopt and implement gender equity reforms. We capture this convergence in our 'power domains' framework, which focuses on the interplay between the underlying configuration of power that shapes how polities function, on the one hand, and the more specific domain of women's interests, on the other. Having established this framework, the chapter elaborates the methodological approach that we adopt to investigating how anti-domestic violence legislation was passed in the six case-study countries of the Global South and the central themes that this approach enables us to explore.

Theoretical approaches to explain the politics of gender equity: a critical appraisal

There is, of course, a much broader range of literature that considers the links between gender and politics than is fully reflected within the inclusion-to-influence agenda discussed in Chapter 1. We briefly review the four main strands of this literature

here—namely work that focuses on political opportunity structures, feminist institutionalism, social movements, and ideas—each of which emphasizes how different dimensions or forms of politics shape the possibilities for women's empowerment. Although each approach has generated important insights and has much to contribute, we argue that each also suffers from certain critical problems and that none, taken by itself, offers a sufficiently holistic grasp of the multiple political routes through which women's empowerment may occur in the Global South. Rather, each offers important insights that can help form part of the more coherent and overarching framework required here.

Elites and institutions: the political opportunity structure approach

Researchers working from a *political opportunities structure* perspective have focused on how inter-elite relationships shape the institutional possibilities for women's empowerment. Following the foundational work of Sidney Tarrow, political opportunities can be defined as 'consistent but not necessarily formal, permanent, or national signals to social or political actors which either encourage or discourage them to use their internal resources to form social movements' (Tarrow 1996, p. 54). According to Guigni (2009, 2011), and following McAdam (1996), four main dimensions of political opportunity are stressed in the current literature: (1) the relative openness or closure of the institutionalized political system; (2) the stability or instability of that broad set of elite alignments that typically underpins a polity; (3) the presence or absence of elite allies; and (4) the state's capacity and propensity for repression. This approach has made significant contributions to our understanding of a wide range of social movements and collective action struggles, including around the role of women in politics (Jeydel 2000, McCammon et al. 2001, Waylen 2007). For example, Waylen (2007) shows that women's ability to secure concessions in South Africa was shaped not simply by the democratic transition that occurred in the post-apartheid era, but because the negotiated elements of the transition opened space within the political opportunity structure (POS) and enabled women actors to form strategic alliances across state/civil society divides. Adopting this approach has also enabled research to reveal the limitations of women's political inclusion as a route to gaining substantial representation of women's interests on the policy agenda: 'if the POS in a country is consistently structured in a way that is gendered, getting more women into the legislature will not be sufficient to change outcomes: broader representation in more venues may be needed' (Escobar-Lemmon and Taylor-Robinson 2014, p. 238).

However, most applications of this approach have taken place within advanced, democratic contexts, thus encouraging the assumption that political opportunities for women's rights to progress are strongly associated with formal, open, and democratic political institutions. This bias tends to downplay alternative routes through which women's rights might be realized, including the roles played by informal institutions and also transnational actors, both of which are often significant factors within the Global South. There is also a problem of fit

here: most work from a POS perspective has sought to explain the conditions that enable movements to mobilize, rather than focusing on what shapes their success (Goldstone 2004). In ontological terms, political opportunity structure theory tends to exaggerate the dichotomy of structure and agency and ignore the complex ways in which institutions and mobilizing actors constitute each other, particularly in relation to different kinds of groups and struggle. According to Goldstone (2004, p. 350), 'To understand why certain groups take certain actions at certain times, we need to know more about the precise relationships among groups and elites'. Similarly, and with reference to the advance of women's political inclusion in South Africa, Waylen notes that two aspects, 'a favourable political opportunity structure and strategic mobilizing by key women actors' (Waylen 2007, p. 541), were both critical, suggesting the need for an approach that can capture the interactions of political systems and social movements within a broader framework. Finally, scholarship on political opportunities tends to emphasize the incentives that might persuade elites to become more open to including women; for example, Escobar-Lemmon and Taylor-Robinson (2014, p. 229) argue that:

> the *incentives* to incorporate women into politics ebb and flow as: (1) the organizational strength and unity of women demanding representation fluctuates and (2) women's interests clash with the interests of groups with long-established political power.

However, such accounts fail to acknowledge the significance of *ideas* in shaping political behaviour, a failing that flows from the rational-choice underpinnings of much mainstream political science, including some work on women's political inclusion (Driscoll and Krook 2009). In brief, then, and whilst there is much to take from the political opportunities structure approach (particularly the interplay of inter-elite power relations and institutions), the lack of sustained application in countries of the Global South, the normative bias towards formal over informal institutions, the failure to integrate a clear focus on ideas, the exaggeration of the dichotomy between structure and agency, and a tendency towards methodological nationalism, all emerge as important limitations.

Feminist institutionalism

> Gender norms and informal institutions often remain unperceived or unremarked as they are naturalised as part of the status quo. Reforming formal rules may end officially sanctioned gender bias, but will not necessarily overcome all institutionalised forms of male bias as informal rules may undermine formal rule change. (Waylen 2014, p. 216)

Given the significance of informal political processes in the Global South, the recent shift within gender and politics scholarship towards exploring how informal institutions shape the possibilities for women's empowerment is very promising. This move began with feminists deploying a historical institutionalist perspective

(Thelen 1999), on the understanding that this approach can '…accommodate notions of inequality of power and resources between actors. Institutions have distributional effects. They reflect, reproduce, and magnify particular patterns of power' (Waylen 2009, p. 248). Historical institutionalism helps to locate current struggles for women's empowerment within a longer timeframe and can reveal how 'critical junctures' in the establishment and upheaval of institutions can powerfully shape opportunities for women's political inclusion. In examining the interplay between formal and informal rules, and how these rules are gendered, the role of informal institutions—including rules and norms based on customs, illegitimate practices, and backdoor deals (Helmke and Levitsky 2004)—increasingly comes into view (Chappell and Waylen 2013, Waylen 2017). Echoing the main conclusion of Goetz and Hassim's (2003) study, Waylen (2014, p. 212) argues that 'the study of informal institutions can also help gender scholars better understand the gap that sometimes exists between formal institutional change and its outcomes'. Grounded in often-hidden relations of power, informal rules can help to reinforce certain gendered norms that disadvantage women, despite the existence of formal rules that ostensibly challenge this. Nonetheless, there remains the possibility that informal rules can help women to challenge such inequalities, involving 'informal institutions that subvert or compete with new formal institutions when attempts are made to implement positive gender change' (Waylen 2014, p. 218).

This highly promising development has yet to yield significant returns: there remains very little work that has actually tried to unpack the specific ways in which informal institutions operate to preserve gendered forms of inequality, particularly in the Global South (Nazneen 2017). There are also questions around whether historical institutionalism necessarily incorporates a central focus on politics. When push comes to shove, the ontological emphasis falls on institutions as the *a priori* focus of analysis, rather than politics: 'Change through contestation is often significant, and political struggles are inevitably mediated by the institutional context in which they take place' (Waylen 2009, p. 247). In countries of the Global South, where issues of statehood and citizenship remain highly negotiated and institutions are often weakly embedded (Hagmann and Peclard 2011), politics must be primary in explanations of institutional functioning (Leftwich 2005), including in terms of whether different types of political context shape the gendered nature of institutions in different ways. There are also some other grounds for concern. Historical institutionalist perspectives tend to downplay certain form of politics that have been shown to be significant in shaping women's empowerment. These include, for example, dynamic changes that take place within periods of apparent equilibrium as a result of social movement pressures or through the discursive deployment of certain ideas. Even proponents acknowledge that, for some, 'historical institutionalism does not emphasize the ideational sufficiently, particularly in times of crisis and change' (Waylen 2009, p. 248). Although social norms such as patriarchy are taken seriously within historical institutionalist analysis, this may not extend to the more immediate ways in which ideas are discursively employed within struggles around these norms and in relation to specific policy processes (Schmidt 2010), including those related to

gender equity. Deployed by itself, then, a historical institutionalist perspective may therefore struggle to fully capture the dynamic, agential, and ideational character of 'the political' (Mouffe 1993), issues to which we now turn.

The politics of recognition: women's mobilization and claims-making

The literature introduced so far focuses on the structural and institutional factors that shape the politics of women's empowerment. Waylen et al. (2013) note that research on women's movements and feminist activism stands as a useful corrective to this tendency, moving beyond institutions and structures to focus on agential factors. Feminist research that explores the politics of recognition unpacks the interactions between collective action and the state through examining the ways in which women's movements make demands for gender equity, and the process of contestation and negotiation that leads to some claims being incorporated into the political agenda and others not. Hobson (2003) argues that identities and claims are not predetermined or fixed, but rather are contested and renegotiated within women's movements. Several studies have explored processes of contestation over claims within movements, pointing out that whilst some common claims and interests, such as violence against women (VAW), cut across countries and cultures in ways that enable women's mobilization as a group (Molyneux 1985, 2001, Hill and Chappell 2006, Beckwith 2013) women are not a homogeneous group with uniform interests (Lake 2003, Maier and Lebon 2010, Patel 2012, Derichs and Fennert 2014). Reaching a consensus within feminist movements may mean that some groups of women will be better represented than others. Hobson (2003) argues that strategic choices made by social movements are shaped by national, regional, ethnic, and gender narratives; by historical legacies of rights; and perhaps, in particular, by the nature and level of opposition to their claims. This may lead movements to change their claims to focus on less controversial or what Htun and Weldon (2012) call 'non-doctrinal claims' (in Cagna and Rao 2016).

One strategy through which women's movements articulate and communicate their claims is through *framing*, in recognition of the Gramscian insight that an ideational 'war of position' is required alongside the 'war of movement' if hegemonic forms of power are to be challenged. Framing refers to the way in which an issue is interpreted and represented and how this can be (re)shaped in order to gain support and agreement, and to facilitate action for particular forms of change. Benford and Snow (2000) argue that there are three types of social movement framing tasks. *Diagnostic framing* is the identification of the problem and responsible actors. For example, VAW is seen by feminist movements as having systemic roots in patriarchal ideologies of male dominance over women's bodies, rather than simply being an outcome of individual action. *Prognostic framing* involves a proposed solution and plan of action based on the diagnosis of the problem—for example, through strategies such as media campaigning and protests that target the systemic roots of domestic violence. *Motivational framing* involves the rationale for engaging in collective action, including the construction of appropriate vocabularies. An example of motivational framing is the representation of the

issue of VAW by transnational women's movements as a human rights issue, drawing on international conventions to gain widespread support (Friedman 1995, Joacquim 2003, King and Sifaki, Chapter 3). Factors that facilitate or constrain frames include the political opportunity structure and cultural values (Benford and Snow 2000). For example, Kabeer (2015) found that global anti-sweatshop movements, aware of reputational risk for transnational corporations, framed women garment workers as powerless victims of global capitalism, gaining widespread mobilization and support as well. This body of work has given powerful insights into when women's demands are heard, and when they are not, pointing to the critical role that women's rights movements play in effecting policy change.

Nevertheless, this literature primarily focuses on the strategies of women's movements and does not explore analytically the influence of a wider range of political factors, such as inter-elite interaction and political incentives, or lack thereof, on moves towards gender equity. Through the framework we propose, we seek to contribute to this literature by unpacking the important role that inter-elite interactions and the character of the political settlement play in the politics of recognition and, in particular, in shaping state capacity and commitment to adopting and implementing policies aimed at promoting gender equity.

The role of ideas and discourse in shaping the politics of women's empowerment

Our discussion of the three strands of the literature on gender and politics introduced so far has emphasized the crucial role that ideas as well as interests play in the negotiation of gender equity. Feminist scholars have long been interested in how ideas shape institutional and policy reforms around gender equity and have produced a significant body of work that analyses the means through which ideas influence these processes. Some have employed a discursive approach to institutionalist analysis, placing an 'emphasis on the role of ideas and discourse in influencing actor interests, preferences and behaviour; although both their definitions and uses of ideas and discourse vary widely' (MacKay et al. 2010, p. 575). For example, Bacchi (2009) argues that the way in which a problem is represented affects the type of policy solutions and that problems are constructed in different ways depending on the geographical, historical, and institutional context. For Bacchi, policy construction is a fundamentally political process that reflects the interests and ideas of policymakers. This perspective highlights the role of power relations, whereby certain groups and interests are excluded from this process.

According to Schmidt (2010, p. 2), both ideas and the ways in which they are discursively deployed play a significant role in shaping the politics of change during periods of institutional stability as well as institutional flux. Discursive institutionalism 'is concerned with both the substantive content of ideas and the interactive processes of discourse in institutional context' and can be used to provide 'insights into the dynamics of institutional change

by explaining the actual preferences, strategies, and normative orientations of actors' (Schmidt 2010, p. 1). Discursive institutionalist thinking identifies three main types of ideas: policy ideas that provide potential solutions to predefined social problems; problem definitions that provide ways of framing and understanding particular social issues, in doing so favouring certain types of policy solution and foreclosing the possibility of other types of intervention; and overarching paradigms that serve as road maps, providing 'a relatively coherent set of assumptions about the functioning of economic, social and political institutions' (Béland 2005, p. 8, Schmidt 2008). A further distinction can be made between ideas that are cognitive, which 'elucidate "what is and what to do", and those that are normative, which indicate "what is good or bad about what is" in light of "what one ought to do"' (Schmidt 2008, p. 306).

In a similar vein, Fernandez (2012) introduces a feminist policy analysis framework for countries in the Global South, based on four analytical categories that embody different types of ideas. *Constitutive contexts* refers to the conditions surrounding the production of policies. This involves the 'arguments, assumptions and construction of policy consensuses' within policy discourses (Fernandez 2012, p. 33). In other words, it involves the context in which claims are identified, contested, and accepted/rejected within a given policy discourse. *Policy representations* refers to the gendered nature of assumptions that underpin solutions to the problem and the ways in which they are legitimized, and *policy practices* refers to the ways in which a political issue is recast as a scientific/technical issue and the modes of political intervention. Finally, *policy consequences* denotes the gendered outcomes produced.

We deploy this body of literature to grasp the multiple routes through which ideas and discourses shape the negotiation of gender equity, including the ways in which women's movements frame issues of 'women's rights' in relation to paradigmatic constructions of women and gender relations and the identification of specific problems and policy responses. Drawing on Schmidt (2008) and Fernandez (2012), the relevance of each of these levels and types of ideas for women's empowerment is mapped in Table 2.1. Importantly, we later integrate this within a wider framework of analysis, one that does not treat ideas as free-floating constructs, but rather as being in constant interplay with the construction of interests and the incentives that flow from broader configurations of power in particular political contexts.

Summary of existing theoretical approaches to the politics of gender equity

The rich theoretical literature on the politics of gender equity is undergoing a number of promising developments, particularly regarding the increasingly diverse field of feminist institutionalism (Waylen 2017). However, significant challenges remain in terms of drawing on this literature to frame comparative studies of the politics of negotiating gender equity in the Global South. In addition to some

Table 2.1 The politics of ideas about women's empowerment

Level of idea	Type of idea	Ideas around women's empowerment
Paradigm/ philosophy	*Normative*	What are the terms of the sexual contract, e.g. with regards to the status and rights of women in public life?
	Cognitive	What legitimating ideas enable these normative philosophies to mesh with the problem definitions and policy ideas below? Are these largely instrumental or ideological in nature?
Problem definition/ programmes	*Normative*	What are seen as the main social problems to be solved/goals to be achieved regarding gender equity (e.g. poverty reduction, inequality, economic development, social harmony)? How is this legitimated?
	Cognitive	How are these problems/goals identified? How is consensus on these policy discourses achieved? Who are the winners/losers? What mechanisms/programmatic responses are considered to be effective in addressing these key problems/goals?
Policy ideas/ solutions	*Normative*	What assumptions underpin different policy responses? What ideas are used to (de)legitimate different policy responses to the above problems? If adopted, how are policies framed (e.g. for women or for broader social goals)?
	Cognitive	Is gender equity seen as a credible solution to the above problems? What sources of ideas and evidence are relevant here (e.g. policy design, policy evaluations, international ideas and experience)?

Source: Adapted from Schmidt (2010) by authors.

weaknesses that are specific to each of the four broad approaches identified earlier, there are two more collective failings.

The first is the tendency for each approach to draw attention to only one form of politics, whether in terms of elite or activist forms of politics, 'domestic' or 'external' influences, formal or informal institutions, and either interests or ideas. This reflects a wider tendency within comparative political analysis to focus on the causal power of one of ideas, interests, or institutions to generate explanations for political change (Hay 2004). Given the compelling evidence that the politics of negotiating gender equity in the Global South is not defined by any one of these dimensions, but rather by each and by the way in which they interact (see Chapter 1), there is a strong case for integrating these approaches into a broader framework. As Waylen noted in the case of South Africa (2007, p. 541), openings within the political arena and mobilization by women's movement actors were *both* critical to the promotion of women's rights, suggesting that elites, institutions, and popular agency, and the interplay between them, all need to be kept firmly in view.

The second cross-cutting problem concerns the limited extent to which these theoretical approaches have been developed in relation to politics in the Global South or deployed to understand women's empowerment in such settings. In the following section, then, we propose a more overarching framework that seeks to move beyond the multiple binaries that characterize the approaches identified above, and which is consciously alert to the political and institutional realities of the countries in the Global South. Specifically, we argue that recent advances in theorizing the politics of development are both highly convergent with the most promising theoretical developments within the current gender and politics literature and can help address the question of contextual relevance. We therefore make the case for drawing on both bodies of literature to formulate an overarching frame of analysis for investigating the politics of gender equity in the Global South.

Reframing the politics of gender equity: a power domains approach

The question of gender equity is first and foremost a question of power and how it operates. As such, our thinking cannot start with the institutions and actors that make up any given political system, or the specific ideas that are embedded within institutions and over which different actors contest. Rather, it needs to start with the nature of power and how this shapes the form that institutions take and the ways in which they function, as well as which ideas and actors gain influence within and through different institutional contexts. For Chantal Mouffe (1993), moving beyond a focus on institutions involves moving political theory away from thinking about politics per se, to thinking about what she terms 'the political'. Politics here constitutes 'the ensemble of practices, discourses and institutions that seek to establish a sense of social order and organization', while the political constitutes 'the antagonistic dimension that is inherent in human societies and which is located within the struggles of diverse social groups for power and resources' (Mouffe 1995, cited in Corbridge et al. 2005, p. 257).[1] The focus on agonism as central to 'the political', and is particularly useful for countries in the Global South, where many such struggles over the boundaries of politics remain close to the surface and are yet to be fully 'settled'. As discussed later, this central insight converges closely with new theoretical work on the politics of development (North et al. 2009, Acemoglu and Robinson 2012), which similarly seeks to move beyond a focus on institutions, to examine the underlying forms of politics and power that shape how institutions emerge and function within given political contexts.[2]

The framework we propose here focuses on how configurations of power in distinct but overlapping domains play a causal role in shaping the possibilities for progressive change. Each of these domains of power is characterized by the interplay of incentives, institutions, and ideas, and operates over multiple scales, from the local through to the transnational (see Figure 2.1). There are similarities between this approach and recent work on strategic action 'fields' that seeks to
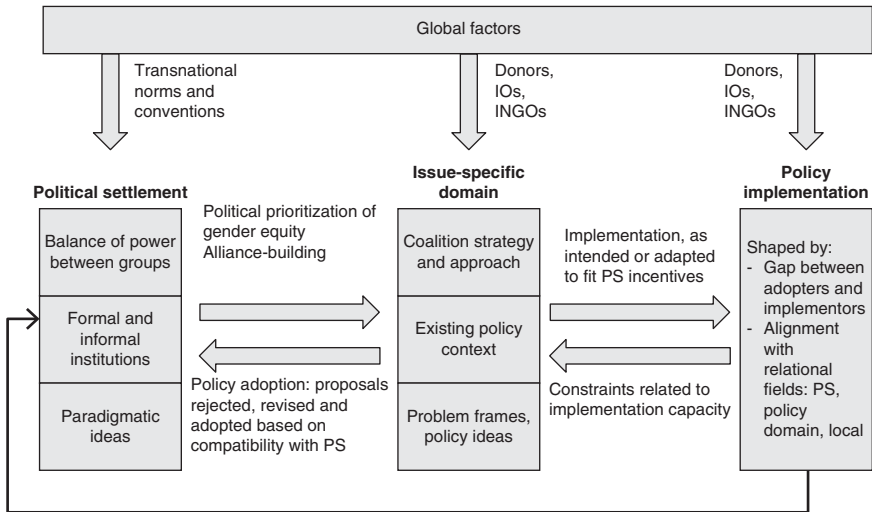
Figure 2.1 The 'power domains' framework.

Adapted by the authors from Lavers and Hickey (2016).

go beyond the limits of work in the POS tradition (e.g. Goldstone 2004, Fligstein and MacAdam 2012). For Goldstone (2004, p. 361),

> movement actions and success depend on a complex set of relationships among the movement, counter-movements, allied movements, varied elites, various state authorities, and various publics, as well as the economic, international, and ideological milieu in which these actors work to influence each other.

Importantly, we integrate a focus on ideas within this framework, borrowing from Schmidt's (2008) work on the multi-levelled role that ideas and discourses can play in shaping institutional change (see Table 2.1).

The primary domain of power within our framework operates at the level of the overall polity and involves institutions, actors, and ideas concerned primarily with issues of political stability, regime continuity, and legitimacy. This domain of power, which we label here as the 'political settlement', has a direct impact on the politics of gender equity, including through establishing the terms of what Carole Pateman labelled the 'sexual contract' (1988). The paradigmatic ideas that help bind this settlement or contract in place present feminist activists and other 'challenger movements' with their overarching target for reform within the broader counter-hegemonic war of position. Feminist activism exists within this broader political settlement, which it seeks to both navigate and transform, but it is also located within an overlapping but distinct domain of power, namely the domain of women's interests. This domain is our second primary point of reference here and is comprised of actors, institutions, and ideas that are mobilized

specifically around concerns with gender equity and women's rights. We argue here that the process through which institutional and policy reforms aimed at reducing gendered inequalities are adopted is primarily shaped by the interaction of these two domains of power.[3] However, and as recognized in Figure 2.1, the extent to which such reforms actually succeed in promoting gender equity is shaped by a final domain, which, although more social in character, is also shaped by the interplay of politics and the political identified here. This third domain is the more social and localized domain of power, where reforms actually hit the ground and are played out in practice, and includes the life worlds of communities and households.

Finally, each of these domains of power is shaped by transnational as well as national and local influences. The formation and governance of nation states in the Global South has always been a transnational phenomenon, from colonial projects of state-building through to international efforts to directly influence the ideas and institutions that such entities adopt, often in the name of 'development'. This transnational element is particularly significant when examining the politics of negotiating gender equity, given the globalized nature of many of the actors and ideas involved in promoting and also opposing the advance of women's rights. Although framed as an overarching influence here in figurative terms, the transnational is also constitutive of each of these domains of power, in that actors and ideas from the transnational arena have, over time, become embedded within the institutional logics and processes of these domains in a variety of ways. As discussed in more detail in Chapter 3, international norms and conventions on women's and girl's rights, and international actors, such as donors and activists, influence both the national-level political settlement and the policy domain.

The primary domain of power: the political settlement[4]

The distinction that Mouffe (1993) made between politics and the political prefigured the major recent breakthroughs within development theory, whereby the dominance of new institutionalist thinking has given way to more political readings of how development unfolds over time. This new approach articulates the ways in which underlying sets of politics and power relations shape the types of institutional arrangements that emerge and how they function in practice. Whether expressed in terms of 'limited access orders' (North et al. 2009) or 'political settlements' (Khan 2010, 2017), a key focus here is on how struggle and conflict are fundamental to how politics unfolds in the Global South, particularly through processes of inter-elite bargaining. Political settlements are defined by the interplay of the political and politics, defined by the distribution of power between contending social groups and social classes (di John and Putzel 2009, p. 4) and a stable set of institutions that delivers an acceptable distribution of rents (Khan 2017). Elites will have little incentive to allow formal institutions to function in rules-based ways unless such struggles are (to some extent at least) resolved in their favour, in ways that ensure that institutions distribute resources and status in line with the distribution of power.

The personalized nature of inter-elite bargaining and the reluctance of elites to allow rules-based forms of governance to emerge—as these may enable challenger groups to access the resources and attain the status that they wish to gain and maintain for themselves (North et al. 2009, Acemoglu and Robinson 2012)—mean that informal institutions tend to predominate. The currency of political exchange in predominantly clientelist political settlements is the materialist exchange of goods and opportunities (e.g. contracts, jobs, other positions) for political loyalty, mediated through social networks. The capacity to manoeuvre effectively in such contexts is highly gendered, with women often lacking the financial and social capital required to negotiate and gain status within these networks of power (cf. Nazneen 2017).

Just as political regimes have been classified into different types, usually along a continuum from democratic to authoritarian, different types of political settlement can also be identified. Brian Levy (2014) suggests two critical dimensions along which political settlements differ—the first with regards to the distribution of power and the second regarding the nature of institutions (see Figure 2.2). In terms of the distribution of power, political settlements can be more or less dominant or competitive, depending on the level of challenge elites in power (the ruling coalition) face from elites who are excluded from the ruling coalition, and also from lower-level actors making particular demands from within the ruling coalition. In particular, if elites who are excluded from the ruling coalition lack the capacity to mount a serious challenge for power, the ruling coalition can be described as dominant; whereas if excluded elites are well organized and resourced, the settlement is more competitive in nature. For one political settlements theorist, the presence of strong excluded coalitions in 'competitive clientelist' settlements is likely to reduce the time horizons of the ruling coalition and incentivize them to undertake short-term measures in order to retain power, whereas in 'dominant party settlements', ruling coalitions may feel secure
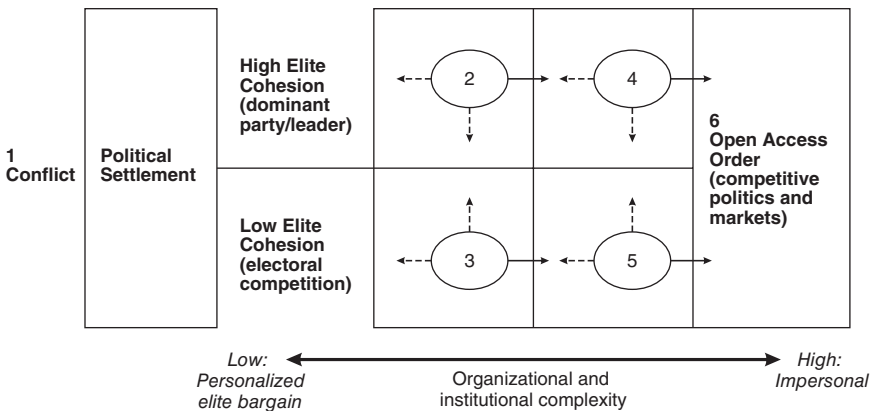

Figure 2.2 A political settlements typology.

Source: Levy (2014)

enough to adopt a longer time horizon (Khan 2010). Levy's other dimension concerns the extent to which institutions (whether political institutions, such as constitutions and electoral processes, or bureaucratic ones involving the public service) operate according to personalized or more impersonalized logics. For example, are political parties largely personalized or programmatic in nature? Are public-sector jobs and promotions offered on the basis of merit or other criteria? When people encounter the state—whether in terms of collecting a pension or seeking redress for some form of injustice—can they expect to be seen as citizens or as clients (Corbridge et al. 2005), and are such sightings affected by the gender of the citizen involved?

This interaction between the organization of political power and the nature of institutions, between Mouffe's 'political' and 'politics', creates different types of political settlement, each of which has distinctive rules of the game and thus distinctive incentives, constraints, opportunities, and risks. For example, it becomes clearer to see how elites operating within competitive political settings face strong incentives to deploy public institutions for primarily political purposes, as through the discretionary allocation of rents such as public employment, contracts, and preferential access to natural resources. Importantly, each axis operates as a continuum, which means that it is able to capture different degrees of cohesion/competitiveness and personalization within as well as between particular types.

Ideas as well as interests matter to the establishment and functioning of political settlements (Hickey et al. 2015). Ideas are mobilized to secure dominant interests, including gendered ideas around rights, citizenship, and status. Drawing on Schmidt (2008), 'normative-paradigmatic' ideas are particularly important at the level of the overall political settlement, in that certain ideas can help bind certain elite bargains. As noted earlier, this could include fundamental ideas around women's rights and status as citizens that underpin the 'sexual contract' (Pateman 1988), such as patriarchal ideas around bodily integrity. Not all broad social norms around gender would be intrinsic to the political settlement per se—in the sense that they could be challenged without making a direct challenge to the binding logic of the political settlement itself—and we might expect such norms to be easier to change, given the reduced level of elite interest in protecting them. Schmidt's lower-level ideas—namely problem definitions and policy solutions—are integrated into our framework at the level of the policy domain; our focus here is on the specific version of this, which can be termed the *domain of women's interests*.

The domain of women's interests

The second key domain within our power domains framework is associated with specific fields of interests or concerns and is comprised of those actors, ideas, institutions, and policy legacies that directly govern and shape this specific field. Whether a domain of women's interests actually exists is the subject of heated debate within feminist scholarship. As noted above, an *a priori* definition of *women's interests* is problematic because women are not a homogenous group, and their

interests are shaped by class, caste, ethnicity, religion, race, and other group identities (Molyneux 1985, 2001). There is a danger here of adopting a biological reading of what concerns women, as opposed to a more social reading of gender-related concerns. Here we would side with those who challenge 'the entire enterprise of defining women's interests' in any 'natural' or 'essentialist' sense, and instead align ourselves with 'a social perspective that allows us to think of women as able to organize in solidarity because of collective experiences of inequalities, without positing that there is a shared interest' (Escobar-Lemmon and Taylor-Robinson 2014, p. 11, with reference to Weldon 2011). This approach brings the critical role of women's movements, and the wider coalitions that they seek to build in pursuit of gender equity (Leftwich 2010), into sharp relief. According to Dahlerup (2014, p. 70), by focusing on what women choose to mobilize around in given temporal and spatial contexts, '…instead of trying to define what women's interests are a priori, this approach points to empirical studies of historical coalition formations among women's organisations and groups', including those around domestic violence that we focus on here.

This approach also enables a strong focus on the ideas that women mobilize to advance their cause. Women's movements are often seeking to challenge the paradigmatic ideas that predominate within given political settlements, as when women's movements contest the basis of the sexual contract or other manifestations of patriarchy. For Goldstone (2004, p. 357), '…every movement faces its own group- and issue-specific fields of external relations', and the main objective of social movements here is to navigate and (if possible) shift the configuration of power within the political settlement in ways that open possibilities for progressive change. Drawing on discursive institutionalist thinking, Schmidt's (2010) other two levels of ideas are particularly relevant here—namely, problem definitions and policy solutions. If women's movements are able to cast their interests as being aligned with a recognized problem that powerful actors have already accepted needs to be resolved (such as development), then their concerns are more likely to find a receptive audience. More radically, women's movements may seek to challenge dominant notions of which problems need to be solved, as through efforts to gain recognition for women's rights. Proposing new and actionable policy solutions involves discursive activities that reframe issues of gender equity as being worthy of solution and of efforts to identify specific policy actions towards their resolution, whether these are transformative or ameliorative of gender relations (e.g. from property rights to girls' basic education).

The local/social domain[5]

Whether processes of institutional and policy reform are adopted by elites is, we argue, primarily determined by the interaction of the political settlement and the policy domain. The interplay of these two domains also shapes the extent to which such reforms are implemented, in ways that lead to gendered consequences (Fernandez 2012). For example, even if government agencies and budgets are aligned with policy goals in favour of greater equity for women, informal

institutions may operate in ways that mean that resources are diverted away from such programmatic concerns in favour of political goals. In contexts where clientelism rather than citizenship is the norm (Chatterjee 2004), the incentives for local actors are to focus on those interventions that can generate political benefits, usually through offering local brokers the opportunity to deliver rents in exchange for political loyalty. However, the question of whether these reforms actually achieve their intended aims also requires attention to the more localized domains of power within which reforms hit the ground and through which they must be filtered before they can change the lives of individuals. For example, whether women feel able and willing to use anti-domestic violence legislation will depend more on the configuration of power within households, communities, and local government jurisdictions than on the national-level political settlement. Although our case studies do not explore questions of local-level implementation in depth, we do uncover some evidence that the success of anti-domestic violence legislation may hinge on how women resolve a long-standing tension between the different subject positions they occupy (Mouffe 1992). That women who wish to use the legislation to protect themselves against domestic violence need to press their claims as individual rights bearers seems to conflict with the more relational subjectivities that they are also expected, and may sometimes prefer, to adopt, such as those of wife, daughter, and mother.[6]

Having set out our theoretical framework for capturing the ways in which politics shapes the progress of gender equity in the Global South, which we hope may be of some use to scholars undertaking similar work, the remainder of this chapter describes the methodological approach that we adopted to explore the process through which specific countries came to adopt legislation against domestic violence.

Researching the politics of gender equity: a comparative, process-tracing approach

Current research into the politics of VAW and anti-domestic violence legislation is constrained by certain methodological tendencies within the field of gender and politics, and within comparative politics more broadly. In particular, the field remains characterized by either large-*n* survey-based work (e.g. Htun and Weldon 2010, Richards and Haglund 2015) or by one-off case studies (e.g. Cagna and Rao 2016). Although these different types of study each provides valuable insights, they struggle to identify the causal pathways through which different types of political context shape the possibilities for gender equity, either because their large-*n* statistical focus can only identify correlates, rather than causal pathways, or because the sample is limited to a single case.[7] We draw here on the growing recognition within the social sciences that relatively small-*n* comparative analysis can provide an important route through which to build stronger causal stories that are relevant to particular places and wider theory-building, and also to policy actors concerned with identifying effective strategies that may work in different types of context. For George and Bennett (2005, p. 254), 'This iteration between

theory and data and between within-case analysis and cross-case comparisons is a key advantage of typological theorizing as compared to comparative methods used alone'. Moreover,

> …typological theories can guide researchers towards questions and research designs whose results will be pertinent to problems faced by policymakers. One of the chief goals of political science…is to provide policymakers with 'generic knowledge' that can help them form effective strategies (ibid, p. 7).

By seeking to specify how policy reforms have played out in different types of context, we hope to be able to generate recommendations for political and policy actors involved in promoting gender equity that are attuned to particular types of context, rather than rely on making either catch-all claims or the disclaimer that 'context' is everything.

Our selection of six countries in South Asia and sub-Saharan Africa was made using the political settlements typology introduced earlier (see Figure 2.2). We sought to identify most-likely cases that would exemplify the main four types that predominate in the Global South, as detailed here:

- Box 2: *Dominant-personalized*. This type involves personalized elite bargains and limited institutional complexity, with a dominant party/leader. However, different countries within this type may reflect different levels of dominance and/or commitment to building impersonal institutions, including our own cases:

    - Rwanda: highly dominant, higher commitment to impersonality.
    - Uganda: weakly dominant, highly personalized.

- Box 3: *Competitive clientelism*. Personalized elite bargains and limited institutional complexity within a competitive setting (Ghana and Bangladesh, with Bangladesh moving towards greater dominance since around 2010).
- Box 4: *Dominant-institutionalized*. Characterized by more impersonalized elite bargains and greater institutional complexity within a relatively dominant setting (South Africa).
- Box 5: *Competitive-institutionalized*. More impersonalized elite bargains and greater institutional complexity within a relatively competitive setting (India).

It is important when making such characterizations to be alert to the inherent dynamism of political settlements, whereby shifting sets of power relations and related processes of institutional change can lead to different tendencies and configurations emerging. Figure 2.3 draws specific attention to the kinds of movements and perhaps transitions that some cases seem to be going through, along both the dominant–competitive and the personal–impersonal axes. Our inclusion of countries from two different regions within the Global South will, we hope, offer a clearer test of the framework and also help extend the strategic implications of the findings to a wider range of countries.
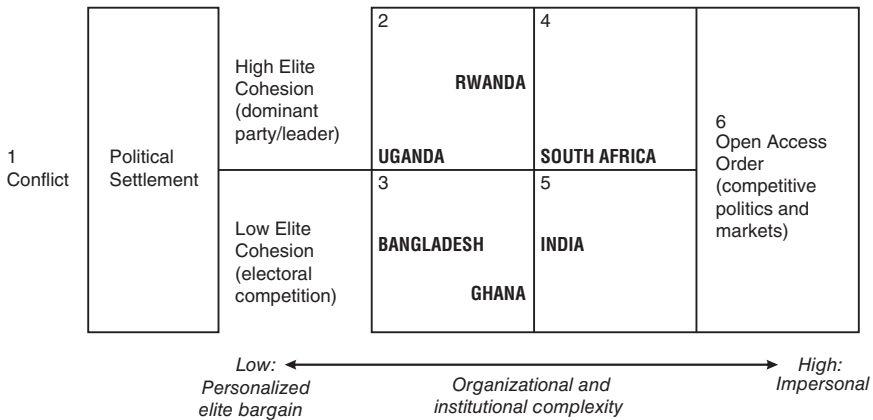
Figure 2.3 Political settlement type by case-study country.

Source Authors, following Levy 2014

The research project on which this book draws attempts to trace the political processes through which each country, and each type of political settlement, moved to adopt and implement policy on domestic violence. As a first step, each country research team undertook an historical study of the trajectory of women's political inclusion and the progress of gender equity policies in their specific context. They then undertook a desk-based analysis of the political settlement within their country, before going further and mapping out the dominant actors and ideas within each political settlement in relation to the domain of women's interests. This allowed the analysis of anti-domestic violence legislation to be contextualized within the political history and institutional structures of each country, the history of women's political participation, and the ideas and discourses that shaped claims for gender equity. To try and identify the causal mechanisms at work here, we used a process tracing approach that involved mapping key events or critical junctures within the policy adoption process and tracking them back to their originating drivers.

Multiple methods were deployed to uncover the key actors, ideas, and processes at work here. Documentary analysis included relevant academic journals, books, non-governmental organization (NGO) reports, and policy documents that were produced on the drafting, passing, and implementation of the domestic violence policy. Secondary analysis gave insights into the process of events that led to the adoption and implementation of the domestic violence policies. It also helped to understand the challenges and opportunities created by the type of political settlement, the history of women's inclusion within each type of settlement, and the embedded ideas and discourses that are used to advance or block gender equity. Above all, though, it was through undertaking interviews with the key actors identified in the mapping process that we uncovered the clearest insights. Each team interviewed key representatives of all stakeholder groups

directly involved in the policy processes examined here—namely, politicians, bureaucrats, and women's movement activists, including academics, lawyers, and leaders of civil society organizations (CSOs). These interviews allowed us to capture the inside story of the strategies being deployed, relationships being formed, and obstacles being raised, and to triangulate between different perspectives. Each initial country report was also subjected to an anonymous peer review process, whereby country and sector experts provided a critical review of the draft report to help revise and strengthen the versions carried forward for publication.

Our comparative approach involved in-depth analysis *across* as well as *within* cases. At key stages of the process, we held comparative analysis workshops that involved all project team members sharing evidence, analysis, and ideas. This process involved putting the evidence gathered from each country study into conversation with the broader conceptual framework, which we narrowed down in order to focus on some central variables. In line with methodological guidance on typological analysis (George and Bennett 2005), this involved the construction of comparative truth tables, which place key outcome variables alongside key independent variables. Given that all of our countries adopted domestic violence legislation, the key outcome variables we examined in order to assess the level of elite commitment to this process in our countries focused instead on particular features of the adoption and implementation process. On adoption, we examined the length of time that it took for governments to adopt legislation following the onset of calls for new laws from feminist activists; in terms of implementation, we looked at how long it took governments to start the process of implementation and the rate and level of progress, in terms of establishing centres from which women suffering from domestic violence can receive support (a shared characteristic of all the laws passed here). These outcomes were then correlated with key variables drawn from our framework, including the type of political settlement, shifting political settlement dynamics, the strength of the women's movement, the proportion of female parliamentarians, and the mobilization of paradigmatic ideas. This enables us to identify important variations in the level of elite commitment to gender equity between cases and to examine how far our conceptual framework helped to explain this. This truth table and the results of our comparative analysis are presented in Chapter 10.

Conclusion

Researching the politics of gender equity in the Global South constitutes a particular type of conceptual and methodological challenge, one that involves trying to track the complex interplay of interests, ideas, and institutions within wider and shifting relations of power. This certainly applies to the specific example that we focus on here, regarding how anti-domestic violence policies were passed in a range of countries in the Global South. In this chapter we argued that, despite some important advances, current conceptual approaches to investigating the politics of gender equity fail to offer holistic approaches that are sufficiently attuned to the political and institutional realities of countries

in the Global South. We argue that a *power domains approach*—which places recent advances in theorizing the politics of development into conversation with convergent developments in the recent feminist literature on gender and politics—can offer such a framework. The power domains framework focuses on the interplay between the underlying configuration of power that shapes how polities function, on the one hand, and the more specific domain of women's interests, on the other. Applying this conceptual approach to six carefully selected country cases through a rigorous methodological approach, involving process-tracing and comparative case-study analysis, helps move beyond current accounts of anti-domestic violence policies that have tended to rely on either aggregated accounts drawn from cross-national survey data or one-off case studies. In particular, our case-study chapters reveal the actual causal mechanisms through which gender equity policies were passed in particular types of context. This includes shedding light on the ways in which the coalition-building and discursive framing approaches of feminist activists engaged with dominant ideas and interests. We show that this often involved informal rather than formal strategies and showed how the pace of reform was strongly influenced by the types of political settlement involved and the shifting configuration of power within these. As Chapter 10 discusses, these accounts seek to make an important contribution to current debates around the politics of gender equity and offer important clues for political and policy actors seeking to promote gender equity in specific types of context.

Notes

1. This approach fits closely with Leftwich's (1994) definition of politics, which also includes a focus on both the material and ideational issues around which political struggles are based.
2. See Hickey et al. (2014) for a review of this literature.
3. The World Bank's 2017 World Development Report on *Governance, Law and Development* adopts a similar schematic framework.
4. With reference to the theoretical approaches reviewed earlier, this dimension of the framework helps capture the main insights from work on political opportunity structures, regarding the interplay of elites and institutions, and also incorporates the focus of historical institutionalists on the interplay between formal and informal institutions. This domain also includes the work discussed on the paradigmatic or higher-level role of ideas and discourse.
5. Given that policy adoption is the primary focus of this volume, we have spent more time here setting out the constitutive elements of the first two domains of power in detail, whilst only briefly sketching some of the constitutive features of the social domain. A fuller analysis of this domain would probably need to break it down further, including a recognition of the household as a critical domain of power when it comes to questions of gender equity, and particularly to the issue of domestic violence that we discuss here.
6. This reflects an earlier debate between Bina Agarwal (2003) and Cecile Jackson (2003). See Ahikire and Mwiine (Chapter 4 in this volume) for a sense of how this played out in one of our cases.
7. The timing and nature of the excellent study by Htun and Weldon (2010) means that it was not able to capture some of the legislative developments that we focus on

here (e.g. Uganda did not adopt until 2010), the process through which this actually occurred, or the extent of the effort made to implement the legislation. Unfortunately, the later analysis that Htun and Weldon performed was published too late (2018) to be incorporated here, although the commentary chapter from Georgina Waylen (see Chapter 11) usefully sets out the ways in which their analysis relates to our own.

References

Acemoglu, D. and J. A. Robinson. 2012. *Why Nations Fail: The Origins of Power, Prosperity and Poverty*. London: Profile Books.

Agarwal, B. 2003. 'Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market. *Journal of Agrarian Change*, 3(1–2): 184–224.

Bacchi, C. 2009. *Analysing Policy: What's the Problem Represented to Be?* Australia: Pearson Higher Education.

Beckwith, K. 2013. 'The Comparative Study of Women's Movements'. In *The Oxford Handbook of Gender and Politics*. Edited by Waylen, G., K. Celis, J. Kantola and S. L. Weldon, 411–36. New York: Oxford University Press.

Béland, D. 2005. 'Ideas and Social Policy: An Institutionalist Perspective'. *Social Policy and Administration*, 39(1): 1–18.

Benford, R. and D. Snow. 2000. 'Framing Processes and Social Movements: An Overview and Assessment'. *Annual Review of Sociology*, 26(1): 611–39.

Cagna, P. and N. Rao. 2016. 'Feminist Mobilisation for Policy Change on Violence Against Women: Insights from Asia'. *Gender and Development*, 24(2): 77–90.

Chappell, L. and G. Waylen. 2013. 'Gender and the Hidden Life of Institutions'. *Public Administration*, 91(3): 599–615.

Chatterjee, P. 2004. *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. New York: Columbia University Press.

Corbrige, S., G. Williams, M. Srivastava and R. Veron. 2005. *Seeing the State: Governance and Governmentality in India*. Cambridge: Cambridge University Press.

Dahlerhup, D. 2014. 'Representing Women: Defining Substantive Representation of Women'. In *Representation: The Case of Women*. Edited by Escobar-Lemmon, M. C. and M. M. Taylor-Robinson, 58–75. New York: Oxford University Press.

Derichs, C. and D. Fennert. 2014. *Women's Movements and Counter-Movements: The Quest for Gender Equality in Southeast Asia and the Middle East*. Newcastle: Cambridge Scholars Publishing.

Di John, J. and J. Putzel. 2009. 'Political Settlements: Issues Paper'. Birmingham, UK: Governance and Social Development Resource Centre (GSDRC), University of Birmingham.

Driscoll, A. and M. L. Krook. 2009. 'Can There Be a Feminist Rational Choice Institutionalism?' *Politics and Gender*, 5(2): 238–45.

Escobar-Lemmon, M. C. and M. M. Taylor-Robinson (eds). 2014. *Representation: The Case of Women*. New York: Oxford University Press.

Fernandez, B. 2012. *Transformative Policy for Poor Women: A New Feminist Framework*. London: Routledge.

Fligstein, N. and D. McAdam. 2012. *A Theory of Fields*. Oxford: Oxford University Press.

Friedman, E. 1995. 'Women's Human Rights: The Emergence of a Movement'. In *Women's Rights, Human Rights: International Feminist Perspectives*. Edited by Peters, J. and A. Wolper, 18–35. London: Routledge.

George, A. and A. Bennett. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: MIT Press.

Goetz, A. M. and S. Hassim (eds). 2003. *No Shortcuts to Power: African Women in Politics and Policy-Making*. London: Zed Books.

Goldstone, J. 2004. 'More Social Movements or Fewer? Beyond Political Opportunity Structures to Relational Fields'. *Theory and Society* 33(3–4): 333–65.

Guigini, M. 2009. 'Political Opportunities: From Tilly to Tilly'. *Swiss Political Science Review*, 15(2): 361–68.

Hagmann, T. and D. Péclard (eds). 2011. *Negotiating Statehood: Dynamics of Power and Domination in Africa*. Oxford: Wiley-Blackwell.

Hay, C. 2004. 'Ideas, Interests and Institutions in the Comparative Political Economy of Great Transformations'. *Review of International Political Economy*, 11(1): 204–26.

Helmke, G. and S. Levitsky. 2004. 'Informal Institutions and Comparative Politics'. *Perspectives in Politics*, 2(4): 725–40.

Hickey, S., A-G Abdulai, A. Izama and G. Mohan. 2015. 'The Politics of Governing Oil Effectively: A Comparative Study of Two New Oil-Rich States in Africa'. ESID Working Paper 54. Manchester: Effective States and Inclusive Development Research Centre, The University of Manchester.

Hickey, S., K. Sen and B. Bukenya. 2015. *The Politics of Inclusive Development: Interrogating the Evidence*. Oxford: Oxford University Press.

Hill, L. and L. Chappell. 2006. 'Introduction: The politics of women's interests'. In *The Politics of Women's Interests: New Comparative Perspectives*. Edited by Hill, L. and Chappell, L. Abingdon: Routledge.

Hobson, B. 2003. 'Introduction'. In: *Recognition Struggles and Social Movements: Contested Identities, Agency and Power*. Edited by Hobson, B., 1–20. Cambridge: Cambridge University Press.

Htun, M. and S. L. Weldon. 2010. 'When and Why do Governments Promote Sex Equality? Violence Against Women, Reproductive Rights, and Parental Leave In Cross-National Perspective'. *Perspectives on Politics*, 8(1): 206–17.

Htun, M. and S. L. Weldon. 2012. 'The Civic Origins of Progressive Policy Change: Combating Violence Against Women in Global Perspective, 1975–2005'. *American Political Science Review*, 106 (3): 548–69.

Htun, M. and S. L. Weldon. 2018. *The Logics of Gender Justice: State Action on Women's Rights Around the World*. Cambridge: Cambridge University Press.

Jackson, C. 2003. 'Gender Analysis of Land: Beyond Land Rights for Women'. *Journal of Agrarian Change*, 3(4): 453–80.

Jeydel, A. S. 2000. 'Social Movements, Political Elites and Political Opportunity Structures: The Case of the Woman Suffrage Movement from 1890-1920'. *Congress and the Presidency*, 27(1): 15–40.

Joachim, J. 2003. 'Framing Issues and Seizing Opportunities: The UN, NGOs, and Women's Rights'. *International Studies Quarterly*, 47(2): 247–74.

Kabeer, N. 2015. 'Women Workers and the Politics of Claims-Making in a Globalizing Economy', UN Research Institute for Social Development Working Paper 2015-13.

Khan, M. 2010. 'Political Settlements and the Governance of Growth-Enhancing Institutions'. Monograph. London: SOAS.

Khan, M. H. 2017. 'Political settlements and the analysis of institutions'. *African Affairs*, Introduction to Special Online Issue.

Lake, M. 2003. 'Woman, Black and Indigenous: Recognition Struggles in Dialogue'. In *Recognition Struggles and Social Movements: Contested Identities, Agency and Power.* Edited by Hobson, B., 145–60. Cambridge: Cambridge University Press.

Lavers, T. and S. Hickey. 2016. 'Conceptualising the Politics of Social Protection Expansion in Low Income Countries: The Intersection of Transnational Ideas and Domestic Politics'. *International Journal of Social Welfare*, 25(4): 388–98.

Leftwich, A. 1994. 'Governance, State and the Politics of Development'. *Development and Change*, 25(2): 363–86.

Leftwich, A. 2005. 'Politics in Command: Development Studies and the Rediscovery of Social Science'. *New Political Economy*, 10(4): 573–607.

Leftwich, A. 2010. 'Beyond Institutions: Rethinking the Role of Leaders, Elites, Coalitions in the Industrial Formations of States and Strategies'. *Forum for Development Studies*, 37(1): 93–111.

Levy, B. 2014. *Working with the Grain: Integrating Governance and Growth in Development Strategies.* New York: Oxford University Press.

Mackay, F., M. Kenny and L. Chappell. 2010. 'New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?' *International Political Science Review*, 31(5):573–88.

McAdam, D. 1996. 'Conceptual Origins, Current Problems, Future Directions'. In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings.* Edited by McCarthy, J. D., and M. N. Zald, 23–40. Cambridge: Cambridge University Press.

McCammon, H. J., K. E. Campbell, E. M. Granberg and C. Mowery. 2001. 'How Movements Win: Gendered Opportunity Structures and U.S. Women's Suffrage Movements, 1866 to 1919'. *American Sociological Review*, 66(1): 49–70.

Maier, E. and N. Lebon (eds). 2010. *Women's Activism in Latin America and the Caribbean: Engendering Social Justice, Democratising Citizenship.* New Brunswick, NJ: Rutgers University Press.

Molyneux, M. 1985. 'Mobilization Without Emancipation: Women's Interests, State and Revolution in Nicaragua'. *Critical Social Policy*, 4(10): 59–71.

Molyneux, M. 2001. *Women's Movements in International Perspective: Latin America and Beyond.* London: Palgrave Macmillan.

Mouffe, C. 1992. 'Feminism, Citizenship and Radical Democratic Politics'. In *Feminists Theorize the Political.* Edited by Butler, J. and J. W. Scott, 369–85. New York: Routledge.

Mouffe, C. 1993. *The Return of the Political.* London: Verso.

Nazneen, S. 2017. 'Negotiating Gender Equity in a Clientelist State: The Role of Informal Networks'. In *Gender and Informal Institutions.* Edited by Waylen, G., 161–82. Lanham, MD: Rowman & Littlefield International.

North, D., J. Wallis and B. Weingast. 2009. *Violence and Social Orders.* Cambridge: Cambridge University Press.

Patel, V. 2012. 'Campaign Against Rape by Women's Movement in India'. *Feminist Network*, 4(3):1–16.

Pateman, C. 1988. *The Sexual Contract.* Stanford, CA: Stanford University Press.

Richards, D. L. and J. Haglund. 2015. *Violence Against Women and the Law.* London: Paradigm Publishers.

Schmidt, V. A. 2008. 'Discursive Institutionalism: The Explanatory Power of Ideas and Discourse'. *Annual Review of Political Science*, 11(1): 303–26.

Schmidt, V. A. 2010. 'Taking Ideas and Discourse Seriously: Explaining Change Through Discursive Institutionalism as the Fourth 'New Institutionalism'. *European Political Science Review* 2(1): 1–25.

Tarrow, S. 1996. 'States and Opportunities: The Political Structuring of Social Movements'. In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. Edited by McCarthy, J. D., and M. N. Zald, 41–61. Cambridge: Cambridge University Press.

Thelen, K. 1999. 'Historical Institutionalism in Comparative Politics'. *Annual Review of Political Science*, 2(1): 369–404.

Waylen, G. 2007. 'Women's Mobilization and Gender Outcomes in Transitions to Democracy: The Case of South Africa'. *Comparative Political Studies*, 40(5): 521–46.

Waylen, G. 2009. 'What Can Historical Institutionalism Offer Feminist Institutionalists?' *Politics and Gender*, 5(2): 245–53.

Waylen, G. 2014. 'Informal Institutions, Institutional Change, and Gender Equality' *Political Research Quarterly*, 67(1): 212–23.

Waylen, G. (ed). 2017. *Gender and Informal Institutions*. Lanham, MD: Rowman & Littlefield International.

Waylen, G., K. Celis, J. Kantola and S. L. Weldon. 2013. 'Gender and Politics: A Gendered World and a Gendered Discipline'. In *The Oxford Handbook of Gender and Politics*. New York: Oxford University Press.

Weldon, L. 2011. 'Perspectives against Interests: Sketch of a Feminist Political Theory of Women'. *Politics and Gender*, 7(3): 441–46.

World Bank. 2017. *World Development Report: Governance and the Law*. Washington DC: World Bank.

3   Ending domestic violence

The politics of global norm diffusion

Sophie King and Eleni Sifaki

Introduction

Globally, domestic violence affects women in vastly disproportionate terms compared with men, and it affects women across social classes, races, castes, ethnicities, and nationalities. The first systematic review of global population data finds that '35% of women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence' (WHO 2013, p. 2). Global social attitudes data suggest that 'in 17 out of 41 countries, a quarter or more people think that it is justifiable for a man to beat his wife' (UN 2011, p. 32). Beyond the often severe and long-term health consequences for victims and survivors, domestic violence has widespread social and economic costs. Despite its high prevalence rates and damaging effects, domestic violence emerged relatively recently as an issue in international discourse, not becoming an object of UN activity until the 1980s, following transnational advocacy on the issue (Keck and Sikkink 1998). Once on the agenda, however, domestic violence swiftly became an important focus from the 1990s onwards, through a range of international and regional agreements and official meetings. In response to international and local pressures, governments worldwide started to introduce laws against violence against women (VAW) in the same decade. So far, 125 countries have laws on sexual harassment and 52 have laws on marital rape (UN 2015), while at least 140 countries have passed laws on domestic violence (World Bank 2015). Close observers suggest that the emergence of such international norms has been critical to action to address VAW, because 'norms create standards in global civil society, create shared expectations in regional communities of nations … and mobilise domestic civil society' (Weldon and Htun 2013, p. 239).

In this chapter, we seek to account for the rapid spread of national legislation against domestic violence around the world since the 1990s, examining the politics that underpinned the emergence, cascading, and diffusion of a new global norm against VAW and domestic violence. First, we introduce our conceptual framework, drawing from Keck and Sikkink's (1998) work on global norm diffusion. Then we move on to discuss the process of norm emergence and contestation, including the role of transnational advocacy

networks and the UN in norm emergence against VAW. In the next section, we identify the channels through which norms cascade, examining the influence of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), regional agreements, and regional diffusion. We also discuss the role of transnational actors in processes of national policy adoption and the challenges of translating the global norm to different cultural contexts.

Defining domestic violence

Finding a universally applicable definition of domestic violence is a complex and perhaps unachievable endeavour. In the broadest sense, violence against women has been interpreted as comprising four principle forms: psychological, physical, sexual, and in addition, economic—although this latter category is not always recognized directly within discussions of VAW or domestic violence. For example, Article 1 of the UN Declaration on the Elimination of Violence against Women defines VAW as:

> any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (UN 1993)

Likewise, domestic violence is defined as:

> physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. (UN 1993)

However, the UN General Assembly's Resolution on the Elimination of Domestic Violence Against Women in 2003, recognizes that 'domestic violence can include economic deprivation and isolation and that such conduct may cause imminent harm to the safety, health or well-being of women'.

A further conceptual distinction of importance here pertains to causal conceptualizations of the challenge. A feminist critique suggests that, whilst important advances have been made, framing domestic violence as a criminal act to be resolved by judicial means fails to recognize that man-on-woman intimate partner violence results from unequal gender relations, embedded within wider unequal superstructures (Weissman 2013). As we will see in the sections to follow in this chapter, the incorporation of a human rights framing of VAW in the UN, following international advocacy on the issue, led to the recognition of the structural causes that underlie violence.

Mobilizing against VAW: the emergence of a global norm

What accounts for the fact that, in 1990, only three UN member states had a national law in place that specifically targeted domestic violence,[1] whereas by 2016, 140 countries had passed laws specifically addressing domestic violence? In search of an answer to this question we draw on Finnemore and Sikkink's (1998) *lifecycle of norms framework* (see Figure 3.1), which attempts to capture the process by which 'global social norms', defined as 'standards of appropriate behaviour shared by a critical mass of states',[2] emerge, cascade, and become internalized at local levels.

Stage 1: Emergence	Norm entrepreneurs (activists) use organizational platforms (NGOs/IOs/media) to frame issues within existing, contested, normative space. They mobilize expertise, information, and the media to persuade state actors (norm leaders) to endorse their norm and to gain its institutionalization within specific international rules and organizations.
REACHES TIPPING POINT (one-third) ⇓ ⇓	
Stage 2: Cascade	Rapid adoption of the norm in response to international or regional 'contagion' or 'socialization' in response to ongoing work by norm entrepreneurs. After the tipping point has been reached, norms cascade—even without domestic pressure.
Stage 3: Internalization	Gradual process whereby the norm becomes accepted practice within the law, professional and public service bureaucracies, and the wider public. At the extreme end of the process—norms become 'taken for granted'.

Figure 3.1 The 'lifecycle of norms' framework (adapted from Finnemore and Sikkink's framework).

Source: Adapted from Finnemore and Sikkink (1998)

Finnemore and Sikkink (1998) suggest that global norms become institutionalized through the establishment of international agreements. When a large number of states sign up to such agreements, a tipping point is reached (which they estimate to be one-third of the members of a particular community of states) beyond which such norms begin to cascade downwards into national institutions and agreements, finally becoming 'internalized' within bureaucracies, the judicial system, and providers of services (Hulme and Fukuda-Parr 2009). The literature on global norm diffusion also highlights the constellations of actors that are involved in creating and spreading norms. These are the *norm entrepreneurs*, comprising a range of transnational and local activists, often operating within or through nongovernmental organizations (NGOs) and other international organizations (IOs) (Finnemore and Sikkink 1998).

Although the literature on global norm diffusion is useful in unpacking the process by which international norms emerge and spread, it has received some criticism. According to Zwingel (2016), it runs the risk of assuming that global norms are fixed, rather than changing over time, and are imposed from above, with states and local actors being portrayed as passive recipients. As a result, processes of contestation and renegotiation of norms at transnational and domestic levels are not sufficiently unpacked. For example, Zwingel (2016) argues that the concept of norm internalization suggests a one-way process, whereby states accept and institutionalize international norms as they are. However, as all the case-study chapters in this volume illustrate, norms are contested and renegotiated in domestic contexts before they are institutionalized. In Uganda (see Chapter 4) and, eventually, Ghana (see Chapter 8), for example, domestic violence was framed not as an issue of women's rights, but as one that threatened family life and developmental progress. In responding to this critique, we unpack the complex politics behind each of the three stages of global norm diffusion, highlighting the contestation and negotiation of norms in this process and the interaction between transnational, regional, and local actors. We hence adapt Finnemore and Sikkink's (1998) framework to emphasize the interactive, complex, and changing nature of global norm diffusion on domestic violence. Figure 3.2 shows the adapted framework.

In stage 1, we emphasize the politics behind global norm emergence, which involves the framing, reframing, and contestation of global norms by global and national activists and opponents. In stage 2, contrary to Finnemore and Sikkink, we argue that domestic pressure is also an influencing factor in international and regional norm cascading, as the empirical chapters (Chapters 4–9) will later illustrate. Stage 3 of the lifecycle of norms on VAW involves norm internalization, which entails the incorporation of the norm into law, public services, and wider acceptance in society. In this stage, we emphasize the complex and dynamic process of translation that underpins internalization, whereby norms are reframed by norm entrepreneurs (such as femocrats and local women's rights activists), based on local justice principles (Merry 2006a).

Stage 1: Emergence	Norm entrepreneurs frame, negotiate, and reframe domestic violence and VAW issues in the face of opposition by norm resistors, for the norm to be adopted at the global level.
REACHES TIPPING POINT (one-third) ⬇ ⬇	
Stage 2: Cascade	The global norm on VAW is rapidly adopted as a result of domestic and regional advocacy and the ratification of regional and international conventions.
Stage 3: Internalization	The internalization of norms occurs through a complex process of translation of norms into the vernacular, whereby activists reframe the issue of VAW in terms of local justice ideas to reach citizens and governments.

Figure 3.2 The politics of global norm diffusion on VAW.

Source: Adapted from Finnemore and Sikkink's framework (1998)

Emergence and institutionalization: norm entrepreneurs, frames, and platforms

International mobilization for the eradication of VAW has been driven forwards by interlinking movements for the protection of human rights following the horrors of World War II and successive waves of international feminism in support of equal rights for women (Weldon 2006, Bhattacharjya 2013). Table 3.1 presents a timeline of the international and regional events and agreements that contributed to the emergence and institutionalization of opposition to VAW as a global social norm, as set against a background of critical global junctures in the second half of the 20th century. The following sections of the chapter analyse—as per Finnemore and Sikkink's adapted framework—the critical norm entrepreneurs, platforms, and issue framings that catalyzed these processes of institutionalization. They also analyse the key leaders and opposers and the shifting global political opportunities that shaped the kinds of advances that have been achieved. The actual influence of transnational factors within specific domestic contexts is discussed in the empirical chapters of this book (see Chapters 4–9).

Table 3.1 Norm emergence and institutionalization

	Advances for the anti-domestic violence movement	Wider context
EMERGENCE	• CEDAW (1979) • UN Decade for Women (Mexico 1975, Copenhagen 1980, Nairobi 1985) • 'Global Campaign on Women's Human Rights' emerges at Nairobi (1985) • 300,000 strong petition from 123 countries demands 'women's rights as human rights' (1991) • '16 days of activism' (1991) • UN Declaration on the Elimination of Violence Against Women at Vienna (1993)	Legacy of the 1960s and feminism's second wave Expansion of human rights discourse Increased Southern representation at UN Feminism's third wave
TIPPING POINTS	• Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1995) • Beijing Platform for Action adopted by 189 states (1995) • Optional Protocol to CEDAW (1999) • Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2000) • UN General Assembly Resolution on the Elimination of Domestic Violence Against Women (2003) • Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention 2011)	End of Cold War and democratization Rape as weapon of war Feminism's fourth wave

Source: Compiled by authors.

The UN and the global women's movement

The UN has been a critical enabling force behind the formation of an international movement against VAW. It created space for the issue to emerge and be debated and fostered alliances between feminists across the North and South (Weldon 2006). These spaces enabled interactions between activists directly affected by the issue with experiential resources and experts or professionals with scientific, technical, and institutional resources (Joachim 2003). At the same time, dissatisfaction and opposition to these formal procedures amongst some activists catalyzed the establishment of alternative deliberative spaces, within which counter-hegemonic agendas and alliances were formed around similar concerns, including violence against women.

A key contribution in the emergence of global opposition to VAW was the UN Decade for Women 1975–1985. This included three international World Conferences on Women, beginning with one in Mexico in 1975, which was plagued by political tensions and divisions, such as the Cold War and anti-imperialist sentiment in the last years of colonialism. The gathering was dominated by Northern

actors and rejected by many feminists. The following year, partly in response to dissatisfaction with UN processes, a group of Northern feminists organized an International Tribunal on Crimes Against Women in Brussels, which brought together more than 2,000 women from more than 40 countries (Joachim 2003) to hear testimonies about crimes and violence against women. The event suffered from further internal divisions and a contested agenda, but ultimately led to statements of transnational solidarity and the formation of new transnational alliances and networks, such as the International Feminist Network, and an increased focus on VAW among Southern delegates (Joachim 2003).

The UN decade for Women led to formulation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, a landmark convention on women's rights (UN 1979). In 1981, women activists marked 25 November as an International Day for the Elimination of Violence Against Women in remembrance of the three Mirabal sisters, political activists in the Dominican Republic, who were brutally assassinated under the Trujillo dictatorship. Coming into force in 1981, CEDAW represents a watershed moment as the first time that 'different categories of rights affecting the status of women' had been brought together under one common agenda (Oloka-Onyango and Tamale 1995, p. 714). Whilst many commentators feel that CEDAW was a critical early step towards a global anti-VAW agenda, at this stage it contained no specific provisions about violence against women. In fact, VAW was not mentioned at all, neither implicitly nor explicitly. Nonetheless, CEDAW marked the entry of women's rights into the international human rights framework.

Women continued to organize, both within, outside (in parallel NGO forums), and between the three General Assembly meetings throughout this decade, which culminated in the Third World Women's Conference in Nairobi in 1985. It was here that the Global Campaign on Women's Human Rights emerged as a coalition of a wide range of regional advocacy networks, including the Latin American Committee for the Defence of Women's Rights; the Asia-Pacific Forum on Women, Law and Development; and Women in Law and Development in Africa (WiLDAF), as well as training institutes such as the US-based Institute for Women, Law, and Development, which began to train women activists around the world in how to use the law to promote women's rights (Friedman 1995, p. 24). Thus, despite conflict and opposition, the World Women's Conferences contributed to bringing together diverse women's groups from across the world to form transnational networks on women's rights. The conferences also brought the issue of VAW to the UN for the first time. The Nairobi conference went a step further, to recognize the important role that states should play in preventing and eliminating violence against women, giving specific recommendations for action.

The International Day for the Elimination of Violence Against Women became key to the galvanization of a transnational women's movement in the run-up to the 1993 World Conference on Human Rights in Vienna. A coalition of

women's organizations—led particularly by the International Women's Tribune Centre, the Centre for Women's Global Leadership, and the International YWCA—announced '16 days of activism' between the International Day against VAW on 25 November and International Human Rights Day on 10 December and launched an international petition demanding that 'the UN World Conference should "comprehensively address women's human rights at every level of its proceedings" and recognize gender-based violence "as a violation of human rights requiring immediate action"' (Friedman 1995, p. 28). The petition attracted more than 300,000 signatories across 123 countries and was submitted to a preparatory UN conference in 1991. This acted as a recruitment drive for the movement, with the 16 days of activism repeated annually in the run-up to the Vienna meeting. By 1993, women's movements were observing the 16 days campaign in 50 countries, demonstrating how this transnational agenda was able to tap into existing regional and local women's movements around the world. Regional women's rights coalitions began organizing satellite meetings in the run-up to Vienna, where they developed lists of demands, and, by this point, Human Rights Watch and Amnesty International had carried out international fieldwork to collect evidence of women's rights abuses. The Centre for Women's Global Leadership organized a strategic planning meeting that brought together regional networks of women's movements to develop a common set of demands. Despite initial resistance, they managed to gain agreement for their list of recommendations to be included in the draft to be considered at the World Conference. In December 1993, the UN General Assembly passed the Declaration to End Violence Against Women and appointed a Special Rapporteur to monitor progress.

Between Vienna in 1993 and the Fourth World Women's Conference in Beijing in 1995, a series of UN events provided the space for the nascent Global Campaign for Women's Human Rights (Bunch and Frost 2000) to gather pace and develop a coherent international agenda, one that included a focus on protecting women from violence. These included the World Conference on Population and Development in Cairo in 1994, which linked VAW with reproductive health and rights, and the UN's 50th anniversary celebrations and World Summit for Social Development in Copenhagen in 1995. In Beijing, delegates agreed the Beijing Platform for Action—a concrete set of commitments, including on violence against women, that state representatives could 'translate into policy and legal reform' within their own national contexts (Bhattacharya 2013). In 1999, the Optional Protocol to CEDAW, first discussed at Vienna in 1993, was introduced, giving the Convention greater enforcement power. As Weldon (2006, p. 61) explains: 'the Protocol permits complaints to be made on behalf of individuals who have exhausted remedies available in their countries. CEDAW reviews the complaint, and at the end of a consultative process renders a judgment'. As Zwingel (2016, p. 127) argues, this marked the turn of CEDAW from a rhetorically accepted treaty to an international monitoring tool.

Issue-framing and mobilizing strategies

Identifying the absence of women's lived experience from the international human rights architecture, and promulgating the message that governments could be held accountable for condoning human rights abuses experienced by women, was critical to the rise of opposition to VAW as a global norm (Friedman 1995, Bhattacharya 2013). The tactics adopted by movement 'entrepreneurs' in framing violence against women in these terms were significant (Joachim 2003). The preceding discussion highlighted the convening role played by the US-based Centre for Women's Global Leadership (CWGL) in the emergence of a global movement to protect women from violence. Key to its initial success was a dual strategy of activist mobilization alongside the formation of an epistemic community capable of making the case for women's rights to be seen as a politically salient issue. The mobilization process included emotive testimony from female victims of human rights abuses, the convening of counter-hegemonic spaces, and building the capacity of feminist networks in the Global South. Forging an epistemic community involved grounding a discourse of 'women's rights as human rights' within social scientific and policy networks through robust research and publication. On the one hand, CWGL catalyzed and facilitated the international 16 days of activism to link 15 November—a day of remembrance for victims of gender violence—with Human Rights Day on 10 December; on the other,

> Charlotte Bunch, Director of the CWGL at the time, published an article entitled 'Women's Rights as Human Rights' in the prestigious journal *Human Rights Quarterly* in 1990, providing a scientifically grounded explanation for why women's rights were human rights. (Joachim 2003, p. 94)

Linking women's rights with human rights also facilitated the mobilization of

> an international constituency…it resonated with people in different cultural contexts…Moreover, the frame had strategic advantages: it helped to gain access to institutional resources and win allies because human rights was an already accepted framework (Joachim 2003, p. 259).

Other critical tactics in the success of transnational activists in keeping VAW high on the global policy agenda have been the strategic use of the media, including hiring their own media consortium in the run-up to Vienna in 1993; building legitimacy through alliances with respected research and advocacy organizations such as Amnesty International and Human Rights Watch; and the strategic targeting of critically influential actors within international negotiations. Anne Walker of the International Women's Tribune Center in New York describes how, at Vienna, 'Women's rights activists were the ones who camped in corridors, outside the drafting rooms, and offered delegates better paragraphs. They tried to catch state representatives during their tea and coffee breaks or even in the bathrooms' (cited in Joachim 2003, p. 259). Both Sen (2006) and Weldon (2006) find, however, that the most critical factor underpinning the success of the global movement against

VAW was internal to the movement itself, in terms of the ability of its members to both articulate and implement 'norms of inclusivity' (Weldon 2006, p. 55). The tensions between Northern and Southern feminists around contentious issues such as female genital mutilation and Northern imperialist hegemony ran deep, posing serious threats to the viability of a legitimate and substantively representative transnational movement in the 1970s and early 1980s. Weldon explains that significant international agreements in support of action to protect women from violence were absent prior to the Nairobi conference. This was when activists took explicit steps to ensure the equal representation of Southern voices and to institutionalize dissent, rather than focus always on consensus; 'thus, it was not until the late eighties and early nineties that women could develop the frameworks and strategies that they implemented with such success' (Weldon 2006, p. 62).

Framing domestic violence within the VAW agenda

As Meyersfield's (2010) systematic review of international law reveals, there is not at present any international instrument that legislates directly against domestic violence. This is linked to a challenge that Joachim (2003, p. 257) refers to as: 'the normative frame of the family'—in other words, the family as a private realm where states and international institutions should not intervene. Nevertheless, the issue of domestic violence increasingly gained visibility in international documents as the issue of violence against women was explicitly addressed in official documents, from the late 1980s onwards. This was a result of the framing of VAW including domestic violence as a human rights issue, which broadened the human rights perspective of perpetrators from states to include private individuals (Keck and Sikkink 1998, Morgaine, 2007). Table 3.2 shows the chronology of international conferences and agreements that incorporated the issue of domestic violence explicitly into their agenda.

The first time domestic violence was explicitly mentioned in a UN document was in the report on the Second Women's Conference in Copenhagen in 1980, where violence in the family was identified as a problem with ramifications for human dignity and health, and states were urged to take action to combat it. The Third Conference in Nairobi in 1985 also urged governments to take action to identify, prevent, and eliminate domestic violence. Following the Nairobi Conference, an expert group was established in Vienna to generate more systematic evidence about the causes and consequences of the problem. There was a recognition that both problem and solution frames were inadequate, based around the assumption 'that domestic violence was a societal ill and that the victim as well as the perpetrator were abnormal or sick', giving rise to therapeutic or welfare regimes that neither explained the extent of the problem nor gave adequate protection to victims (Joachim 2003, p. 257). The expert panel achieved a radical reframing of domestic violence as a matter for criminal prosecution and gained widespread acceptance for this within the UN on the basis of scientific evidence from developing and developed countries and symbolic representativeness in terms of the panel being comprised of experts from 24 countries, many of which were located in the Global South.

Table 3.2 International conferences/agreements that address domestic violence

Event/agreement	Year	Description
Second UN Women's Conference, Copenhagen	1980	First time domestic violence was explicitly mentioned in a UN meeting; stated that legislation should be enacted by states to address it.
Third UN Women's Conference, Nairobi	1985	Recommended that governments establish policies and legislative measures to ascertain causes of VAW, including domestic violence, and to prevent and eliminate it.
UN Expert Group Meeting on Violence in the Family with Special Emphasis on Women, Vienna	1986	Domestic violence was recognized as a matter of criminal prosecution.
Committee on the Elimination of Discrimination Against Women General Recommendation 19 on VAW	1992	VAW was explicitly acknowledged, including within the family.
World Conference on Human Rights	1993	Vienna Declaration highlighted the importance of combating VAW in both public and private life.
Declaration of the Elimination of Violence Against Women (DEWA)	1993	Domestic violence is defined and recognized as a violation of human rights.
Beijing Platform for Action	1995	Recognizes domestic violence as a human rights issue, stating that much of VAW occurs within the household, and highlights measures to address it.
Special Rapporteur on VAW Model Legislation on Domestic Violence	1996	Presented a framework for model legislation on domestic violence.
Beijing +5	2000	Conference to review the progress on addressing women's rights since the Beijing Conference. It documented among others progress and obstacles on addressing domestic violence and measures to address it.
General Assembly Resolution on Elimination of Domestic Violence Against Women	2004	Domestic violence recognized as a violation of human rights with long-term consequences; called for elimination of violence in the family.

Alongside the reframing of domestic violence as a punishable crime, the UN continued to frame the issue as a human rights issue, as Table 3.2 illustrates. The 1995 Beijing Platform for Action states that domestic violence is a human rights violation: 'Violence against women [in the public and private spheres] both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms' (UN 1995). The human rights framing enabled a broader understanding of the structural causes of violence, which a narrow criminal justice framing does not incorporate: in 1992, General Recommendation 19 was introduced in CEDAW, which explicitly mentioned VAW including domestic

violence and acknowledged that the underlying causes of domestic violence included structural inequalities:

> Family violence is one of the most insidious forms of violence against women. It is prevalent in all societies. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. Lack of economic independence forces many women to stay in violent relationships ... (UN 1992)

Traditionally, human rights treaties were applicable only to states, but with the inclusion of violence against women as a human rights issue, states have a duty to protect victims from violence by private individuals. The legal obligations of the state in regards to domestic violence were highlighted by the UN Special Rapporteur on VAW in 1996, who presented a model legislation on domestic violence, urging states to adopt legislation (UN 2009).

In time, these developments led to the passing of UN General Assembly Resolution on the Elimination of Domestic Violence Against Women, which among many more detailed issues, calls upon states to:

> adopt, strengthen and implement legislation that prohibits domestic violence, prescribes punitive measures and establishes adequate legal protection against domestic violence and periodically to review, evaluate and revise these laws and regulations so as to ensure their effectiveness in eliminating domestic violence. (UN 2004)

Leaders, opponents, and shifting political opportunities

Analysts of the rise of the VAW agenda within international human rights law and global policy spaces highlight a series of wider political and institutional opportunities that supported the emergence of this issue as one requiring international attention. Support from powerful governments and international organizations has been key, and this opened up following the rise of the human rights agenda in the post-war era, democratization's third wave, including the end of the cold war, and the horrors of the conflicts in Bosnia and Rwanda that brought the use of rape as a weapon of war starkly into the limelight (Joachim 2003, Weldon 2006). Other studies have focused on the important role played by femocrats within the UN system in ensuring that agreements were translated into international gender machineries and resources invested into implementation (Sandler and Rao 2012). Post-Beijing implementation has been challenging, however, and such gender machineries have in practice been severely under-resourced, with UNIFEM, for example, having to generate much of its own resource base (Bhattacharya 2013).

Beyond the UN's Decade for Women, Weldon (2006) highlights the support provided by the Canadian government to the Inter-American Convention on Violence Against Women, and the strong leadership provided by the United States

to the global movement in general, and particularly to the CWGL in the run-up to Vienna in 1993. American diplomats have played the role of both leader and resistor, however. Sen (2006, p. 49) highlights how neo-conservative US administrations and also the Holy See have, at times, served to bolster opposition to gender equality and women's human rights, particularly around questions of sexuality and reproductive rights. The Holy See is widely recognized as having played a critical and oppositional role throughout the first decade after the 1994 International Conference on Population and Development in Cairo, although Sen suggests that the Vatican passed this mantle to the US delegation in the early 2000s. Hulme (2015, p. 39) similarly draws attention to an 'unholy alliance' between a small group of conservative Islamic states and the Holy See during the failed attempt to have reproductive rights included within the Millennium Development Goals. And as recently as March 2013, Egypt, Iran, Russia, and the Vatican all stood in opposition to a declaration put forward by the UN Commission on the Status of Women urging an end to violence against women and girls because of the inclusion of issues such as sexual, reproductive, and gay rights (Filipovic 2013). This resistance to the promotion of women's rights has been further bolstered by the rise of authoritarian populism and illiberal democracies in recent years (Goetz 2018).

Norm cascading: investigating the different channels

Unpacking the process by which global norms emerge, cascade, and become institutionalized using the adapted lifecycle of norms framework helps to uncover the channels or mechanisms at the global and regional levels through which international norms on VAW influence domestic legislation. According to Weldon and Htun (2013), there are three main channels through which transnational norms influence domestic policy: regional diffusion, regional agreements, and global treaties.

Regional contagion and tipping points

Although activism against gender-based violence was initiated within what has become known as feminism's 'second wave'—which is usually associated with radical activism in the West—movements in Africa, South Asia, and Latin America were making strides towards regional agreements and action in advance of major international developments such as the UN Declaration on the Elimination of Violence Against Women in Vienna in 1993 and the Beijing Platform for Action in 1995 (Weldon 2006). A number of studies highlight the influence of regional agreements and of neighbouring country policies within the same region on the timing of policy adoption in relation to VAW (Meyer 1999, Friedman 2009, Weldon and Htun 2013, Richards and Haglund 2015). Tables 3.3 and 3.4 show the correlation between nation states' ratification of regional agreements and the introduction of national legislation against domestic violence in Latin America and the Caribbean and sub-Saharan Africa. The tables indicate that as more states ratified regional agreements, the number of countries that adopted domestic violence legislation also increased.

Table 3.3 IAC ratification and domestic violence legislation in Latin America and the Caribbean

Latin America and Caribbean (n = 33)	1995	2000	2005	2010
Ratifying Inter-American Convention (1994)	15	29	31	31
Domestic violence legislation introduced	11	26	28	31

Notes: Dates for the passing of domestic violence-specific national legislation have been gathered using the Advocate for Human Rights (www.stopvaw.org) and Refworld (http://www.refworld.org) websites and related Internet searches on particular countries.

Source: Data on ratification of the Inter-American Convention has been taken from http://www.cidh.org/Basicos/English/Basic14.Conv%20of%20Belem%20Do%20Para%20Ratif.htm.

Friedman, for example, highlights how: 'Between 1993 and 2000, nearly every democracy in Latin America passed a law prohibiting domestic violence. Between 2001 and 2006, five countries strengthened their legislation, and Brazil passed its first law' (2009, p. 349). Htun and Weldon (2012) recount how, following Nairobi in 1985, there was an explosion of Africa-wide as well as sub-regional organizing, including 1993 in Kampala, and the Fifth UN African Regional Conference on Women in Dakar in 1994.

Regional feminist networks played a key role in the diffusion of the norm against VAW, both regionally and nationally. In Africa, Adams and Kang (2007, p. 460) describe the critical role played by regional advocacy networks, such as Women in Law and Development in Africa (WiLDAF), and the inter-governmental organization, the African Commission on Human and Peoples' Rights (ACHPR), in bringing activists and national state representatives together to plan for the Protocol to the African Charter on Human and Peoples' Rights. These organizations actively participated in the drafting of the Protocol, which included innovative provisions on abortion, contraception, and the rights of widows and the elderly that were not addressed by CEDAW (Adams and Kang 2007). Their study suggests that three factors were critical in getting the regional Protocol institutionalized: the ability of the regional advocacy network to build alliances with key politicians and civil servants; the fact that organizations like WiLDAF, among others, were able to secure observer status participation within inter-governmental

Table 3.4 Ratification and domestic violence legislation in sub-Saharan Africa

Sub-Saharan Africa (n = 49)	2000	2005	2010	2015
Ratifying Protocol on African Charter (2003)	n/a	16	28	34
Domestic violence legislation introduced	4	9	18	24

Notes: Dates for the passing of domestic violence-specific national legislation have been gathered using the Advocate for Human Rights (www.stopvaw.org) and Refworld (http://www.refworld.org) websites and related Internet searches on particular countries.

Source: Data on ratification of the Protocol to the African Charter comes from http://www.achpr.org/instruments/women-protocol/ratification/.

decision-making processes; and an opportune alignment between ACHPR's and regional activist concerns (Adams and Kang, p. 451). Tripp (2010) argues that Africa-wide and intra-regional feminist networks are one of the key channels of regional diffusion of norms related to women's rights as reflected in their role in the Maputo Protocol adoption. Similarly, Nazneen (2018) argues that regional feminist networks use a range of strategies to foster collaboration and norm diffusion, such as participation in regional and multilateral policy forums. In South Asia, although legally binding regional conventions have yet to be introduced, regional advocacy networks have played a key role in the adoption of laws against VAW. The People's SAARC, a network of NGOs and movements, has lobbied against violations by states of people's rights and has focused on policy change to protect women's rights (Chhachhi and Abeysekera 2015).

In their statistical analysis of the drivers of VAW policy adoption, Htun and Weldon (2012) find 'regional diffusion and regional agreements' to be 'substantively important' in relation to national adoption of policies in response to VAW, and that together they 'accounted for between one and two additional areas of policy action' in their panel data sets (p. 562). They suggest that 'policy diffusion tends to occur among states in the same region…with similar characteristics…that have regular contacts in inter-governmental political and economic organisations', including through processes of 'elite learning', 'emulation of other nations', and 'connections in civil society'. As Friedman (2009, p. 351) highlights, however, 'there is no automatic institutionalization of these [regional] norms at the national level'; across Latin America, 'conservative gender regimes were not transformed through pressure from above and below, but intervened in the process of policy development'. The character of politics, culture, and society is therefore critical in shaping the extent to which regional agreements and the cascading of international and regional norms becomes internalized within a given state.

Ratification of CEDAW

Some studies have found that the ratification of international treaties by states can lead to norm cascading through a wave of institutionalization of international human rights norms to the domestic level (Landman 2005, Simmons 2009). CEDAW was adopted in 1979 by the UN General Assembly and acknowledges the rights of women, stating what discrimination against women entails and the actions that need to be taken by governments to prevent and eliminate it. Although CEDAW did not explicitly mention VAW, it was later included in the Optional Protocol. CEDAW provisions clearly state that countries that ratify the treaty are obliged to incorporate it into domestic law. Thus, countries that have ratified or acceded to the treaty are legally bound to implement its provisions. So far, CEDAW has been ratified by 187 countries, with only seven countries yet to ratify it, including the United States. Some studies have found a positive relationship between CEDAW ratification and state policies that promote gender equity. Weldon and Htun (2013) argue that after 2005, CEDAW began to have direct effects on domestic policy and was invoked in domestic policy discussions. Hill (2010) and Englehart

and Miller (2014) found that CEDAW had positive effects on women's political rights, mixed effects on their social rights, and no effects on their economic rights. Richards and Haglund (2015, p. 124) found that the greater the number of years a country has been party to CEDAW, the greater the county's legal protections against domestic violence, which might suggest that CEDAW may have opened up space for greater mobilization on women's rights.

However, as argued previously, the global norm on VAW is not diffused unchanged, but rather travelled through a process of contestation and renegotiation. This is reflected in the reservations introduced by some countries when ratifying CEDAW. Countries can either accept the treaty as a whole or place reservations to specific articles. As Zwingel (2016) argues, article 16 on marriage and family life has received the majority of reservations, largely on religious and cultural grounds. Article 2 on state obligations to eliminate discrimination against women has also received a substantial number of reservations from states. Reservations on grounds of cultural difference reflect the extent to which global human rights norms are internalized in countries, and the process of translation that they undergo in different contexts. These reservations can affect the passage of legislation on domestic violence. Moreover, Richards and Haglund (2015) found that countries that hold reservations to article 2 of CEDAW are 26.2 percent less likely to adopt full domestic violence legal protections; in other words, they tend to have weaker laws on domestic violence. Bangladesh, one of the case-study countries in this text, placed reservations on article 2 on the obligations of states to take measures to prevent and eliminate discrimination against women, on the grounds that it is incompatible with religious personal law. Nevertheless, as Chapter 7 of this text demonstrates, it successfully passed the domestic violence law in 2010, albeit without the controversial issue of marital rape. These examples suggest that CEDAW ratification alone does not explain norm cascading and domestic institutionalization and indicates the important role played by women's rights movements and norm resistors. The case-study chapters will unpack these processes in greater detail.

Transnational actors and domestic institutionalization

This final section takes a brief look at the ways in which transnational actors continue to play a role in such processes and touches briefly on some of the challenges involved. Existing research suggests that the UN, nongovernmental organizations, state representatives, or policymakers from neighbouring countries along with transnational social movement activists have been the most prominent transnational players within the process of norm cascade and diffusion on VAW.

The creation or facilitation of interactive spaces between international and domestic policy communities, alongside international agreements, is critical to cascading norms and institutionalization at the national level. Htun and Weldon (2012) find that 'the impact of global norms on domestic policy-making is conditional on the presence of feminist movements in domestic contexts, pointing to the importance of ongoing activism and a vibrant civil society' (p. 548).

Their statistical analysis of 70 country case studies finds that 'When CEDAW is ratified, a strong autonomous feminist movement produces an additional one to two areas of policy on VAW (Htun and Weldon 2012, p. 563).

Merry (2006b) describes how international training programmes have supported the development of domestic institutional infrastructure for the protection of women's rights (such as human rights commissions and women's commissions) and the importance of UN and other international events for bringing together state officials, ministers, and NGO representatives within alternative spaces for alliance building, the sharing of ideas, and the deliberation of policy and institutional solutions. Weldon and Htun (2013) suggest that, when supported by a strong autonomous feminist movement, national gender machineries can, and have, had important impacts on the extent of policy adoption and implementation. In contexts where both formal and informal institutions obstruct women's empowerment (Waylen 2014), and the political settlement offers a highly constrained space for social movement organizing, the provision of training, and channelling financial resources to organizations attempting to foster incremental shifts in gender norms within grassroots, bureaucratic, and more senior arenas, may be the best—or only—strategies open to transnational actors.

Conclusion

In attempting to account for the rapid and broad spread of a new global norm against domestic violence since the 1990s, this chapter has identified the particular importance of activist mobilization combining with scientific expertise within international governance institutions at opportune moments within the late 20th century. Transnational and regional women's movements must be lauded for their achievements in carving out space within the ascendant human rights and democratization agenda, including opening up space within the UN and forging alliances across key divides therein, including between activists and technocrats and between Northern and Southern actors. UN femocrats have clearly played critical roles in responding to these calls and pursuing implementation of agreements made. As Weldon (2006) has attested, the transnational movements' ability to recognize and respond to its internal challenges and create a movement grounded in equality and inclusivity has been critical, as has the strategic approach of mobilizing both experiential and scientific knowledge behind the cause. Women's movements were also instrumental in the drafting and emergence of international and regional treaties on women's rights and VAW, such as CEDAW and the Maputo Protocol. Such agreements, in conjunction with continued domestic and transnational lobbying by women's organizations, led to the cascading of the global norm on VAW.

The speed and rigour with which different countries in the Global South adopted this new global norm has varied greatly, and it is the national-level politics of this process of adopting and implementing anti-domestic violence legislation that we turn to next. However, what is clear is that these overlapping transnational and national processes have not as yet transformed the experience

of women at the local level when it comes to domestic violence. At the moment, lack of data availability linked to the character of the problem makes it difficult to judge change over time. Nonetheless, it is clear that levels of domestic violence remain unacceptably high across the world, particularly in certain parts of the Global South. The gains achieved so far remain a far cry from the kind of transformations in structural inequality across the world that would be needed for the elimination of violence against women.

Notes

1. UK (1976), Canada (1982), Sweden (1988)—dates for the passing of domestic violence-specific national legislation have been gathered using the Advocate for Human Rights (www.stopvaw.org) and Refworld websites (http://www.refworld.org) websites and related Internet searches on particular countries.
2. Khagram et al. (2002, p. 15).

References

Adams, M. and A. Kang. 2007. 'Regional Advocacy Networks and the Protocol on the Rights of Women in Africa'. *Politics and Gender*, 3(4): 451–74.

Bhattacharjya, M. 2013. A Tale of Two Movements: How Women's Rights Became Human Rights. *BRIDGE: Cutting Edge Programme*.

Bunch, C. and S. Frost. 2000. 'Women's Human Rights: An Introduction'. In *Routledge International Encyclopaedia of Women: Global Women's Issues and Knowledge*. London: Routledge.

Chhachhi, A. and S. Abeysekera. 2015. 'Forging a New Political Imaginary: Transnational Southasian Feminisms'. In *The Oxford Handbook of Transnational Feminist Movements*. Edited by Baksh, R. and Harcourt, W. Oxford: Oxford University Press.

Englehart, N. A. and M. K. Miller. 2014. 'The CEDAW Effect: International Law's Impact on Women's Rights'. *Journal of Human Rights*, 13(1): 22–47.

Filipovic, J. 2013. 'The UN Commission on the Status of Women Unmasks Equality's Enemies'. *The Guardian*, 18th March 2013. www.theguardian.com/commentisfree/2013/mar/18/un-commission-status-women-enemies-equality [accessed 23 October 2015].

Finnemore, M. and K. Sikkink. 1998. 'International Norm Dynamics and Political Change' *International Organization*, 52(4): 887–917.

Friedman, E. 1995. 'Women's Human Rights: The Emergence of a Movement'. In *Women's Rights, Human Rights: International Feminist Perspectives*. Edited by Peters, J. and A. Wolper, 18–35. London: Routledge.

Friedman, E. 2009. 'Re(gion) alizing Women's Human Rights in Latin America'. *Politics and Gender*, 5(3): 349–75.

Goetz, A. M. 2018. 'The Politics of Preserving Gender Inequality: Patterns of De-Institutionalization of Women's Rights and Re-Privatization of Women's Roles in Neo-Liberalism and Neo-Populism', DSA keynote lecture, University of Manchester.

Hill, D. W. 2010. 'Estimating the Effects of Human Rights Treaties on State Behavior'. *Journal of Politics*, 72(4): 1161–74.

Htun, M. and S. L. Weldon. 2012. 'The Civic Origins of Progressive Policy Change: Combating Violence Against Women in Global Perspective, 1975–2005'. *American Political Science Review*, 106(3): 548–69.

Hulme, D. 2015. *Global Poverty: How Global Governance Is Failing the Poor*. Abingdon: Routledge.

Hulme, D. and S. Fukuda-Parr. 2009. 'International Norm Dynamics and "the End of Poverty": Understanding the Millennium Development Goals (MDGs)'. BWPI Working Paper 96. Brooks World Poverty Institute, The University of Manchester.

Joachim, J. 2003. 'Framing Issues and Seizing Opportunities: The UN, NGOs, and Women's Rights' *International Studies Quarterly*, 47(2): 247–74.

Keck, M. and K. Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.

Khagram, S., Riker, J. V. and K. Sikkink. 2002. *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*. Minneapolis MN: University of Minnesota Press.

Landman, T. 2005. *Protecting Human Rights: A Comparative Study*. Washington DC: Georgetown University Press.

Merry, S. E. 2006a. 'Transnational Human Rights and Local Activism: Mapping the Middle'. *American Anthropologist*, 108(1): 38–51.

Merry, S. E. 2006b. *Human Rights and Gender Violence: Translating International Law into Local Justice*. London: University of Chicago Press.

Meyer, M. K. 1999. 'Negotiating International Norms: The Inter-American Commission on Women and the Convention on Violence against Women'. In *Gender Politics in Global Governance*. Edited by Meyer, M. K. and E. Prügl, 59–70. Oxford: Rowman & Littlefield.

Meyersfield, B. 2010. *Domestic Violence and International Law*. Oxford: Hart Publishing.

Morgaine, K. 2007. 'Domestic Violence and Human Rights: Local Challenges to a Universal Framework'. *Journal of Sociology and Social Welfare*, 34(1): 38–50.

Nazneen, S. 2018. 'Struggles for Gender Justice: Regional Networks and Feminist Experiences of South–South Collaborations'. In *The Routledge Handbook of South–South Relations*. Edited by Fiddian-Qasmiyeh, E. and P. Daley. Oxford: Routledge.

Oloka-Onyango, J. and S. Tamale. 1995. '"The Personal Is Political," or Why Women's Rights Are Indeed Human Rights: An African Perspective on International Feminism'. *Human Rights Quarterly*, 17(4): 691–731.

Richards, D. L. and J. Haglund. 2015. *Violence Against Women and the Law*. London: Paradigm Publishers.

Sandler, J. and A. Rao. 2012. Strategies of Feminist Bureaucrats: United Nations Experiences. IDS Working Paper 397. Brighton, UK: Institute of Development Studies, University of Sussex.

Sen, G. 2006. 'The Quest for Gender Equality'. In *Gendered Dimensions of Development*. Edited by Staab, S. and S. Razavi, 430–42. Geneva: United Nations Research Institute for Social Development.

Simmons, B. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge: Cambridge University Press.

Tripp, A. M. 2010. 'Regional Networking as Transnational Feminism: African Experiences'. *Feminist Africa*, 4: 46–63.

UN. 1979. 'Convention on the Elimination of All Forms of Discrimination Against Women'. www.un.org/womenwatch/daw/cedaw/ [accessed 15 January 2017].

UN. 1992. 'General Recommendation 19, 11th session, Violence Against Women'. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm [accessed 10 February 2017].

UN. 1993. '48/104. Declaration on the Elimination of Violence Against Women'. UN General Assembly. http://www.un.org/documents/ga/res/48/a48r104.htm [accessed 27 July 2018].

UN. 1995. 'Beijing Declaration and Platform of Action'. The United Nations Fourth World Conference on Women. Beijing, October 1995. www.un.org/womenwatch/daw/beijing/platform/violence.htm [accessed 7 February 2016].

UN. 2004. 'Elimination of Domestic Violence Against Women'. Resolution adopted by the General Assembly Third Committee A/58/501, 58/147. www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/147 [accessed 27 July 2018].

UN. 2009. *Handbook for Legislation on Violence Against Women*. New York: United Nations Department of Economic and Social Affairs.

UN. 2011. *In Pursuit of Justice: Progress of the World's Women 2011–2012*. New York: United Nations Entity for Gender Equality and the Empowerment of Women.

UN. 2015. 'Violence Against Women'. *The World's Women 2015: Trends and Statistics*. New York: United Nations Statistics Division. http://unstats.un.org/unsd/gender/chapter6/chapter6.html [accessed 9 February 2017].

Waylen, G. 2014. 'Informal Institutions, Institutional Change, and Gender Equality'. *Political Research Quarterly*, 67(1): 212–23.

Weissman, D. M. 2013. 'Law, Social Movements, and the Political Economy of Domestic Violence'. *Duke Journal of Gender Law and Policy*, 20: 221–54.

Weldon, S. L. 2006. 'Inclusion, Solidarity, and Social Movements: The Global Movement Against Gender Violence. *Perspectives on Politics*, 4(1): 55–74.

Weldon, S. L. and M. Htun. 2013. 'Feminist Mobilisation and Progressive Policy Change: Why Governments Take Action to Combat Violence Against Women'. *Gender and Development*, 21(2): 231–47.

WHO. 2013. *Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence*. Geneva: WHO.

World Bank. 2015. *Women, Business and the Law 2016: Getting to Equal*. Washington DC: World Bank.

Zwingel, S. 2016. *Translating International Women's Rights: The CEDAW Convention in Context*. London: Macmillan.

Part II

The power of strongmen and ruling coalitions

Promoting gender equity in dominant settlements

4   Contesting ideas, aligning incentives

The politics of Uganda's Domestic Violence Act (2010)

Josephine Ahikire and Amon Mwiine

Introduction

In the early 1990s, Uganda was counted among the trailblazers on the African continent in terms of women's inroads into policy-making (Goetz 2003). Together with South Africa, Uganda was one of the few countries with a parliament made up of more than 20 percent female members and an apparent commitment to securing women's engagement with the state more broadly, including through the significant processes of constitutional reform being undertaken at the time. Since that point, and as Uganda's political settlement has shifted from away from the broadly dominant-developmental mode that the National Resistance Movement (NRM) established on coming to power in 1986, optimism concerning women's influence as political actors in Uganda has steadily waned, as an apparent paradox has emerged. On the one hand, women have made significant inroads into important political and policy-making spaces, whereas, on the other, their ability to act autonomously in pursuit of women's rights and gender equity within these spaces seems to have declined substantially. Critics have focused in particular on the process through which female parliamentarians have come to serve as a vote bank for the ruling coalition, with little room to advance women's interests (Goetz 2003, Muriaas and Wang 2012, Josefsson 2014). With the women's movement in Uganda apparently severely constrained in terms of making significant breakthroughs (Isis-WICCE 2014), questions are increasingly raised about the levels of political commitment from Uganda's political elite to gender equality and women's political empowerment.

In line with the argument established in Chapter 1 of this book, then, we take a different turn from the now-dominant question of whether women's presence in parliament is in itself making a difference. Rather, we seek to uncover how the broader organization of political power within Uganda's political settlement shapes efforts to promote gender equity through national policy processes using a case study of the Domestic Violence Act of 2010. Our investigation of this process involved a multi-method approach, starting with a desk-based literature review that tracked the evolution of Uganda's political settlement over time against the claims made by women for political and social inclusion. To bring this up-to-date, we undertook a gendered mapping of Uganda's contemporary political settlement,

whereby key actors and ideas on gender equity were positioned in relation to the dominant actors, incentives, and ideas of the ruling coalition. With this context in place, we deployed a process-tracing approach to examine the extent to which the adoption and implementation of the law on domestic violence policy was shaped by Uganda's political settlement. This relied in part on documentary analysis, but more heavily on key informant interviews and focus group discussions (FGDs) with approximately 20 of the main stakeholders who played a direct role in the policy process. These key actors included parliamentarians, academics, civil servants, and women activists (see Appendix 1). This process-tracing approach enabled us to relate specific gender-related policy processes to wider shifts regarding the organization of political power in Uganda.

The chapter is structured as follows. In the next section, we present an historical overview of moves to promote gender equity in Uganda, from the late colonial era onwards. We then locate the trajectory of women's political inclusion within Uganda's changing political settlement over time, up to and including the moment at which activists started to promote legislation against domestic violence in the late 2000s. The following section provides an account of the ideas, incentives, and interests that influenced the actions of the key actors, with a particular focus on the alliance-building and discursive strategies deployed by the women's movement to promote the adopting of the Domestic Violence Act of 2010. We then analyse the key factors that led to the adoption of the law and the compromises made, and we discuss the slow rate of progress that has so far been made in implementing the law.

Critical junctures and the history of women's engagement in politics in Uganda

The domain of women's interests in Uganda became politicized in the 1940s, with women actively promoting women's rights as a public issue and seeking to reconfigure the basis of women's citizenship in the country. Women's mobilization, in which elite women specifically played a vital role (Tamale 1999), centred on contentious issues such as voting rights and property rights in marriage, especially inheritance after the death of the husband. Women formed coalitions, such as the pioneering Uganda Council of Women (UCW) in 1947, which served as melting pots for women's engagement and schools of political mobilization. During the first decades of independence, the women's movement continued to gain momentum, despite continued exclusion from formal national politics and the narrowing of political space under increasingly authoritarian forms of political rule and civil conflict from the late 1960s onwards (see Mutibwa 1992). From this point onwards, Uganda's political settlement was characterized by successive ruling coalitions' militaristic tendencies that excluded groups based on ethnic and religious identities (Golooba-Mutebi and Hickey 2013, p. 14) and largely excluded women from political power. For instance, Idi Amin's regime banned all women's organizations in 1978, and, consequently, a state-controlled structure—the National Council for Women (NCW)—was formed. The effect was to drive

underground all women's mobilization, networking, and advocacy for women's rights. Individual elite women, some in government departments, ensured that UCW activities remained alive, at least at the district level. In 1980, the second government of President Obote sought to co-opt the NCW as the women's wing of the ruling Uganda People's Congress (UPC) party, although many female participants resisted this manipulation of the Council (Tripp 2002).

The mass guerrilla struggle of 1981–1985, led by the NRM, brought about a reconfiguration of the public, with a large number of women, peasants, middle class, and notables alike drawn into the armed struggle at different levels. A new language of representation concerning women, youth, and people with disabilities (PWD) was deployed through mobilization within the Resistance Council system, which was first established in war zones and later generalized to the entire country. As participatory structures for local governance that institutionalized the participation of marginal groups, this marked a turning point in the construction of women's citizenship in Uganda (Ddungu 1994, Ahikire 2007). The end of the guerrilla war in 1986, which directly followed the 1985 UN World Conference on Women held in neighbouring Kenya, presented a window of opportunity for making direct demands for women's citizenship and entitlements on the basis of their contribution to the struggle (Tripp 2002, Ahikire 2007). In what Goetz describes as a 'hastily compiled women's manifesto', women in Uganda:

> … called for the creation of a women's ministry, for every ministry to have a women's desk, for women's representation in local government at all levels, and for the repeal of the law linking the National Council of Women to the government. (2002, p. 555)

These early demands were specifically focused on entry into existing political structures and made directly to the president, a move that perhaps played into the increasing propagation of a politics of patronage (rather than citizenship) that was by now coming to characterize the NRM government (Goetz 2003). The politics of mobilization focused particularly on consultations for the constitutional reform process from 1988 to 1995 (Goetz 2003). The Ministry of Women in Development, established in 1988, together with the women's movement, organized nationwide consultations, whose outcome was a memorandum to the Constitutional Commission seeking the repeal of legislation that discriminates against women on the basis of gender, particularly in relation to marriage and property rights (Goetz 2003).

This process offered an opportunity for bargaining amongst elites, and between elites and organized groups, around the rules of the game. It also enabled women to demand a range of rights and provided a focus for those engaging in the politics of mobilization and recognition (Tripp et al. 2009). Reforms around decentralization also opened up further space for women's inclusion to be addressed in a direct manner. One outcome was article 31 of the new Constitution, which stipulated that both men and women aged 18 years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage, and

at its dissolution. The conversation and mobilization around family law affected the political discourse and largely formed the origins of the need to criminalize domestic violence hitherto constructed as a norm. In the analysis that follows, we attempt to locate these reform processes within the understanding of Uganda's political settlement using domestic violence law as our entry point.

Women's inclusion within Uganda's shifting political settlement: short-term dividends, long-term losses

Drawing from the typology of political settlements presented in Chapter 2, Uganda under the NRM can be characterized as having started out as a strongly dominant-personalized form of political settlement, with developmentalist and institution-building tendencies. From 1986 until the early 2000s, there was little chance of power changing hands, and the relative stability enjoyed by the ruling coalition enabled it to develop and implement reforms and policies aligned with a longer-term vision. For well over a decade after the NRM came to power in 1986, it was lauded for building an inclusive ruling coalition and implementing major economic and political reforms that helped generate both pro-poor growth and significant investment in social services. As Goolooba-Mutebi and Hickey (2013, p. 14) argue, the rise to power of Yoweri Museveni and the NRM party:

> marked a crucial turning point in the country's politics, particularly with his rejection of multi-party politics in favour of an 'all-embracing' movement political system, a system designed to avoid the sectarian conflicts associated with political party competition in Uganda.

However, from the early 2000s, Uganda has progressively moved towards a weakly dominant form of political settlement, characterized by an increasingly person-alized approach to governance (Goolooba-Mutebi and Hickey 2013, 2016). Rising levels of inter-elite conflict and also demand-making from below have altered the configuration of power in Uganda, leaving the ruling coalition more vulner-able and less willing to adopt and implement a long-term vision for the country. The return of multiparty elections and the abolition of presidential term limits in 2005 helped cement this vulnerability and an increasingly populist reliance on patronage-based forms of rule (Whitfield et al. 2015). During this period, the president has increasingly relied on an inner circle of family and loyal followers—creating a narrow core within the ruling coalition—and enhanced his political powers (Goolooba-Mutebi and Hickey 2013). Moreover, the public bureaucracy has been increasingly sidelined in favour of more personalized forms of governance, with goods and services delivered within the logic of clientelistic deals, rather than rights-based claims.

Uganda's post-conflict political settlement involved women becoming highly visible within the political sphere, underpinned by their role in the armed strug-gle, an active women's movement, as well as the broader politics of transition that was more amenable to a politics of inclusion. Goetz (2003) shows how the initial

Table 4.1 Trends in women's numbers in Uganda's National Assembly

Year	Number of districts	Assembly	AA	Open seat	Others	Total women	Total MPs	% women
1989	39	NRC	39	2	9	50	280	18
1994	39	CA	39	8	3	50	286	17.4
1996	39	Parliament	39	8	4	51	276	19
2001	56	Parliament	56	13	6	75	304	24.4
2006	79	Parliament	79	14	1	100	319	31
2011	112	Parliament	112	11	8	131	375	35
2016	112	Parliament	112	18	13	143	427	33.5

Sources: Isis-WICCE (2014), Ahikire (2017), Madanda (2017).

Key: AA = affirmative action; NRC = National Resistance Council; CA = Constituent Assembly.

Notes: Under the affirmative action policy, each of the districts sends a woman representative to the national legislature. Consequently, the number of districts determines the number of women that will enter into the national legislature through the women's quota system.

'Others' includes representatives of people with disabilities (PWDs), workers, youth, and presidential nominees.

suspension of party politics, and the institutionalization of what was known as 'the movement system', freed women for over two decades from the constraints of party patronage, and helped establish the domain of women's interests within the wider public realm. This, together with the policies of affirmative action[1] that created reserved seats for women, saw an historic growth in the numbers of women, especially in parliament and local councils (see Table 4.1). Accordingly, the special seats, taken together with special appointments of women to important positions in the public administration and judiciary, by the president himself, 'seemed to make a major crack in the glass ceiling which so often holds women back' (Goetz 2003, p. 111). Special seats for women have clearly delivered in terms of numbers, from a situation where there was only one woman in a legislature of 126 members in 1980 (Tamale 1999), to 34.3 percent of parliamentarians being female in 2018 (Inter Parliamentary Union 2018). This is well above the regional average for sub-Saharan Africa, which currently stands at 23.73 percent (Inter Parliamentary Union 2018). Nonetheless, there have long been concerns about the ghettoizing effect of reserved seats and the danger that women as a group may be treated as a vote bank for the ruling party on whose patronage they rely. This perception has deepened from the mid-2000s onwards through the government's incessant creation of electoral districts; given that every additional district automatically creates a new post for a female MP, women have been constructed as a primary beneficiary of 'districtization' (Green 2010).

However, concerns over the terms of women's inclusion and their declining influence grew steadily as Uganda's political settlement became increasingly characterized by the politics of patronage after the first decade of NRM rule (Goetz 2003). As the NRM became increasingly used as a means to reproduce the power of the regime, as opposed to undertaking reforms to state–society relations, and with political competition based on individual merit and strategizing, rather than

a programmatic platform, the movement became increasingly characterized by 'intrigue and clientelism', as people competed for access to opportunities to dispense patronage (Goetz 2003, p. 115). The return to multiparty democracy in 2005, and the rising threat to the ruling party from the oppositional Forum for Democratic Change, increased the incentives for the NRM to tighten its grip on power through clientelist means, and further de-institutionalize state power, as well as to atomize social struggles that may otherwise have created momentum towards redistributive justice.

This is not to underestimate the gains that women have made in policy-making so far. From the constitution-making process in the mid-1990s onwards, women MPs, operating through the Uganda Women's Parliamentary Association (UWOPA), have been able to push through several measures aimed at increasing gender equity, including the Equal Opportunities Act of 2010 and gender-responsive budgeting. However, we would argue that the architecture of power in Uganda only allows for a particular kind of policy-making—one that is heavily encumbered by populist and clientelist incentives and that struggles to result in programmatic policy platforms that are delivered effectively by the state bureaucracy. In very specific ways, Uganda's political settlement limits the parameters of a gender-inclusive agenda and severely constrains women's capacity to develop a long-term gender equality agenda, as also seen elsewhere (Rai 2008). As Castillejo (2011) notes, political business in clientelistic political settlements is conducted through informal networks and informal spaces, thereby structuring political negotiation around individuals, as opposed to institutions. This closely shapes the extent to which women's mobilization can occur and have meaningful and enduring effects. As Fraser rightly argues, when the politics of recognition is devoid of redistributive politics, there is an inherent danger of displacement leading to misrecognition—a situation in which the collective is denied the status of a full partner in social interaction (Fraser 1998, p. 3). In this sense, women as a collective have increasingly become part of the group of clients who are on their knees, while gender equality concerns are equally channeled through a populist and atomized political process (Ahikire 2017).The establishment of the Domestic Violence Act in 2010, we argue, was directly shaped by Uganda's political settlement dynamics in ways that rendered it a compromised and populist law, with little prospect of being effectively implemented.

Tracing the domestic violence policy-making in Uganda

The Domestic Violence Act (DVA) came into force in 2010 as an Act of Parliament after a prolonged period of activism and negotiation that we detail later. The Act provides for the protection and relief of victims of domestic violence, punishment of perpetrators, procedures and guidelines to be followed by the court in relation to the protection and compensation of victims of domestic violence, jurisdiction of court, and related matters. It defines domestic violence to encompass various forms of abuse—including economic, physical, sexual, and emotional—and adopts a similarly broad definition of what constitutes a domestic relationship. Domestic relations here encompass, *inter alia*, family

relationships by consanguinity, affinity, or kinship; marriage; shared residence; and also employment status (e.g. the house servants or a relationship determined by court to be a domestic relationship). The DVA constitutes a landmark as the first instance of the state in Uganda passing legislation specifically relating to the domestic sphere.

The story of the law

Waylen (2009) alerts us to the need to go beyond recounting institutional change as an outcome to specifically characterize how and why institutional change occurs. This, she argues, is in recognition of the fact that political contestation is mediated by the institutional context in which it occurs, thereby signifying the important role of both structure and agency in shaping outcomes (Waylen 2009, p. 247). From this perspective, the story of the law on domestic violence in Uganda emerged from women's struggles around domestic relations, as located within a particular configuration of political power. The process through which this institutional change occurred highlights the need to examine how different actors seek to negotiate their perceived interests, including through the deployment of discursive framing strategies that deploy particular types of ideas.

The story of the domestic violence law stretches back to the 1940s and can take as its first landmark the 1959 Private Members Marriage Registration Bill, tabled by Hon. Sarah Ntiro, a member of Uganda's first parliament (the Legislative Council). The bill requested a government enquiry into the status of women generally and specifically into marriage, inheritance, and family property. In 1964, a commission chaired by William Wilberforce Kalema produced a report on marriage and divorce, which made recommendations for improving married women's rights (including over property), although little action followed. In 1974, the marriage and divorce laws reform project was established within the Ministry of Justice and had, by 1980, produced a working document, commonly referred to as the draft Domestic Relations Bill (DRB). However, the political turmoil at the time meant that no action was taken until the NRM took power in 1986.

The debate on the Domestic Relations Bill resurfaced in the 7th Parliament in 2003,[2] largely as a result of the optimism and momentum created by the constitutional review process. However, the bill came under severe attack from religious leaders and conservative organizations on several counts, including issues of marital rape, polygamy, and the proposed move to accord cohabitation equal status with marriage. This resistance reflected the fact that female activists had sought to move their claims for gender equity into the terrain of redistributive justice, as opposed to the 'add-on' approaches embedded in, for instance, affirmative action in politics or education. In other words, the women's rights lobby was attempting to unseat institutionalized male privilege in the domestic space. In 2005, the bill was subject to a sustained attack by key religious and cultural lobby groups, including the national coalition formed by the Muslim women's group, Uganda Muslim Women for Dawaa and Development (UMWADD). However, the most prominent actor against the bill was the president, who took personal responsibility for

withdrawal of the bill from the 7th Parliament, deeming it to be an anti-African and elitist document. The president criticized middle-class women for seeking to turn marriage into 'a business'.

The stiff resistance to the DRB, particularly the position of the president, led to it being split into three separate pieces of legislation—namely the Domestic Violence Bill, the Marriage and Divorce Bill, and the Muslim Personal Law Bill. The splitting of the DRB was animated by consultations among the women's rights activists, the Uganda Law Reform Commission (ULRC), the Ministry of Justice and Constitutional Affairs, and the Ministry of Gender, Labour, and Social Development. The intent of splitting the DRB was to make it less controversial. In 2008, the ULRC drafted the Domestic Violence Bill, which constituted the first attempt at drafting legislation to deal exclusively with domestic violence in Uganda and to provide a legal definition for the problem. This was based on the ULRC's 2006 nationwide study, which found high levels of domestic violence in Uganda.[3] Now shorn of its more controversial elements, the bill was wholly endorsed by the president.

Coalition-building and informal negotiations

The key moments in the passage of law included the formation of a policy coalition in 2008,[4] initiated by the Uganda Women's Network (UWONET) and later CEDOVIP (Centre for Domestic Violence Prevention), which included women's civil society organizations (CSOs); human rights organizations; academics; the Ministry of Gender, Labour, and Social Development (MGLSD); and the Uganda Women's Parliamentary Association (UWOPA). The policy coalition spearheaded the framing of ideas around the Domestic Violence Bill, mobilizing the public through workshops and peaceful demonstrations and engaging the media to ensure that the bill remained in the limelight. This coalition was also able to bring a range of actors on board, including the president himself, religious leaders, male MPs, and rural women. Following the controversy of the DRB, the coalition adopted a different discursive strategy by framing the need for legislation not in terms of rights, but in terms of the developmentalist benefits and protection of family values that would flow from the protection of women from domestic violence.

The advocacy campaign for legislation against domestic violence was led by a coalition of actors that was formed specifically for the task at hand by the Uganda Women's Network (UWONET), which, since its formation in 1993, had focused on the elimination of violence against women.[5] Known as the 'Coalition of the 24', with reference to the number of organizations involved, the coalition was chaired by the Centre for Domestic Violence Prevention (CEDOVIP) and had at its core organizations working directly on women's rights, such as Action for Development (ACFODE), FIDA-Uganda, Akina Mama Wa Africa (AMwA), Mifumi, and the Council for Economic Empowerment for Women in Africa (CEEWA). However, the coalition pursued a deliberate strategy of extending its support base by enrolling a much wider set of actors as the campaign moved forward. This included international actors, such as UN Women, the United Nations

Population Fund, Club de Madrid, and Care International, which funded the coalition's awareness-raising, research, and mobilization efforts, but also extended to less likely actors, such as the Catholic Church of Ireland. International events in support of ending violence against women were also drawn on, particularly the 16 Days of Activism on Violence Against Women and International Women's Day.

Importantly, the campaign was shaped by the coalition's own political analysis of whether key actors within Uganda's political settlement that were for and against the bill. This power mapping identified both the most powerful actors and the means of gaining their support, with a particular focus on making personal contact with key players involved in Uganda's political and policy process and through framing the proposed legislation in ways that would be persuasive to them. The key categories identified were those within official positions of political and policy-making power; those who had a direct influence over them, particularly women with a vested interested in supporting the bill; and those with political influence, but not holding formal office, including religious leaders and the media. The mapping of those with official power over the legislative process included (in descending order of significance) the president, the speaker and deputy speaker of parliament, the state minister for justice and constitutional affairs, and individual legislators. The key route to influencing these actors was through the Uganda Women Parliamentary Association (UWOPA). Although not a direct instigator of the bill, once it was mobilized by the civil society coalition, UWOPA worked tirelessly to mobilize women MPs to ensure that they all actively supported the bill, lobbying cabinet ministers and developing position papers together with the coalition.

Top of the list was the president, whose support was identified by the coalition as critical to the campaign's success. As soon as March 2008, in the early months of the campaign, the president called for expediting the law on domestic violence:[6]

> … by battering their wives, men are breaking the laws of Uganda which advocate for equal rights and protection of people. Therefore we need legislation on domestic violence. I hear there is one in the pipeline, so we need to expedite it.

That the president talked more than once about domestic violence greatly raised the profile and credibility of the campaign. Closely attuned to the nature of power within Uganda's dominant party political settlement, the coalition repeatedly replayed the recorded voice of the president on domestic violence during their campaign.

Within parliament, the then deputy speaker, Hon. Rebecca A. Kadaga, was seen as a key point of entry, both as a woman in a powerful position and because she had already demonstrated her capacity for raising issues of women's rights in the previous parliament. The chair of the coalition noted that in the 8th Parliament:

> She had a clear strategy on the three key pieces of legislation: domestic violence, female genital mutilation, and the one on trafficking in human persons—all passed in 2010. The deputy speaker at that time kept raising these issues on the floor of parliament and helped in creating space for discussions.[7]

UWOPA members undertook a specific mapping of male MPs to identify those known as gender-sensitive men and those with considerable power over parliamentary debates. Concerted efforts were made to frame the bill as being for men as well as women and to work through informal networks and spaces, given the highly personalized nature of political relationships in Uganda's type of political settlement (Castillejo 2011). Women MPs would target specific male MPs in parliamentary corridors and canteens and strategically sit in the House with selected male MPs, especially those with a track record of determining the direction of debate in the House, to win them over. More formally, men who held critical positions in the passing of the bill, such as the state minister for justice and constitutional affairs and the chairpersons of relevant parliamentary committees, were targeted, including the chairperson of the standing committee on legal and parliamentary affairs, Stephen Tashobya, who made a significant intervention during the second reading of the bill, on 11 November 2009.

Within the bureaucracy, obvious alliances were made within the MGLSD, which was responsible for initiating the process to have a law on domestic violence. The ministry worked closely with the coalition in facilitating the drafting of a bill by the ULRC and the Ministry of Justice and Constitutional Affairs. According to UWONET's executive director,

> The Ministry of Justice and Constitutional Affairs was very helpful. They understood and apparently appreciated the need for the domestic violence law, so they were always at the forefront of explaining and defending the need for this law. The minister of state, Fred Ruhindi, was key—he was receptive, more approachable… We knew he would front the bill.[8]

More innovative relationships were also built, including with the police force, which was considered to be a critical actor in the implementation of the law. The coalition worked with the police to develop a pilot project in Kawempe, one of the more populous divisions in Kampala city. This project yielded results that the coalition used to demonstrate the workability of the proposed law.

Given the increased extent to which the NRM leadership had to be responsive towards the concerns of voters under the return of new multi-partyism in 2005, and the specific reliance on voters in rural areas, the success of the coalition in mobilizing significant numbers of rural women behind the campaign was a significant coup. Also keen to avoid the usual charge of being 'elitist', the chair of the coalition recalled how they mobilized rural women:

> Each of the 24 organizations was requested to go through their networks to gather views and petitions from local women on the need for the bill. Local petitions were then delivered to area members of parliament and the speaker of parliament. The coalition got children to deliver their petitions.[9]

In a significant moment in 2010, which campaigners felt helped to accelerate the legislative process, the coalition mobilized more than 1,000 women from

rural districts to march to parliament protesting the high levels of violence and demanding to have a law. According to the chair of the coalition, 'We filled the parliamentary gardens; we filled the gallery in parliament. The government was shaken'.[10] Officials within the MGLSD and the ULRC also noted that the physical involvement of rural women in large numbers was a turning point because of the convergence with the 2011 general elections that were due the following year.

The role of discourses and ideas: framing domestic violence as an ameliorative policy agenda

Ideas as well as interests played a key role in securing the institutional changes associated with the passage of the Domestic Violence Bill. Buttressed by the international discourse on gender-based violence as a development issue, pressures to ratify the Maputo Protocol, and moves by other states in Africa to adopt anti-domestic violence legislation as part of their commitment to the Protocol, the momentum of the campaign against domestic violence gained legitimate ground. The Maputo Protocol was ratified by Uganda a few months after the adoption of the Domestic Violence Bill, and other legislation on women's rights was introduced in that year, indicating the interaction and mutual reinforcement between domestic feminist movements and transnational and regional norms and agreements (see Chapter 3).

The discursive strategy adopted by the coalition was strongly informed by the problems experienced by the campaign to promote the Domestic Relations Bill. Members were keen to remove the 'rough feminist edges' from their campaign. The overarching or 'paradigmatic' ideas (Schmidt 2008) that the bill became associated with were therefore not concerned with women's rights per se, but with more instrumental ideas around the developmental benefits of tackling domestic violence and a broader appeal to 'family values'. Advocates argued that ending domestic violence would increase women's productivity and thus help achieve the Millennium Development Goals (MDGs). The appeal to family values was intended both as a means of bringing on board powerful religious and traditional actors who might otherwise have opposed the bill and as a means of bypassing (rather than challenging) patriarchal tendencies by showing that men, as well as women, stood to gain from the bill. This discursive shift would, during the campaign, converge in unforeseen ways with events that helped accelerate the legislative process, particularly through framing men as also being potential victims of domestic violence. The bill was tabled in June 2009 and was due for its second reading in November, when news of the murder of General Kazini by an ex-girlfriend was announced.[11] The case of Kazini's death on 10 November 2009 seemed to redefine domestic violence and add momentum to its passage, with the Domestic Violence Bill coming to be termed 'the Kazini Law' and passing into an act of parliament on 11 November 2009. This helped relocate domestic violence into a different frame to that of the DRB, which was constructed as a women-only issue that would yield few direct benefits to men or the institution of the family.

These messages were actively promoted through a range of discursive channels, including the media and parliamentary speeches. Wary of the tendency for journalists to report negatively on gender issues, and on gender-based violence in particular, efforts were made by the coalition to integrate them into the advocacy strategy, including by parliamentary press training on gender-based violence (GBV) and the Domestic Violence Bill in September 2008. The policy coalition collaborated with the Uganda parliamentary media association to help ensure that the media did not present issues in a sensational or biased way. Within parliament, women MPs tried to move the debate away from domestic violence as an issue of women's rights and also to render it more relevant to the political elite, through the use of high-profile cases:

> In our mobilization, we used cases of violence against prominent people—the case of General Kazini, the police officer who killed his wife, and many others. We know that there are very many people in rural areas dying of violence, with undocumented cases, but when violence started affecting prominent people, it became a national concern.[12]

The messaging around family values was deemed critical to winning over influential religious leaders, to the extent that several became leading proponents within the campaign. This included the imam of the Uganda Muslim Supreme Council and the influential Catholic archbishop of Kampala archdiocese, who devoted his 2009 Easter sermon to the relationship between violence and the Bible, specifically advancing the idea that it was sinful to keep quiet about violence in the home.[13] For the first time in the history of Uganda, the issue of domestic violence was constructed as a sin and integrated into the preaching of the different religious discourses.

This discursive reframing helped to align legislation against domestic violence with dominant paradigmatic ideas on gender, the family, and development amongst Uganda's political elite. For one proponent,

> The narrative was clear. It was not controversial at all. What we have realized over time is that for those bills that are controversial, it's because men have a high stake in such issues, e.g. issues of sexual offences, property, and inheritance. They [men] would protect it and defend it strongly, but men did not have a high stake in domestic violence.[14]

Whilst this move certainly seemed to help advance the progress of the bill, this nonthreatening and instrumentalist narrative tended to undermine the bill's more transformative elements and directly shaped the substantive content of the law, which, for some observers, constituted a watered-down version of the original ideas as envisaged by the women's movement and its allies. For example, the final version of the bill that was passed into law largely focused on physical, psychological, and economic violence. Offences of a sexual nature were removed, on the basis that other existing pieces of legislation on rape and defilement could

take care of the issue. The Domestic Violence Bill (2010) identifies sexual abuse as one of the offences, but sexual offences are not unpacked in the interpretation (section 2) in the way that economic, physical, and emotional violence aspects are. A former member of parliament had this to say:

> The most controversial issue was sexual violence. Men were opposed to the idea of including marital rape as an aspect of violence. Male legislators argued: 'how can a woman say she does not want to have sex with her husband?' Even the president one time opposed that provision, saying that we cannot start legislating on bedroom matters.[15]

The fact that marital rape does not explicitly appear in the written text of law limits the protection role of the state in this regard and reflects the problems that the politics of compromise can create for the enforcement of gender equity policies (Waylen 2014). A standard argument for giving way to opponents in this way when promoting a transformative agenda is that getting something onto the policy books is better than nothing and that this may open up space for more radical progress down the line. Here, the fact that the state has pronounced itself on domestic violence, deeming it illegal, may enable other purportedly private matters to become issues of public concern. It is too soon to draw definite conclusions on this, although the early signs are not positive. For example, most of those male champions who supported the DVA would later be at the forefront of shooting down the Marriage and Divorce Bill that was tabled in 2013, to the extent that it could not even be debated on the floor of parliament. This may suggest that, rather than opening up a new front on women's rights, the passage of 'ameliorative' rather than 'transformative' legislation on domestic violence has, if anything, further entrenched norms of male privilege within Uganda's political settlement.

Beyond advocacy: the politics of implementation

On 27 August 2014, the *Daily Monitor Newspaper* reported that the Minister of Gender, Labour, and Social Development, Mary Karooro Okurut, was expected to appear before the gender committee of parliament to explain the slow progress regarding the implementation of the Domestic Violence Act 2010. Over a year earlier, in June 2013, Justice Stella Arach Amoko of the Supreme Court of Uganda, and also president of the National Association of Women Judges, had reported on research that revealed some judges and magistrates had not even accessed the DVA 2010, whilst others had ignored this Act as they considered it to fall under the heading of 'women's issues' (Mujuzi 2014, p. 267). Here we explore the limited enforcement of the law to date, through a focus on the efforts made by the lead MGLSD; the broader capacity and commitment of the government to support this, and of the implementing agencies to deliver on the ground; and the uptake of the law by victims of domestic violence themselves.

The law gave the MGLSD two key roles, the first being to draw up regulations to guide enforcement, which was done on 6 July 2011. The regulations identify

the responsibilities of different actors concerning the Act's enforcement. This oversight role has involved the ministry collaborating with the police, Ministry of Health (medical practitioners), Justice, Law and Order Sector, local governments, and NGOs to monitor the response to GBV prevention programmes, including through a reference group on GBV formed for this purpose. The ministry has also provided training to implementing agencies, including the police, around the reporting of cases, health practitioners, and state attorneys, with regards to how to keep and present evidence on domestic violence cases. A ministry source claimed, 'We have done training in almost 30 percent of Uganda', whilst acknowledging, 'Unfortunately, in all the areas where we have done training and sensitization, it is under the support of development partners such as Irish Aid, UN Women, the Norwegian Embassy, and UK Aid'. This meant that government had not substantively invested in the implementation of the domestic violence law.[16]

The second role of the MGLSD was to design guidelines for operationalization of 'shelters' as custodial places to which victims of violence are referred while investigations are being carried out, or while waiting for further referrals. Through intensive consultations, the ministry came up with GBV shelter guidelines that are now being used by NGOs (sometimes with minimal inputs from local governments) in sheltering victims of violence. However, the fact that, according to Mujuzi (2014), there is not a single state-run shelter points to the government's half-hearted approach towards addressing domestic violence. Similarly, there are no state-run one-stop crisis centres, with the few that do exist in the country being run by NGOs.

The two key institutions for enforcement of the DVA at the local level are the police and local government. Observers note that the role of local council courts as primary duty bearers in the implementation of the DVA has proved to be a major obstacle. In addition to lacking the basic human and financial resource capacities to implement legislation, the fact that the lowest two levels of the local council system did not hold elections between 1996 and 2018 had severely reduced their political legitimacy. Although the law provides for a protection order restricting a person from harassing, threatening, or even contacting another person, the post-legislative phase did not involve adequate resourcing to ensure such elaborate responses to the survivors of violence. As noted in earlier research on the gendered politics of justice in Uganda (Khadiagala 2001), local councils and courts are ill-equipped to handle cases of domestic violence because they are heavily embedded in unequal and highly gendered power relations at the local level.

The police force appeared to take its new responsibilities seriously in the first few months of the legislation being passed, including through the upgrading of its family and child protection department into a directorate. Police respondents note that significant energy has been invested in training them, including expanding their view on domestic violence towards a more holistic appreciation. Some CSOs have helped specific police posts by enhancing the infrastructure of the family and child protection units. UN Women prepared a compendium of laws on sexual and GBV to aid police in their work. UWONET also worked with

the police and Ministry of Health to amend Police Form 3 in ways that facilitated swifter processing of cases.[17]

There are, however, structural problems in relying on the police to enforce this legislation in Uganda, given the broader institutional failings that have increasingly characterized the country under its weakly dominant and highly personalized form of political settlement. Police officers observe that the DVA presents a very broad agenda that goes beyond the limits of what the police force as currently configured could handle, particularly given the lack of investment in human and financial resources from government. Police respondents reported feeling overwhelmed by having to deal with this new legislation and by the lack of the preparation and facilities to do this effectively:

> By the time the DVB was enacted into law, the duty bearers did not know what to do. We had many police officers arresting perpetrators of domestic violence and charging them under assault, using the Penal Code … We used to look for a wound for us to know that you have been abused. Our understanding of domestic violence before the Act came was a victim coming to police with a wound. But later, we were made to understand that the Act covers economic violence, physical violence, and psychological violence—that it's not about having a wound.[18]
>
> The kind of office space is also limiting. Look at our office space here; it is like a classroom. All officers are seated together, listening in to what is being discussed, yet issues of domestic violence are sensitive…In our recording of cases, we ask many details which victims cannot reveal when others are listening. For example, if you come to report that you were raped, we shall ask, what happened, how did he rape you? Then you state he forced himself on me, removed my clothes … All this cannot be revealed in this setting.[19]

There are also other broader concerns about the enforceability of the law. On the one hand, the numbers of cases of domestic violence being brought forward since the Act was passed has increased greatly, with reports of domestic violence increasing by almost 500 percent between 2008 and 2013 (see Figure 4.1).

Although the vast majority of cases are brought by women, there is some anecdotal evidence that the number of men reporting domestic violence has also increased, although we could not find any concrete data to support this.[20] This increased level of reporting is very likely to have saved many women from further abuse—and perhaps saved their lives. According to the director of gender in the MGLSD, 'The law has taken domestic violence into the public realm—it is no longer private and "acceptable"'.[21] Accordingly, the increase in reporting is a clear indicator of rising consciousness about domestic violence.

However, and on the other hand, serious challenges remain in terms of the process through which victims have to go in bringing forward cases of domestic violence. Police officers note that most victims, especially women, are compromised by cultural ties that tend to hinder investigations. Married women often live amongst their husband's relatives, including parents, which makes it very difficult to speak out against their son and bring in officers to investigate.

The trend of domestic violence cases reported to police in 2008–2013
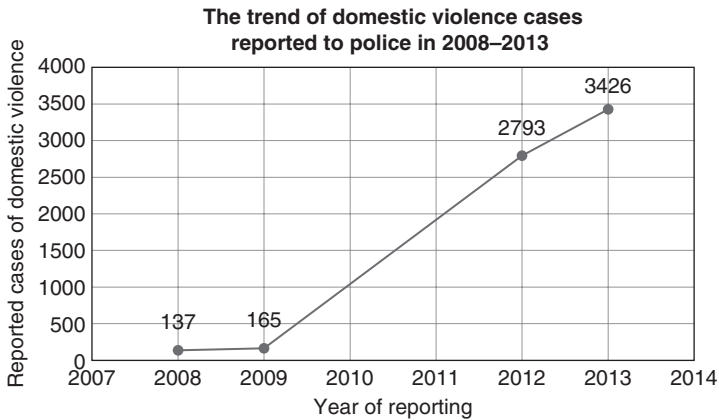
Figure 4.1 Trends of reporting domestic violence in Uganda.

Source: ROU (2013)

According to one local police commissioner, many cases are abandoned at this point: 'You will call the concerned woman and say, "The file is ready, come and make a statement," and the woman replies, "Oh no! Now we are ok" … she can even hang up on you as you are still talking to her on the phone'. The same commissioner notes that:

> Victims who report cases of violence do not want you to open up a file and proceed with the case. They will tell you, 'I want you to talk to him,' or 'I have come for advice, what do I do?' And when you want to follow up, they will withdraw. People value families, they value their relationships, and would not want to go as far as a court case.[22]

The relatively hazy implementation architecture of the law reflects a series of problems. One is that the DVA is a complex law that involved several compromises along the legislative path and also involves multiple stakeholders for its adequate implementation. For one state attorney in Masaka, the law is quasi-civil and quasi-criminal, which makes it difficult to implement, especially from the perspective of the courts.[23]

The story of implementation of the DVA is therefore one of broken lines. The DVA is too broad and would need heavy investment of human and financial resources, as well as capacity building of the police and service providers, which, according to many observers, is not a priority for government (Mujuzi 2014). Overall, the reason for inadequate implementation of the law could well be located in what many actors identified as the institutional collapse of the state bureaucracy under an increasingly personalized approach to governance.

Furthermore, implementation depends heavily on reporting and pursuance of criminal procedures. Once women refuse to pursue cases on a criminal basis, this requires police to go into an arbitration process, for which they are ill-equipped.

Secondly, the energy that was invested in the adoption process was not invested in equal measure when it came to implementation, with little pressure from parliamentarians, civil society groups, or donors on government to address the significant gaps that emerged in terms of implementation. Thirdly, implementation has been poorly resourced, both by donors who did not follow through their catalytic role into funding implementation, apart from the shelters, and by government itself. This in turn reveals an inability within government to actively pursue a policy that was perhaps only agreed to under duress and does not fit within the dominant interests and ideas of a ruling coalition that lacks a substantive programmatic concern with women's rights. DVA implementation, then, has not been promoted either as part of the 'goodies' to be dispensed by the ruling elite or as a means of actively promoting the rights of women.

Conclusion

The domestic violence law in Uganda constitutes a double-edged victory for the promotion of gender equity in the country. On the one hand, the existence of this law represents a stand against domestic violence and signals at least some degree of change within Uganda's norm-setting arena. On the other hand, the DVA emerges more as a tokenistic legislation that has barely moved from the statute books and was perhaps offered merely as a means to appease a marginal constituency upset by the loss of more radical legislative reforms (around DRB) than through any genuine commitment to gender equity. It is striking that the feminist activists campaigning for the DVA had to go to great lengths, both to form a coalition capable of securing the legislation and to reframe the issue of domestic violence as nonthreatening to male interests. The limited progress made by government to ensure the implementation of this relatively diluted law reflects the increasingly low levels of state capacity and elite commitment to promoting justice in Uganda within a political settlement that has become increasingly weak and personalized in nature. Within this context, the domain of women's interests has been increasingly and adversely incorporated into a wider configuration of power that is inimical to more transformative forms of change.

  The domestic violence law and the circumstances surrounding its passage and implementation confirm the need for those campaigning for what might be seen as transformative change not only to generate a clear understanding of what influences the ability of the political system to channel women's interests and representation into effective policy formulation and implementation, but perhaps also to think through more carefully the trade-offs between getting something accepted and this being too diluted to achieve the original objectives. The case of the DVA also strongly suggests that campaigners need to plan much more carefully for the post-adoption phase, with a much stronger focus on trying to generate the capacity and commitment required to inform effective levels of implementation. Finally, policies need to be monitored and evaluated in order to generate the evidence of positive impacts required to sustain them over time, including in relation to the kinds of arguments used to promote the policy in the first place (e.g. the developmental benefits of the reforms).

Furthermore, the story of the domestic violence law also seems to undermine the use of a distinction between ameliorative and transformative gender policies as hard-and-fast categories. For some, legislation on domestic violence falls within the category of transformative legislation because domestic violence is largely embedded in patriarchal power relations that would be challenged in potentially transformative ways by such legislation. In the process of the research, however, it was found that the DVA, and the manner in which it was cast in instrumentalist terms, progressively evened out the final legislation, thereby emptying it of its transformative potential. The momentum built towards the enactment of the DVA could not be maintained through to its implementation, thus further undermining its potential for challenging the unequal nature of gender relations in Uganda. Of course, we are not yet in a position to judge the extent to which matters will improve over time, including the possibility that the law constitutes a starting point for longer-term institutional change and an opening through which more radical interventions can be promoted—even if the strong opposition mounted to the Marriage and Divorce Bill offers a salutary warning against being overly optimistic on this front.

Notes

1. See Tamale (1999) and Ahikire (2007) for the extended treatment of the emergence and character of reserved seats in Uganda. Overall, the reserved seats are traced from the post-conflict outcomes in the mid-1980s, where the language of representation in the guerilla struggle, as well as the international movements at the time, emphasized women's participation in decision making.
2. The object of DRB 2003 was to reform and consolidate the law relating to marriage, separation, and divorce; and to provide for the types of recognized marriages in Uganda, marital rights and duties, grounds for breakdown of marriage, and rights of parties on dissolution of marriage.
3. Uganda Bureau of Statistics (UBOS) and Macro International Inc. (2007). This report estimated that 60 percent of people in Uganda experience domestic violence.
4. This was the same year that the ULRC was beginning to formulate the domestic violence law, more or less as a smooth transition from the DRB coalition formed in 1999.
5. Interview with the executive director, UWONET, March 2014.
6. The *Daily Monitor Newspaper*, 9 March 2008. Available online: http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism [accessed 16 July 2018].
7. Interview with senior member, Centre for Domestic Violence Prevention (CEDOVIP), 20 February 2014.
8. Interview with senior member, Uganda Women's Network (UWONET), 21 March 2014.
9. Interview with senior member, CEDOVIP, 20 February 2014.
10. Interview with senior member, UWONET, April 2014.
11. Hansard, Wednesday, 11 November 2009.
12. Interview with former leading member of Uganda Women Parliamentary Association (UWOPA), 26 March 2014.
13. Archbishop Cyprian Kizito Lwanga has been a powerful voice on Uganda's political scene, not only based on the historical fact that Catholics are the majority in terms of demographics in the country, but also on the fact that he has political influence in his own right.

14. Interview with senior member UWOPA, 9th Parliament, 14 April 2014.
15. Interview with former members of parliament, 8th Parliament, in FGD, 23 June 2014.
16. Interview with a female civil servant from MGLSD, 3 April 2015.
17. Police Form 3A constitutes the basic component of the charge of violence that indicates the nature and extent of injury.
18. Interview with senior officer, Family and Child Protection Department, Police Headquarters, Kibuli, Uganda, April 2014.
19. Interview with senior officer, Family and Child Protection Unit, April 2014.
20. According to the Official, child and Family Protection Unit, there is an increasing trend of men reporting emotional violence as a result of their uncertainty about paternity of their children (interview, March 2015).
21. Interview, 3 April 2015.
22. Interview with senior officer, Family and Child Protection Unit, Uganda Police, April 2014.
23. Interview with state attorney, April 2015.

References

Ahikire, J. 2007. *Localized or Localising Democracy: Gender and the Politics of Decentralisation in Contemporary Uganda*. Kampala: Fountain Publishers.

Ahikire, J. 2017. '"Please Daddy…Give Us Some More": Recognition Politics and the Language of Special Interest Groups'. In *Controlling Consent: Uganda's 2016 Elections*. Trenton NJ: Africa World Press.

Castillejo, C. 2011. 'Building a State That Works for Women: Integrating Gender into Post-Conflict State Building'. FRIDE Working Paper 107. Madrid: Fundación para las Relaciones Internacionales y el Diálogo Exterior.

Ddungu, E. 1994. 'Popular Forms and the Question of Democracy: The Case of Resistance Councils in Uganda'. In *Uganda: Studies in Living Conditions, Popular Movements and Constitutionalism*. Edited by Mamdani, M. and J. Oloka-Onyango. Vienna: JEP Book Series.

Fraser N. 1998. 'Social Justice in the Age of Identity Politics, Recognition, Participation'. WZB Discussion Paper FS1 98–108. http://hdl.handle.net/10419/44061 [accessed 28 July 2018].

Goetz, A. M. 2002. 'No Shortcuts to Power: Constraints on Women's Political Effectiveness in Uganda'. *Journal of Modern African Studies*, 40(4): 549–75.

Goetz, A. M. 2003. 'The Problem with Patronage: Constraints on Women's Political Effectiveness in Uganda'. In *No Shortcuts to Power: African Women in Politics and Policy Making*. Edited by Goetz, A. M. and S. Hassim, 110–39. London: Zed Books.

Golooba-Mutebi, F. and S. Hickey. 2013. 'Investigating the Links Between Political Settlements and Inclusive Development in Uganda: Towards a Research Agenda'. ESID Working Paper 20. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Green, E. 2010. 'Patronage, District Creation and Reform in Uganda'. *Studies in Comparative International Development*, 45(1): 83–103.

Inter Parliamentary Union. 2018. 'Women in National Parliaments'. archive.ipu.org/wmn-e/classif.htm [accessed 18 April 2018].

Isis-WICCE. 2014. 'Making a Difference Beyond Numbers: Towards Women's Substantive Engagement in Political Leadership'. http://isis.or.ug//?s=making+a+difference [accessed 27 July 2018].

Josefsson, C. 2014. 'Who Benefits from Gender Quotas? Assessing the Impact of Election Procedure Reform on Members of Parliament's Attributes in Uganda'. *International Political Science Review*, 35(1): 93–105.

Khadiagala, L. S. 2001. 'The Failure of Popular Justice in Uganda: Local Councils and Women's Property Rights'. *Development and Change*, 32(1): 55–76.

Madanda, A. 2017. 'Inclusion and Exclusion in 2016 General Elections: The Case of Gender Equality' in: *Controlling Consent: Uganda's 2016 Elections*. Edited by Oloka-Onyango, J. and Ahikire, J. Trenton: NJ: Africa World Press.

Mujuzi, D. J. 2014. 'The Ugandan Domestic Violence Act: The Drafting History and Challenges to Its Implementation' *Internatonal Journal of Law, Policy and Family*, 28(3): 257–73.

Muriaas, R. L. and V. Wang. 2012. 'Executive Dominance and the Politics of Quota Representation in Uganda'. *Journal of Modern African Studies*, 50(2): 309–38.

Mutibwa, P. 1992. *Uganda Since Independence: A Story of Unfulfilled Hopes*. London: Hurst.

Rai, S. 2008. *The Gender Politics of Development: Essays in Hope and Despair*. London: Zed Books.

ROU 2013. Uganda Police, *Annual Crime and Traffic/Road Safety Report*, 2013. http://www.upf.go.ug/publications/.

Schmidt, V. A. 2008. 'Discursive Institutionalism: The Explanatory Power of Ideas and Discourse'. *Annual Review of Political Science*, 11(1): 303–26.

Tamale, S. 1999. *When Hens Begin to Crow: Gender and Parliamentary Politics in Uganda*. Kampala: Fountain Publishers.

Tripp, A. M. 2002. 'Introduction: A New Generation of Women's Mobilisation in Uganda'. In *The Women's Movement in Uganda: History, Challenges and Prospects*. Edited by Tripp, A. M. and J. C. Kwesiga. Kampala: Fountain Publishers.

Tripp, A. M., I. Casmoro, J. Kwesiga and A. Mungwa. 2009. *African Women's Movements: Changing Political Landscapes*. Cambridge: Cambridge University Press.

Uganda Bureau of Statistics and Macro International Inc. 2007. 'Key Findings from the 2006 UDHS: A Gender Perspective'. https://dhsprogram.com/pubs/pdf/FA64/FA64.pdf [accessed 27 July 2018].

Waylen, G. 2009. 'What Can Historical Institutionalism Offer Feminist Institutionalists?' *Politics and Gender*, 5(2): 245–53.

Waylen, G. 2014. 'Informal Institutions, Institutional Change, and Gender Equality'. *Political Research Quarterly*, 67(1): 212–23.

Whitfield, L., O. Therkildsen, L. Buur and A. M. Kjær. 2015. *The Politics of African Industrial Policy: A Comparative Perspective*. Cambridge: Cambridge University Press.

Appendix 1 List of participants in the Uganda study

1. Civil servant, Ministry of Gender, Labour, and Social Development (MGLSD)
2. Senior civil servant, Ministry of Gender, Labour, and Social Development (MGLSD)
3. Programmes officer, Ministry of Gender, Labour, and Social Development (MGLSD)
4. Senior member of the Uganda Women Parliamentary Association (UWOPA)
5. Senior officer, Uganda Law Reform Commission
6. Senior officer Child and Family Protection, Uganda Police Force, Kampala
7. Senior member, Uganda Women's Network (UWONET)
8. Senior manager, Centre for Domestic Violence Prevention (CEDOVIP), Kampala
9. Senior manager, Uganda National NGO forum, Kampala
10. Professor at the School of Law, Makerere University
11. Former member of parliament (female)

12. Former member of parliament (female)
13. Former member of parliament, 8th Parliament (female)
14. Former member of parliament, 5th and 8th Parliaments (female)
15. Former member of parliament, 8th Parliament (male)
16. Former district member of parliament, 8th Parliament (female)
17. Former district member of parliament, 8th Parliament (female)
18. Former member of parliament, 8th Parliament (male)
19. State attorney

5 Establishing a strong political commitment to gender equity

The politics of Rwanda's law on the Prevention and Punishment of Gender-Based Violence (2008)

Jennie E. Burnet

Introduction

In the past decade, Rwanda has become one of the global leaders in terms of expanding women's inclusion in politics and promoting and securing women's rights. In 2008, only 14 years after the 1994 genocide against the Tutsi, Rwandans elected a female majority to the national legislature. Women realized this achievement thanks, in large part, to a gender quota system that encompassed all levels and branches of government, although these quotas are themselves part of a wider process through which women's rights have been institutionalized in Rwanda. Four significant pieces of gender equity legislation were passed before the gender quotas started to have an impact: the 1996 law on genocide;[1] the 1999 amendment to the civil code on matrimonial regimes (i.e. 'inheritance law');[2] the 2001 children's rights law;[3] and the 2003 constitution, which created the gender quotas. Indeed, if anything, fewer pieces of gender equity legislation have been passed since the introduction of gender quotas than occurred beforehand. In addition to the 2008 law on domestic violence that we examine here, these include the 2004 Land Policy and accompanying 2005 Land Law, which clarified women's property rights under the 1999 inheritance law, including their rights to own and inherit real estate. This policy helped alleviate gender-based class inequities in terms of land ownership (Carpano 2011, Simons and Schulze, 2011).

   Scholars have attributed Rwanda's success in enhancing and protecting women's rights and increasing women's representation to numerous factors, including the Rwandan Patriotic Front's (RPF) long-term commitment to gender mainstreaming; Rwanda's vibrant women's organizations; the use of behind-the-scenes lobbying of potential male allies to convince them to support policy initiatives and laws; and a transformation in the international development context, whereby aid agencies have mainstreamed women's rights and gender equity approaches (Newbury and Baldwin 2001, Powley 2005, Longman 2006, Powley and Pearson 2007, Burnet 2008, Devlin and Elgie 2008, Burnet 2011, Coffe 2012).

In this chapter, I explore the quality of women's inclusion and participation in formal political institutions and informal processes and the women's movement's ability to negotiate gender equity concerns in terms of legislative reform and policy formulation in the area of gender-based violence (GBV). I use the power domains framework to understand the ways in which Rwanda's dominant-party settlement shapes the institutional arrangements and ideas that govern the pursuit, adoption, implementation, and outcomes of gender equity policies. In this investigation, I emphasize the ways in which key actors and both formal and informal institutions interact with each other, the ways in which power is wielded in a dominant-party settlement, and the ways these structural formations and power relations affect gender equity outcomes. From this analysis, I conclude that Rwanda's success in terms of women's rights rests not only on top-down political will and a vibrant women's movement, but also on the role of highly qualified professional technocrats in the government administration, and the system of performance-based contracts and accountability, which shapes bureaucratic behaviour through to the frontline of service delivery.

In order to identify the key features of Rwanda's political settlement, and the important ways in which it is gendered, I constructed a timeline that identifies the key junctures in Rwanda's history. A desk review was conducted to analyse women's roles during these critical moments and the shifts in balance of power between the various social groups and factions. I used process tracing to construct my policy case on GBV law. This included the construction of a policy timeline and the review of various secondary documents, including scholarly literature; Rwandan government reports, documents, and legislation; and international and nongovernmental organization (NGO) reports and documents to identify the key players, formal processes for negotiation between these actors, and policy ideas that were forwarded by different groups. Key informant interviews were conducted with a strategic sample of 26 of the key state and nonstate actors who were at the heart of this policy process. The interviewees included women and men representatives from the ministries, legislators and elected officials, the national police, civil society actors, international NGOs, and the United Nations (UN). For a full list of participants, please see Appendix 2. Key documents on the selected policy areas and the data from the semi-structured interviews were systematically analysed for content and discourse, based on a set of relevant themes developed in collaboration with the research teams from the other country cases.

In this chapter, I first trace the evolution of Rwanda's current political settlement and women's historical exclusion from—and then gradual inclusion in—the political settlement. Then, I present my findings from analysis of the adoption and implementation of the 2008 anti-GBV law policy case. Finally, I reflect on these findings and outline the important outcomes that emerge from adding a gender analysis to the political settlement framework.

Women's inclusion and influence in politics and policy-making in Rwanda

Critical junctures and history of women's engagement in politics

To understand Rwanda's current political settlement it is important to understand certain critical junctures since the end of colonialism. The decolonization process in Rwanda (1952–1961) polarized divisions that had emerged during the colonial period. Belgian colonial administration had concentrated power in the hands of Tutsi chiefs while excluding Hutu from administrative positions and the education system. As a result, two political conflicts emerged: (1) Hutu and Tutsi nationalist elites jointly pursued the end of Belgian colonial rule and its replacement with self-rule, and (2) Hutu nationalists pursued emancipation for the Hutu majority from Belgian rule and what they claimed was Tutsi colonialism (Golooba-Mutebi 2013, p. 4). By the end of the transition in 1963, Rwanda had a democratically elected Hutu president, Grégoire Kayibanda. During the decolonization process, women and women's issues never emerged as national issues.

Under President Juvénal Habyarimana's government (1973–1994), women began to emerge as leaders as they gained access to higher education (albeit in very small numbers) and as the international feminist movement changed the global political climate for women's rights. By 1982, there were four women parliamentarians out of a total of 70 in Rwanda (Muberanziza 2003, Burnet 2008, p. 370). In 1983, the number of women in parliament more than doubled to nine and women's representation in the legislature under President Habyarimana peaked in 1988 at nearly 16 percent (Muberanziza 2003, Burnet 2008, p. 370).

In 1989, several political parties that had been dormant under the single-party state and dictatorship of President Habyarimana reemerged and began demanding political liberalization. Along with a few civil society organizations (CSOs) that were also pushing for change, their pleas coincided with increasing pressure in the international community for authoritarian states to democratize. Although the political liberalization movement was dominated by men, women were not completely absent. Women played an active role through the women's wings of the political parties. There were also several key female politicians. Agathe Kanziga Habyarimana, wife of President Habyarimana, held a great deal of informal power in the Habyarimana regime because she hailed from a powerful family. Among the national leaders of the Mouvement Démocratique Républicain (MDR) party was Agathe Uwilingiyimana, who was named minister of education in 1992 and then prime minister of Rwanda in 1993.

On 1 October 1990, the country entered a civil war when the RPF invaded. The 1993 Arusha Peace Accords brought an official end to hostilities and outlined a transition plan to move the country to multiparty politics and democratic elections. The transition, which had been limping along, was brought to a violent halt in April 1994, when President Habyarimana was assassinated by unknown assailants. Immediately, Hutu extremists took control of the government and perpetrated a genocide against Tutsi and others defined as 'enemies' of the state, including many Hutu and Twa. At the same time, the RPF resumed the civil war

against the government army, which was also involved in the genocide. The genocide ended when the RPF took military control of the majority of the territory, driving the Hutu-extremist government, militias, and army into exile. On 19 July 1994, the RPF named a transitional government, which it called the 'Government of National Unity', whose composition reaffirmed the RPF's commitment to power sharing outlined in the Arusha Accords. In 2003, a new constitution was approved in a national referendum, and for the first time since 1994, multiparty elections for parliament and president were held. In the parliamentary elections, the RPF and parties in its coalition won 96 percent of the seats in the lower house.

The current political settlement and women's inclusion in politics

Rwanda's current political settlement comprises the dominant party type. The critical juncture of the current political settlement was the 1994 genocide of Tutsi and its aftermath, whereby the RPF became the dominant party in a governance system characterized by regular elections with very limited competition between political parties. In its second dimension regarding the degree of institutionalization (see Chapter 2), Rwanda's political settlement can still largely be characterized by personalized relations and institutions, in that the political agenda and decision-making are dominated by a particular dominant ruler, President Kagame, and the rule of law has yet to be fully established (Pritchett et al. 2018). However, there is also compelling evidence that a process is under way to establish more formal institutional arrangements that operate along impersonal logics, with observers drawing attention to the strong ideological campaign against patronage politics and very low levels of corruption within the country's public sector (Golooba-Mutebi 2013, Chemouni 2017).

A key aspect of Rwanda's post-genocide political settlement has been a top-to-bottom effort to transform gender relations, increase representation of women in every branch and level of government, and increase protection of women's rights. The nature of women's involvement in politics changed dramatically as President Kagame and RPF created scope and space for women to participate in politics during the transition period. Among the fundamental principles articulated in the 2003 constitution (article 9) was 'the equality of all Rwandans and between women and men reflected by ensuring that women are granted at least thirty percent of posts in decision-making organs'. The constitution delineated reserved women's seats in the Chamber of Deputies, the lower house of parliament. Since the first parliamentary elections under the new constitution were held in 2003, women have made remarkable gains in their representation in the Rwandan parliament. This can be seen in Tables 5.1 and 5.2, which show women in the Rwandan parliament in the years until 1994 (before the quotas) and following 2003 (following the quotas). In every election, women captured seats well beyond the 24 reserved women's seats in the Chamber of Deputies. In the 2013 elections, women candidates were well represented among the candidates on all party lists and comprised 48 percent of candidates on the RPF coalition of candidates.

Table 5.1 Women in Rwanda's national parliament (1961–1994)

	National parliament		
Year	*Total seats*	*Number of women*	*% women*
1961	44	0	0
1965	47	1	2.1
1969	47	0	0
1982	64	4	6.3
1983	70	9	12.9
1988	70	11	15.7
1994	70	8	11.4

Source: Burnet (2008), p. 370

Despite the constitution's clear instructions for representation of women through-out the government, the goal of at least 30 percent women in all decision-making organs has not yet been reached in all government bodies. Table 5.3 summarizes women's representation in various parts of the government, as of September 2013. Women's representation in the highest levels of the executive branch and the judi-ciary exceeds the quota, whereas the provincial and district levels of the local gov-ernments has not yet reached 30 percent.

In terms of other aspects of inclusion, the key actors in Rwanda's ruling coali-tion, including the RPF-ruling party and President Paul Kagame, have advocated for greater representation of women (Longman 2006). President Kagame has reg-ularly spoken on gender, women's rights, and the importance of equal opportu-nities for girls and women as cornerstones of the nation's development. Women hold influential positions in the major political parties, including the RPF, its coalition parties, and opposition parties.

Beginning shortly after the genocide, women's CSOs rose to prominence in Rwanda, lobbying on behalf of women's rights and needs in the aftermath of the genocide. The women's movement had several significant successes before gender quotas came into effect, including codifying rape and sexual violence as among the most serious genocide crimes in the 1995 genocide statute and the 1998 amendment to the civil code, giving women and girls greater financial autonomy in marriage, and the right to inherit property. Women's ability to claim these and other entitlements—including that of political inclusion—flowed directly from

Table 5.2 Women in Rwanda's national parliament after gender quota (2003–2013)

Chamber of Deputies				Senate			
Year	*Seats*	*Women*	*% women*	*Year*	*Seats*	*Women*	*% women*
2003	80	39	48.8	2003	26	9	34.6
2008	80	45	56.3	2011	26	10	38.5
2013	80	51	63.7	2013	26	9	34.6

Source: Burnet (2008), p. 370, and parliamentary website (http://www.rwandaparliament.gov.rw/).

Table 5.3 Women's representation in state apparatus in Rwanda (September 2013 and 2015)

	Government body	Total	Male		Female	
			2013	2015	2013	2015
Cabinet	Ministers	20	12 (65%)	11 (60%)	8 (35%)	9 (40%)
	State ministers	8	5 (62.5%)	Data unavailable	3 (37.5%)	Data unavailable
	Permanent secretaries	19	12 (63%)	Data unavailable	7 (37%)	Data unavailable
Local government	Governors (provinces)	5	4 (80%)	3 (60%)	1 (20%)	2 (40%)
	Mayors (districts)	30	27 (90%)	27 (90%)	3 (10%)	3 (10%)
Parliament	Chamber of Deputies	80	29 (36.3%)	29 (36.3%)	51 (63.7%)	51 (63.7%)
	Senate	26	17 (65.4%)	16 (61.5%)	9 (34.6%)	10 (38.5%)
Judiciary	Supreme Court	14	8 (47.1%)	7 (50%)	6 (42.9%)	7 (50%)
	High commercial courts	7	4 (57%)	4 (57%)	3 (43%)	3 (43%)
	Intermediate courts	99	60 (60.6%)	60 (60.6%)	39 (39.4)	39 (39.4)

Source: Data collected in Rwanda.

both the horrific violence and suffering that many women experienced during the 1994 genocide, and also the active participation of many women within the RPF's armed struggle.

After the creation of the gender quotas in all decision-making bodies of government in 2003, many women's CSO leaders took positions in the government. The majority joined the RPF political party, attracted by its willingness to promote gender equity policies, a move that contrasted strongly with the approach of the other main parties, which had generally ignored women in the past. Thus, the establishment of Rwanda's current political settlement was a highly gendered process, characterized by the recognition of women's entitlements and rising levels of female political participation.

The gender machinery within the Rwandan state expanded gradually after the genocide and then rapidly during the first decade of the 21st century, and femocrats (feminist bureaucrats, whether female or male) would play a significant role in influencing gender-equitable policies and outcomes. In late 1994, the transitional government created the Ministry of Gender, Family, and Social Affairs (MIGEFASO), the first government ministry dedicated to gender issues. The ministry was reorganized in 1999 and renamed the Ministry of Gender and Family Promotion (MIGEPROF). Technocrats and gender specialists within the ministry were key in collaborating with the Forum of Women Parliamentarians (FWPs) to develop the 1999 inheritance law. By the early 2000s, femocrats— comprising not only women, but also men with explicit gender training or who had bought into

the gender agenda—had become a critical mass. Femocrats within MIGEPROF would play an important role during the drafting of the 2008 GBV law and also conducted a national grassroots consultation as the law was being revised. The state gender machinery continued to expand throughout the early 2000s, with the creation of the Gender Monitoring Office and mandates for all budgets within all state entities to include gender mainstreaming. The following section sets out in more detail how these key actors within the realm of Rwanda's domain of women's interests played a key role in the adoption of the GBV law.

The politics of domestic violence policy-making in Rwanda

The story of the law

According to Htun and Weldon's (2010) typology of gender-specific policy reforms, anti-GBV legislation can be understood as a 'transformative' policy that challenges fundamental notions of gendered roles. Rwanda's 2008 GBV law fits this definition because the legislation directly challenges deeply entrenched cultural notions that subjugated women's rights in Rwanda, not only by outlawing domestic violence, but by going further to define nonconsensual marital sex as rape and a punishable crime. In criminalizing all forms of GBV, it constituted one of the most comprehensive laws to be passed in sub-Saharan Africa. Importantly, it has been vigorously implemented and has transformed numerous institutions in Rwanda, including the National Police, and led to the creation of GBV one-stop centres that holistically address GBV survivors' needs (legal, economic, physical, and emotional). It was also the first piece of legislation on gender equity in Rwanda that was initiated by the legislative branch rather than in the executive (Coffe 2012, p. 289).

  After the efforts in 1995 to amend the genocide code and place rape and sexual torture among Category 1 crimes, the issue of sexual violence faded from everyday discussion. It returned to prominence from 2001, when numerous cases of child rape reported in the media raised public awareness about sexual violence as a contemporary problem. Although not yet labelled 'GBV', these instances of sexual violence against minors initiated a public discussion of sexual violence. Interviewees said that GBV became an important issue between 2003 and 2005. During this period, MIGEPROF conducted a study on GBV, published in 2004, which established the severity of the problem (Powley and Pearson 2007, p. 20). Then, in 2005, a national conference on GBV was held in Kigali (Powley and Pearson 2007, p. 19). As we go on to explain in more detail, a small group of parliamentarians—mostly, but not exclusively, female—drafted the bill after the conference. In early 2006, the GBV bill was first introduced into parliament, but it was not adopted until 2008, due to a long grassroots consultative process and numerous revisions. At the time, some observers feared that the consultative process was being used to delay the bill, while others saw it as necessary to achieve national buy-in to the law and improve the text so that it would bear up under scrutiny by the courts (Powley and Pearson 2007).

The key actors and institutions centrally involved in drafting, revising, and advocating for the law included women's CSOs unified under Pro-Femmes Twese Hamwe, the umbrella organization for women's CSOs; the FWP; MIGEPROF; and Judith Kanakuze, a member of parliament (MP) who had emerged from women's CSOs and who had a keen feminist desire to enhance women's rights. During the implementation phase, key actors and institutions grew to also include the National Police, the judiciary, the Ministry of Health, the Ministry of Local Governance, and local government officials.

Coalition-building and informal negotiations

The issue of GBV initially came to prominence through the work of women's CSOs. Haguruka, a legal aid society for women, received many victims of domestic violence and child sexual abuse who were seeking legal assistance.[4] Other CSOs encountered instances of GBV in their fieldwork. As a result of this knowledge, women activists began to advocate for a law on that issue. Women's CSOs' activities in support of the GBV bill focused on awareness-raising activities, advocacy, research, and monitoring and evaluation (UNFPA and GOR, 2008, p. 21). Haguruka played an important role in terms of legal expertise and advocacy.[5] These activities helped provide women MPs with the information they needed to advocate for the GBV bill and provided forums for advocacy around GBV through informal channels.

Interviewees disagreed over whether it was women's CSOs or MIGEPROF that first presented the issue to the parliament.[6] In practice, there has been a great deal of overlap in the membership of women's CSOs, MIGEPROF staff, and women parliamentarians. Many of the first women parliamentarians came directly from women's CSOs or MIGEPROF to take their seats. Almost all interviewees mentioned the coalition between CSOs and MPs who were aware of gender issues. Although they had resigned their CSO positions, they remained in close contact with their former colleagues, reflecting the significance of informal networks in pushing the GBV agenda (Nazneen and Masud 2017) and of having a critical mass of women in multiple institutional sites (Escobar-Lemmon and Taylor-Robinson 2014).

Virtually all interviewees named MP Judith Kanakuze and the FWP as instrumental in the process of both drafting the GBV law and lobbying to ensure its passage. Kanakuze was an MP who had risen to political prominence through her lifetime engagement with women's CSOs. In drafting the GBV law, Kanakuze was joined by seven other MPs, including Aimable Niyibishaka, a man with a record of offering leadership on gender issues.[7]

Once the law had been presented in parliament, MIGEPROF played a prominent role in sensitizing other MPs.[8] MIGEPROF led a national grassroots consultation process to present the draft bill to citizens throughout the country and receive feedback. The consultation process was used because parliamentarians were worried that people might reject certain aspects of the law, such as the criminalization of marital rape. During the consultation process, however,

they encountered few objections and instead heard people calling for much more severe punishments than those proposed in the draft law.

The main objections came over the conjugal rape clauses, because some men insisted that rape in marriage is impossible since spouses give consent when they marry. In public outreach about the GBV law, the FWP and their allies further sought to defuse opposition by fielding men as spokespersons for the new law. One male parliamentarian involved in the grassroots consultation process reflected on his experience,

> I was in charge of delivering this particular message [on gender sensitivity]. At the end of the meetings, local leaders, local male leaders, were shaken up. Hearing the message from a man was an added value, [they were] more convinced, more able to take the message seriously. But if the message had come from a woman you [would have] found them saying, 'Oh, yes we know the story,' but they [wouldn't have] given it much weight. They tend to be more concerned with gender issues when a man delivers the message. (cited in Powley and Pearson 2007, p. 19)

The RPF supported the bill throughout the process, in keeping with its reputation as the champion of women's rights and gender equality. The most powerful key actors promoting the GBV law were either members of the RPF or members of parties within the RPF coalition. For example, Aloisea Inyumba, who was a senator at the time the law was passed, and a founding member of the RPF, offered leadership on the GBV issue and sought partner funding for studies and the grassroots consultation process.[9] However, it was President Paul Kagame's support for the reforms that carried the most weight, both within and outside the party.[10]

Apart from the national actors, donors played a significant role by providing resources and technical support to women's organizations that were active on GBV issues and by producing research to establish the facts required to make a case for the GBV bill. UN Women provided technical support throughout the legislative and implementation processes. In 2006, the Women's Legal Rights Initiative Rwanda and Chemonics International conducted a GBV programming study. In 2008, MIGEPROF and United Nations Population Fund (UNFPA) conducted a GBV mapping exercise to prepare the way for implementation of the GBV law. In 2010, UN Women hired a consultant to draft a GBV policy and implementation plan.

The role of discourses and ideas in shaping domestic violence framing

The definition of GBV and what it encompasses was influenced by how Rwandan women had experienced sexual and gender-based violence during the genocide against the Tutsis. GBV became a mobilizing issue immediately after the genocide, given the enormously high rates of rape, sexual violence, sexual enslavement, and sexual torture during the 1994 conflict. Although CSO activism around the

genocide law brought sexual violence to the national consciousness in Rwanda, the term *gender-based violence* was used by the women's organization and the FWP once the idea of drafting a GBV law was put forward.[11] The wide-scale nature of sexual and gender-based violence opened up space for framing GBV in a way that included sensitive matters (such as marital rape), as primacy was given to women's bodily integrity.

The FWP consciously framed the issue of GBV in an inclusive manner that identified men not as perpetrators, but as protectors of women, and promoted the legislation as a means of protecting familial relations. When advocating publicly for the GBV bill, women MPs and CSO representatives appealed to protective modes of masculinity, seeking to 'engage men as fathers and sons, not as husbands', and encouraging them to think about their daughters' or their mothers' safety and security (Powley and Pearson 2007, p. 19). They had used similar tactics with great success when advocating for changes to the inheritance laws before women occupied the majority of seats in parliament (Burnet 2008). As Powley and Pearson (2007, p. 19) explain, 'men were invited into the discussion as champions of victims' rights, not as the target of the legislation'.

The anti-GBV law and advocacy efforts surrounding it were strongly influenced by international discourses that had started to establish a new norm against gender-based violence (Chapter 3). For example, several interviewees underlined the influence of both the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action on the women CSO members and women MPs who pursued the anti-GBV law and drafted the initial bill. According to a women's civil society leader and a director in the Ministry of Education (MINEDUC), the GBV bill was also influenced by UN Security Council Resolution 1325, the International Conference of the Great Lakes Region on Sexual Gender Based Violence (ICGLR-SGBV), the Kampala Declaration,[12] and the Maputo Protocol.[13]

The politics of implementation

Unlike many other countries that have adopted domestic violence or GBV laws (see our chapters on Uganda, Bangladesh, and Ghana—Chapters 4, 7, and 8, respectively), Rwanda has moved further to implement its anti-domestic violence legislation. Achievements to date include the establishment of 30 Isange 'One Stop' Centres for GBV survivors (one in each district) that provide holistic intervention and support; elaboration of a national strategic plan related to United Nations Security Council Resolution 1325; enactment of gender-sensitive laws and review of existing discriminatory laws; creation of anti-GBV and child protection committees in every jurisdiction, from the grassroots level to the national level; creation of the Gender Desk in Rwanda National Police, Rwanda Defense Force, and the National Public Prosecution Authority; and creation of a free hotline to Rwanda National Police, Rwanda Defense Force, and National Public Prosecution Authority (Republic of Rwanda 2010, pp. 10–11). While reported rates of GBV have increased since the adoption of the GBV policy in 2011, these

increases may be attributed to increased identification and reporting of cases due to an institutional framework primed to record these data accurately or to the increased empowerment of women to report (Thomson et al. 2015, p. 3). Rwanda's success on this front can be attributed to three main factors: (1) a well-established process for converting laws into practice; (2) the presence of professional technocratic corps at all levels of the government administration that operate within a strong system of accountability; and (3) the political will of ruling elites and power, buttressed by the ongoing support of CSOs. These factors, each of which directly reflects the dominant and increasingly institutionalized nature of its political settlement, have contributed to the broad and in-depth application of the GBV law, which has transformed the legal and institutional framework for victims of GBV.

Law implementation framework

The first reason for Rwanda's success is the government's technique for implementing complex laws. When such laws are adopted, a complementary policy is crafted to lay the groundwork for implementation. The same strategy has been applied to other laws, including the National Decentralization Policy, and helps to ensure a close alignment between the de facto and de jure state of affairs. In the case of the GBV law and GBV policy, the GBV policy was crafted after the law had been adopted. Initially, a comprehensive GBV policy was drafted in 2008 and 2009. Funded in part by the United Nations Children's Fund (UNICEF), this draft policy covered GBV for adults and minors.[14] Given the very different needs of adult and minor victims, it was determined that the draft policy was deficient, and a new effort to draft separate policies for adults and minors was undertaken in 2010.[15]

The National Policy Against GBV was adopted in July 2011 (Republic of Rwanda, 2011). The document grounded the ideas and strategies of GBV national policy in the MDGs, the Vision 2020 strategic plan, the Economic Development and Poverty Reduction Strategy (EDPRS), and the National Decentralization Policy. Most importantly, the policy recognized that GBV was a multifactorial problem that required a holistic implementation approach (Republic of Rwanda 2011, p. 13). Thus, the policy enumerated a set of implementation strategies, along with constraints for each objective, and policy actions to be taken to overcome the constraints (Republic of Rwanda 2011, pp. 13–16) and then identified all the institutions implicated in these solutions (Republic of Rwanda 2011, pp. 17–23). Beyond this innovative, holistic approach, the policy proposed two key innovations that helped lead to successful implementation: (1) the creation of 'focal points in District hospitals' (Republic of Rwanda 2011, p. 14), which resulted in the Isange One Stop Centres for GBV victims, and (2) a coordination framework that encompassed national-level institutions all the way down to village-level institutions and local government administrators (Republic of Rwanda 2011, p. 20). The MIGEPROF coordinates activities and holds the budget lines, which it then channels through the Ministry of Health and the National Police for implementation.

Accountability, professional technocratic corps, and coordination

The second reason for GBV implementation success is the professional technocratic corps at all levels of the government administration, the accountability systems put in place through performance contracts and annual review, and the high level of coordination of state institutions that is provided by the executive leadership. Several state institutions played key roles in implementation, including MIGEPROF and the Prime Minister's Office, the Gender Monitoring Office, the Ministry of Local Governance, the Ministry of Justice, the National Policy, and the FWPs.

In terms of implementation, there was strong collaboration among different government entities responsible for implementation. For example,

> [T]he Ministry of Health worked hand in hand with the National Police and the Ministry considered the instructions from the National Police for medical assistance. The Ministry of Justice played a big role in the judiciary aspect based on the information from Ministry of Health and the National Police. There is a visible chain of command and collaboration among all concerned parties.[16]

These efforts were coordinated by the Prime Minister's Office and the MIGEPROF:

> All institutions have the instructions from the Prime Minister regarding which activities are to be done, we know the medical activities, judiciary activities, psychological, police, etc. We know the channel for the collaboration. Police have to investigate, to write the first document, and continue the process to present the document and send the victim to the medical services and judiciary services. Police organize the campaign of sensitization in the rural area and we were helped by the local government, even the civil society.[17]

At the level of institutions, the Gender Monitoring Office ensured that every government ministry and agency had specific gender-related goals with dedicated budget lines and tracked results according to those goals. The budgetary and programmatic aspects are enforced because the law stipulates that annual budgets cannot be approved by the parliament if the gender-related goals are absent or not funded. Another reason for successful implementation of the GBV law is the large national budget to prevent and fight GBV.[18]

A key institutional innovation was the creation of the Isange One Stop Centres for GBV victims. The first Isange Centre was created in 2009 in the Kacyiru Police Hospital; currently, the number stands at 30. By 2013, the national police 'had established nine other one stop centers' (Hodari 2014, p. 40).[19] The Isange Centre emerged from two parallel initiatives. First, a coalition between the National Police and UN Women led to the creation of gender desks in district police departments.[20] The creation and existence of gender desks in important institutions such as the National Police, the Rwanda Defense Forces, and

health centres have helped with implementation of the GBV law.[21] Shortly after the GBV law was passed, the FWPs led many workshops on GBV where civil society, National Police, and the Ministries recommended the creation of 'focal points' in district hospitals to serve GBV victims.[22] Although the Isange One Stop Centres have been an important innovation, more work is required for them to reach their potential. A 2013 evaluation of the first Isange One Stop Centre cited several problems with the model, including the requirement that victims report crimes to the police to receive services, inconsistent access to legal services, lack of follow-up with victims once they leave the Centre, and the lack of integration with community services outside of the hospitals and police (Bernath and Gahongayire 2013, pp. 8–10).

The collaboration between the Rwandan National Police and the judiciary has been central to addressing issues of impunity related to GBV.[23] Following adoption of the GBV law, the National Police investigated alleged GBV crimes with greater vigour, kept detailed records to make annual reports, and transmitted awareness-raising messages through the media.[24] Their capacity was reinforced through international cooperation, training, and the creation of investigational protocols. Following the investigation, the judiciary then took over cases. The judiciary's capacities were reinforced through staff being allocated for GBV cases and the creation of the *Maison d'accès à la justice* (MAJ) in each district. The MAJs have three staff per district, who are responsible for accompanying alleged victims during questioning and when they appear in court.[25] The MAJ report the information to the Gender Monitoring Office so that it can assess how GBV cases are resolved.

Another key innovation in terms of implementation is the inclusion of targets around gender and GBV within the performance contracts (*imihigo*) of local officials.[26] As described by Booth and Golooba-Mutebi (2012, pp. 392, 392fn52),

> [A]dministrators are motivated and disciplined by an unusually effective form of performance-based contracting linked to the neo-traditional practice called *imihigo* … that gets its force from the unusual level of backing, monitoring, and enforcement applied to it from the President's Office downwards.

Because gender mainstreaming was a foundational pillar of the Vision 2020 strategic plan and the EDPRS, gender indicators have been included in the annual performance contracts of local officials. This technocratic solution meant that local officials did not have a choice over whether or not to pay attention to gender issues or to implement the GBV law and policy; it was integrated within Rwanda's strong system of accountable governance.

Political will of elites and support of civil society organizations

The third reason for Rwanda's relatively strong performance in implementing anti-domestic violence legislation was the political will of the elites and powerbrokers and the ongoing support of CSOs. The 2010 National Gender Policy

cited 'the existence of genuine political commitment at the highest level of decision-making provides great opportunities for success' as one of the key opportunities for implementing the national gender policy (Republic of Rwanda 2010, p. 16). Insiders noted that feminist activists did not stop pushing simply because the law had been adopted: 'The women MPs never cease to talk about the bill and communicate these rights to women everywhere in Rwanda'.[27] In terms of implementation and realizing the rights guaranteed by the GBV law, the National Police and CSOs have been vital.[28] The international NGO, ActionAID, worked with the local CSO, Haguruka, to raise awareness among women about their rights and about GBV. ActionAID gave technical and financial support to CSOs.[29] Among CSOs, the creation of Rwanda Men's Resource Centre (RWAMREC) and its nationwide awareness-raising programmes have had a significant impact in changing the attitudes and beliefs of ordinary male citizens vis-à-vis GBV.

Civil society has played a key role in the implementation of the GBV law by raising awareness in communities, providing economic support to victims, advocating for the law, conducting public policy research and evaluations of the One Stop Centres during the pilot phase, and advocating for implementation of the recommendations coming out of their studies.[30] Civil society has been key in terms of raising awareness and disseminating information about the GBV policy, especially Pro-Femmes Twese Hamwe, RWAMREC, Haguruka, and Transperence Rwanda.[31] The national grassroots consultative process, which was organized by MIGEPROF and implemented through the women's councils at every level of government, was fundamental to building acceptance for the GBV law in communities.[32]

With implementation of the GBV Act, there is also some evidence that changes around gender-based violence have occurred on the ground. According to local police officers, 'GBV is punished and people know that it is a success'.[33] 'People know their rights. In the past, no parent accepted to declare the violence inflicted on their children, they kept it a secret. Now the parents whose children are violated declare the violence inflicted to them'.[34] The new platform, *Umugorobaw'ababeyeyi* or Parents Council, organized nationwide by the National Women's Council and local government officials, brings together male and female parents to discuss strategies that can be adopted by family members to improve their relationships, preventing and resolving conflict that can arise in their households, neighbourhoods, and communities. This platform provides an important space for listening to and advising parents or children involved in cases of domestic violence and a means through which a focus on solving GBV in particular can be institutionalized at the village level.[35]

Despite this progress, some victims of domestic violence are not able to benefit from the support of the Isange One Stop Centres because accessing this service first requires victims to report their abuse to the police (Bernath and Gahongayire 2013). In their study of intimate partner violence in Rwanda, Mannell and Jackson (2014, pp. 6–9) identified three main structural factors that made victims reluctant to report their abuse: (1) poverty and economic dependence; (2) the culture of silence around domestic violence; and (3) social and cultural norms deeming

many types of domestic violence as normal. Although there was widespread support for the bill, dissenting voices on certain provisions within the law remain. In particular, the provision defining marital rape as a crime met with some criticism because of cultural understandings about sexual intercourse, marriage, and consent. Interviewees, however, were reluctant to speak on the record about these dissenting voices.

Conclusion

In this chapter, I set out to explore the extent to which Rwanda's dominant party settlement influenced the pursuit, adoption, implementation, and outcomes of gender equity policies in Rwanda. I analysed this through the investigation of the adoption and implementation of anti-GBV legislation. I identified the ways key actors and formal and informal institutions interacted with each other, the ways power was wielded in a dominant type political settlement, and the ways these structural formations and power relations affected gender equity outcomes.

Based on the analysis, I found that the successful adoption and implementation of the anti-GBV law was directly shaped by high-level elite support and the impact of technocrats in the government administration. Both of these factors flow directly from the nature of Rwanda's political settlement, which is strongly dominant and increasingly institutionalized in character. Even though the GBV law was the first law to originate from parliament in the aftermath of the 1994 genocide, it received strong support from the president's office, the prime minister's office, and the MIGEPROF. The MIGEPROF coordinated the discussions with gender institutions (women's councils, women's CSOs, women's caucus, etc.). The CSOs and media took the lead in public advocacy and in generating consensus. The president and prime minister approved the law once passed by the parliament. The formal national grassroots consultative process, along with intensive revision of the draft bill, slowed down adoption of the measure, but it met with little opposition along the way. The few dissenting voices did not speak publicly about their opposition because they perceived it as the political will of the ruling coalition. Given the strong support for the GBV law among ruling elites, elections and clientelist politics were irrelevant to passing the GBV bill or implementing the policy. After adoption, Rwanda's well-oiled technocratic machine in the executive branch and gender mainstreaming apparatus ensured vigorous implementation of the law.

These findings are significant because previous studies identified the top-down political will and a vibrant women's movement as the most important factors related to adoption of the policies. However, by examining the case through a power domains lens that focuses on both the political settlement and its relationship with the domain of women's interests, several other important findings have emerged from this case.

First, using the political settlement framework to trace the processes of gender-inclusive policy initiatives yields benefits in understanding the ways that formal and informal political institutions affect outcomes of gender equity policies.

This approach helps isolate who the key actors are, how the historical context shaped outcomes, what role power played in policy formulation, how the flow of ideas influences behaviour, and what role political elites inside and outside the government played in adopting gender policies. This study has also highlighted the decisive role that the strength of the ruling coalition and the limited opposition from competing groups played in the successful adoption and swift implementation of the law.

Second, both the politicization of GBV as an issue and the move to ensure a critical mass of female parliamentarians (who would later devise and promote legislation against GBV) have their origins in the very formation of Rwanda's post-conflict political settlement. From a power domains perspective, this shows how political settlements can, under certain conditions, become gendered with the domain of women's interests, and a specific commitment to gender equity, constituted as integral to the legitimacy of the ruling coalition. The women's movement played a critical role here by first helping to politicize the issue of gender equity and then moving to fill the positions offered within parliament and government by the quota system. This helped ensure strong political commitment to not only adopting, but also implementing the law.

Third, this study reveals the ways that transnational actors and discourses can influence the pursuit, adoption, and outcomes of gender equity laws and policies in dominant party political settlements. Clearly, the MDGs helped to tip the balance in favour of mainstreaming gender equity in the Vision 2020 strategic plan, even though Rwandan women's CSOs had already effectively advocated for ameliorating women's rights in the aftermath of the 1994 genocide. The Millennium Challenge Corporation Threshold grant from 2008 to 2011 may also have kept the Rwandan government's laser-like focus on meeting MDG goals wherever possible.

Fourth, the anti-GBV policy case demonstrates the importance of Rwanda's accountability system, and the professionalism and expertise of technocrats and femocrats in the government, to Rwanda's success in implementing gender equity laws and policies. As Booth and Golooba-Mutebi found, in terms of the understanding Rwanda as a 'developmental patrimonial state', the *imihigo* system of ensuring performance and accountability has a robust effect because of 'the unusual level of backing, monitoring, and enforcement applied to it from the President's Office downwards' (2012, p. 392fn52). District mayors sign their performance contracts under authority of the president to serve the citizens of their district.[36] The mayors report directly to the president and serve at his behest. When they do not meet their performance standards, they will almost always be relieved of their duties, either because they resign or because they have their contracts terminated by the president.[37]

While this study appears to support Rwanda's approach to policy formulation, implementation, and monitoring and evaluation, we must point out two weaknesses of the system: (1) success depends on selection of the most accurate indicators for measuring achievements; and (2) the system remains vulnerable to inaccurate reporting of performance indicators or systemic changes in measurement, such as lowering the bar for success. Some controversy over problems with

indicators and reporting progress on Rwanda's poverty indicators came to light in late 2015.[38] Beyond small technical problems, the more serious problem is the potential for inaccurate reporting of performance indicators by local government officials, who face a great deal of pressure to deliver on their performance contracts. Because they are also the ones who report the vast majority of indicators, they are incentivized to over- or under-report to meet the goals.

Finally, the case of gender equity policies in Rwanda, and the anti-GBV policy case in particular, call into question Htun and Weldon's (2010) typology of individual gender policies as being either ameliorative or transformative in and of themselves. This typology is not always neatly applicable in practice, not only because some policy initiatives can be simultaneously ameliorative and transformative, but also because their role in underpinning or challenging the status quo is shaped by the legacies of earlier policy interventions within the domain of women's interests. The accretion of an expanding set of gender policies and laws in post-conflict Rwanda from the mid-1990s onwards had already led to a transformation in normative ideas about women and gender equity before the emergence of the GBV law (Burnet 2011). Indeed, the earlier moves to amend the civil code on matrimonial regimes and to establish women's property rights (including their rights to own and inherit real estate), were arguably more transformative than the GBV law, particularly when compared with the cases of Uganda and Bangladesh, where such moves have proved too radical for male elites to accept (see Chapters 4 and 7, respectively). The transformative progress already achieved within the domain of women's interests in Rwanda, and the strong support of a dominant leader, thus helped ensure that the passage of the anti-GBV law was relatively uncontroversial, despite the inclusion of provisions against marital rape.

Notes

1. Organic Law No. 08/96 of 30 August 1996 on the Organization of Prosecutions for Offences constituting the Crime of Genocide or Crimes against Humanity committed since 1 October 1990.
2. Law No 22/99 of 12/11/99 to Supplement Book I of the Civil Code and to Institute Part Five Regarding Matrimonial Regimes, Liberalities, and Successions.
3. Law No 27/2001 Relating to the Rights and Protection of the Child Against Violence.
4. Interview with representative, National Women's Council, September 2014.
5. Interview with representative, National Women's Council, September 2014.
6. Interview with representative, Rwanda Men's Resource Centre, September 2014; interview with senior officer, National Police, February 2015.
7. Interview with representative, National Women's Council, September 2014.
8. Interview with senior officer, National Police, February 2015.
9. Interview with executive secretary, Women's CSO, September 2014.
10. Interview with director, Roman Catholic secondary school, September 2014.
11. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014; interview with programme director, Rwanda Women's Network, December 2014.
12. Interview with consultant and expert on gender, December 2014.
13. Interview with representative, Transparency International-Rwanda, September 2014.

14. Personal communication, Burnet 2010.
15. Personal communication, Burnet 2010.
16. Interview with GBV officer, Ministry of Health, February 2015.
17. Interview with senior officer, National Police, February, 2015; similar things said in interview with programme director, Rwanda Women's Network, December 2014.
18. Interview with GBV officer, Ministry of Health, February 2015.
19. Jimmy Hodari, 'The Isange One Stop Centre: A Holistic Approach to Sexual and Gender-Based Violence'. The Police Chief website, http://www.policechiefmagazine. org/the-isange-one-stop-centre-a-holistic-approach-to-sexual-and-gender-based-violence/[accessed 19 July 2018].
20. Interview with consultant and expert on gender, December 2014.
21. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014.
22. Interview with senior officer, National Police, February 2015.
23. Interview with representative, Transparency International-Rwanda, September 2014.
24. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014.
25. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014.
26. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014.
27. Interview with representative, Rwanda Men's Resource Centre, September 2014.
28. Interview with representative, Rwanda Men's Resource Centre, September 2014; interview with representative, Transparency International-Rwanda, September 2014.
29. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014.
30. Interview with national GBV advisor, international NGO, Kigali, Rwanda, December 2014.
31. Interview with consultant and expert on gender, December 2014.
32. Interview with current MP, former CSO leader, Kigali, September 2014.
33. Interview with senior officer, National Police, February 2015.
34. Interview with senior officer, National Police, February 2015.
35. Interview with GBV officer, Ministry of Health, February 2015.
36. 'President Kagame Presides over Signing of 2014/2015 Imihigo', published 12 September 2014, http://www.paulkagame.com/index.php/news/1418-president-kagame-presides-over-signing-of-2014-2015-imihigo[accessed 31 December 2015].
37. Musoni (2015). Chambers and Booth (2012, p. 3) report that *the imihigo* performance contract system also ensures accountability in the health care system, because local officials' performance contracts include health indicators.
38. See, for example, 'Rwanda Accused of Manipulating Poverty Statistics' France24 website, http://m.france24.com/en/20151102-rwanda-accused-manipulating-poverty-statistics[accessed 24 December 2015]; and 'Lies, Damned Lies and Statistics: Poverty Reduction Rwandan-Style and How the Aid Community Loves It', African Arguments website, http://africanarguments.org/2015/11/03/lies-damned-lies-and-statistics-poverty-reduction-rwandan-style-and-how-the-aid-community-loves-it/[accessed 24 December 2015].

References

Bernath, T. and L. Gahongayire. 2013. 'Final Evaluation of Rwandan Government and the UN ISANGE One Stop Centre'. Geneva: UN Women.

Booth, D. and F. Golooba-Mutebi. 2012. 'Developmental Patrimonialism? The Case of Rwanda'. *African Affairs*, 111(444): 379–443.

Burnet, J. E. 2008. 'Gender Balance and the Meanings of Women in Governance in Post-Genocide Rwanda'. *African Affairs*, 107(428): 361–86.

Burnet, J. E. 2011. 'Women Have Found Respect: Gender Quotas, Symbolic Representation and Female Empowerment in Rwanda'. *Politics and Gender*, 7(3): 303–34.

Carpano, F. 2011. *Strengthening Women's Access to Land into IFAD Projects: The Rwanda Experience*. Kigali, Rwanda: Rwanda Initiative for Sustainable Development.

Chambers, V. and D. Booth. 2012. 'Delivering Maternal Health: Why Is Rwanda Doing Better than Malawi, Niger and Uganda?' ODI Briefing Paper 74. London: Overseas Development Institute.

Chemouni, B. 2017. 'The Politics of Core Public Sector Reform in Rwanda'. ESID Working Paper 88. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Coffé, H. 2012. 'Conceptions of Female Political Representation: Perspectives of Rwandan Female Representatives'. *Women's Studies International Forum*, 35(4): 286–97.

Devlin, C. and R. Elgie. 2008. 'The Effect of Increased Women's Representation in Parliament: The Case of Rwanda'. *Parliamentary Affairs*, 61(2): 237–54.

Escobar-Lemmon, M. C. and M. M. Taylor-Robinson (eds). 2014. *Representation: The Case of Women*. New York: Oxford University Press.

Golooba-Mutebi, F. 2013. 'Politics, Political Settlements and Social Change in Post-Colonial Rwanda'. ESID Working Paper 24. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Hodari, J. 2014. 'The ISANGE One Stop Centre: A Holistic Approach to Sexual and Gender-based Violence'. *The Police Chief*, 81: 40–43.

Htun, M. and S. L. Weldon. 2010. 'When do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy'. *Perspectives on Politics*, 8(1): 207–16.

Longman, T. 2006. 'Rwanda: Achieving Equality or Serving an Authoritarian State?' In *Women in African Parliaments*. Edited by Britton, H. E. and G. Bauer. Boulder CO: Lynne Rienner.

Mannell, J. and S. Jackson. 2014. 'Intimate Partner Violence in Rwanda: Women's Voices'. London: London School of Economics, Health, Community and Development Group.

Muberanziza, A. 2003. 'L'acces des femmes aux fonctions parlementaires au Rwanda'. *Dialogue*, 231: 3–25.

Musoni, E. 2015. 'Behind Resignation of District Mayors'. *The New Times*, 5 January 2015. www.newtimes.co.rw/section/article/2015-01-05/184662/ [accessed 31 December 2015].

Nazneen, S. and R. Masud, S. 2017. 'The Politics of Negotiating Gender Equity in Bangladesh'. ESID Working Paper 76. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Newbury, C. and H. Baldwin. 2001. 'Confronting the Aftermath of Conflict: Women's Organizations in Postgenocide Rwanda'. In *Women and Civil War: Impact, Organizations, and Action*. Edited by Kumar, K., 97–128. Boulder CO: Lynne Rienner.

Powley, E. 2005. 'Rwanda: Women Hold Up Half the Parliament'. In *Women in Parliament: Beyond Numbers. A Revised Edition*. Edited by Ballington, J. and A. Karam. Stockholm: International Institute for Democracy and Electoral Assistance.

Powley, E. and E. Pearson. 2007. '"Gender is Society": Inclusive Lawmaking in Rwanda's Parliament'. *Critical Half*, 5(1): 15–19.

Pritchett, L., K. Sen and E. Werker (eds). 2018. *Deals and Development: The Political Dynamics of Growth Episodes*. Oxford: Oxford University Press.

Republic of Rwanda. 2010. 'National Gender Policy'. Kigali, Rwanda: Ministry of Gender and Family Promotion (MIGEPROF).

Republic of Rwanda. 2011. 'National Policy Against Gender-Based Violence'. Kigali, Rwanda: Ministry of Gender and Family Promotion (MIGEPROF).

RISD. 2011. 'Impact of the Land Reform on the Land Rights and Economic Poverty Reduction of the Majority Rural, Especially Women Who Depend on Land for Their Livelihood'. Edited by Simons, J. D. and C. Schulze. Kigali: Rwanda Initiative for Sustainable Development/IS-Academie.

Simons, J. D. and Schulze, C. (eds.) 2011. Impact of the Land Reform on the Land Rights and Economic Poverty Reduction of the Majority Rural, Especially Women Who Depend on Land for their Livelihood: Rwanda Case Study. Kigali: Rwanda Initiative for Sustainable Development/IS-Academie.

Thomson D. R., A. B. Bah, W. G. Rubanzana and L. Mutesa. 2015. 'Correlates of Intimate Partner Violence Against Women during a Time of Rapid Social Transition in Rwanda: Analysis of the 2005 and 2010 Demographic and Health Surveys'. *BMC Women's Health* 15(1):96.

UN Population Fund (UNFPA) and Government of Rwanda (GOR). 2008. Country Assessment on Violence against Women—Rwanda. http://evaw-global-database. unwomen.org/fr/countries/africa/rwanda/2008/country-assessment-on-violence-against-women-in-rwanda [accessed 27 July 2018].

Appendix 2 List of participants in the Rwanda study

1. Staff member, UN Women; member, Réseau des Femmes
2. Former minister, Ministry of Gender and Family Promotion
3. Member of parliament
4. Executive secretary, women's civil society organization; member, Réseau des Femmes
5. Lawyer and consultant; former executive secretary, Haguruka
6. Representative, Rwanda Men's Resource Centre (RWAMREC)
7. Rwandan Civil Society Platform
8. Representative, Gender Monitoring Office
9. Director, Catholic secondary school
10. Representative, National Women's Council
11. Member of parliament and representative, Forum of Women Parliamentarians (FWP)
12. Representative, Transparency International-Rwanda; civil society leader
13. Consultant and expert on gender
14. Director, Ministry of Gender and Family Promotion
15. Consultant and expert on gender-based violence; member, Réseau des Femmes
16. Former staff member, Collectifs des Associations Féminines de la Région des Grands Lacs (COCAFEM)
17. Representative, Transparency International-Rwanda
18. Programme manager, Pro-Femmes Twese Hamwe
19. Consultant and expert on gender; former director, Gender Monitoring Office
20. Representative, First Lady's Office
21. Women's civil society activist
22. Advisor, Ministry of Gender and Family Promotion
23. National GBV advisor, international NGO, Kigali, Rwanda
24. Journalist
25. Programme director, Rwanda Women Network
26. Senior officer, National Police
27. GBV officer, Ministry of Health

6 Achieving a broad-based coalition

The politics of South Africa's Domestic Violence Act (1998)

Lillian Artz and Valérie Grand'Maison

Introduction

Women's participation in the legislative, executive, and judicial branches of South Africa's government has increased significantly since the establishment of a new post-apartheid political settlement in the early 1990s, a move that in turn helped secure a stronger focus on gender equity within political institutions and legislative processes. In a 2015 Women's Day communiqué, the South African government reported that:

> … prior to 1994, the South African Parliament had a mere 2.7 per cent representation of women, and following the first democratic elections, women's representation in the National Assembly stood at 27.7 per cent. Currently, women ministers comprise 41 per cent of the Cabinet, women deputy ministers make up 47 per cent of the total number of deputy ministers and there is a 41 per cent representation of women in the National Assembly.[1]

This level of representation of women in political spaces has been made possible by the effective mobilization of a women's movement distinct from the broader national liberation struggle during apartheid and transition to democracy (Hassim and Gouws 1998).

Research on the linkages between women's inclusion in politics and outcomes on gender equity has demonstrated that this is mediated by a number of other factors, such as the political will of ruling elites and the extent to which women members of parliament (MPs) are undeviating in advancing women's equality, autonomy, and empowerment (Childs and Krooke 2009, Htun and Weldon 2010). In this chapter, we move beyond the inclusion-to-influence debate to explore what actors and processes shape the ability to negotiate gender equity concerns with regard to policy adoption and implementation, focusing on the case of domestic violence policy in South Africa. We specifically look into the strategies women and other state or non-state actors used to negotiate within South Africa's dominant party and largely institutionalized political settlement, and how these negotiations shape gender equity outcomes. We investigate three specific questions:

1 What factors shaped the relationship between women's inclusion in politics
   and their influence over the adoption of domestic violence law and its imple-
   mentation processes?
2 What role did pro-gender equity policy coalitions within the domain of wom-
   en's interests play in both adoption and implementation processes?
3 What impact did the dominant-institutionalized settlement have on women's
   strategic interests and their ability to influence gender equity outcomes?

We adopted a political settlement framework to analyse the dynamic nature of the political climate, influenced by formal institutions and processes, as well as by informal mechanisms. This framework has increasingly been applied to conceptualize political stabilization in post-conflict states by taking into consid-eration the multilayered structures of influence on the political agenda, revealing processes outside of the public discourse, and recognizing the reciprocal impact of formal and informal negotiations. A political settlement can be conceptualized as a dynamic social contract between the state and civil society, fluctuating as a result of mechanisms operating at different personal, institutional, and organiza-tional levels (Di John and Putzel 2009). Such processes include long-term efforts in legal reforms, or broader transition developments, or a dominant political ide-ology suppressing opposing voices; it could also be explicitly negotiated with local, national, and international stakeholders, as in the case of a formal peace process.

We used a two-staged method to develop an in-depth understanding of the dynamic political context and multilayered structures within which women have negotiated their interests. The first step consisted of a *thematic analysis* (Vaismoradi et al. 2013) of (1) historical developments regarding women's rights advances; (2) the transformative nature of the transitional process in South Africa, in terms of women's participation; and (3) the nature of relationships between formal and informal institutions that shaped the implementation of domestic violence policy. The second stage of study used process tracing to identify the causal mechanisms leading to policy adoption. Timeline and actor mapping were used to identify key actors and track the negotiations and contestations between these actors. Key informant interviews and focus group discussions with those directly involved in the policy process were conducted to gain insider insights into how the pol-icy adoption process and the early years of the implementation of the Domestic Violence Act (DVA) played out (see Appendix 3 for a list of participants).

The chapter is structured as follows: the following section discusses South Africa's political and historical context, particularly the critical junctures that opened up space for women's rights, followed by an analysis of South Africa's cur-rent political settlement and women's role within this. The chapter then traces the process through which the DVA was negotiated and adopted, focusing on the coalition-building and discursive strategies of the key proponents involved. The final section tracks the politics of implementation, by identifying processes and outcomes, as well as reasons behind the gaps in progress. The conclusion examines the links between South Africa's political settlement and the path of adoption and implementation of the DVA.

Women's inclusion in politics and policy-making in South Africa

Critical junctures and history of women's engagement in politics before the democratic transition

Critical junctures in history—such as liberation, anti-colonial, and national struggles—have been shown to expand women's inclusion in politics and public policy in the Global South (Nazneen and Mahmud 2012). Women's active inclusion and participation at these turning points shape the extent to which women can claim political entitlements and establish a focus on gender equity. Important critical junctures in South Africa were the liberation movement against apartheid, starting in the early 1940s, and the transition to democracy from 1994 onwards, following the end of apartheid. The recognition of women's rights in South Africa was integral to the mass national liberation movement. In 1943, the African National Congress (ANC)—the political party that played a key role in the struggle against apartheid and would later dominate South African politics—adopted *Africans' Claims in South Africa*, which declared the need for all Africans to unite for freedom (ANC 1943, Preface). This declaration called for equality of all races and the end of discrimination based on gender, ethnicity, culture, and other marginalized identities. Within this effort, women organized against discriminatory and hostile pass laws[2] and established the Federation of South African Women (FEDSAW) within the Congress Alliance (the anti-apartheid political coalition led by the ANC) in 1954 (Albertyn 1994).

The women's movement in South Africa earned independent recognition from the resistance effort in the early 1990s. Inspired by the outcomes of the transition of other post-conflict countries, women advocated for an autonomous effort to secure women's emancipation in the national liberation process. The South African feminist ideology first emerged during the 'Malibongwe Conference', held in January 1990 (Albertyn 1994). This year also marked the formation of the ANC Women's League (ANCWL), which worked independently from the ANC, yet possessed the necessary expertise and skills acquired from the liberation struggle to be heard in the national political arena. ANCWL's autonomous position and its deep links with women's movement organizations, alongside its strong connections with the ANC, were important for negotiating gender equity during the transition process in South Africa. The Women's National Coalition (WNC) was established in 1992, with ANCWL as an affiliate, and was a crucial actor in bringing together women's movement actors from across the political divides to work together. WNC stated its mission as follows: 'to coordinate a national campaign for the development and education of women through a twofold strategy: bottom-up mobilization through education and political activism, and a top-down approach to influence policy-making in the constitutional process' (Murphy 2004). The leaders of the WNC effectively used the notions of rights to unite women across race, class, and party divides, while taking advantage of the mobilization efforts of the ANCWL and broader national liberation struggle to organize, advocate, and educate men and women at the grassroots and

parliament levels. The role played by women's organizations during the liberation struggle, the united stance on gender equity taken by these organizations, and the personal links these groups had with the ruling party meant that it was difficult for the political leaders in the ANC to ignore the demands made by the women's movement. Moreover, the demands for gender equity were framed as intersecting with the resistance movement's own concepts of rights and equality, successfully challenging patriarchal attitudes through deeply shaped South African social and political discourses (Albertyn 1994, Hassim 2006), thus securing greater traction for issues of gender equity within the ANC.

The political settlement post-transition and women's inclusion

The post-transition political settlement comprised an agreement between the dominant white minority and a liberation movement acting on behalf of an oppressed majority (Levy et al. 2015). The process of pact-making was long and involved both bilateral and multilateral negotiations, some of which were held in secret (van Wyk 2009). The nature of the settlement since the time of transition can be classified as dominant-institutionalized (see Chapter 2). In terms of the configuration of power, since the ANC won the elections in 1994, it has faced no credible opposition from opposing political forces for control of the national-level government. In institutional terms, the history of state-building over the course of the 20th century meant that the elected ANC inherited a relatively strong and rules-based set of institutions through which to govern, at the national level at least.

As mentioned earlier, women's prominent role within the liberation struggle and their strong links with the ANC leadership ensured that the WNC was able to gain a foothold within the ruling coalition. The negotiation process between contending groups offered space for women to participate and to successfully include gender issues in the agreed post-apartheid political settlement (Waylen 2007). As Waylen (2007) argues, gender rights activists lobbied for the inclusion of women in the ANC's negotiating teams, nonsexism in the constitutional principles, and an equality clause in the constitution that would override customary law. There were tensions with traditional leaders over the equality clause because they wanted customary law to be excluded, but the women's lobby eventually won (Waylen 2007, p. 531). Nevertheless, traditional leaders were an important part of the deals reached during this negotiation period, including over land, which created challenges for pushing gender equity concerns.

In the post-apartheid settlement, the role of women in the ANC was recognized by the establishment of a 30 percent quota system within the political party in its nomination as the first democratically elected government in 1994. This led to the appointment of more than 100 women to national and provincial government positions (Geisler 2000). Women MPs were able to introduce meaningful changes within the governmental structures, such as the establishment of the National Gender Machinery (NGM) and the introduction of a number of laws and policies pertaining to specific needs and vulnerabilities of women (Murray and O'Sullivan 2005, Waylen 2007). The constitution adopted in 1996 led to profound

changes in the operation of the criminal justice system and the development of (gender-related) law and jurisprudence. The constitution further enshrined the institutionalization of gender mainstreaming 'nodes' within government. These included formal channels and accountability mechanisms between civil society organizations, government, and international bodies— specifically, the establishment of the Commission of Gender Equality (CGE), the Office on the Status of Women (OSW), the Joint Committee on the Improvement of the Quality of Life and the Status of Women (JC), and the National Gender Forum (Gouws 2006).

However, the post-transition period also witnessed a schism between women parliamentarians and women's civil society organizations (nongovernmental organizations [NGOs], in particular), leading to a crisis of identity in the women's movement in South Africa. This was further complicated by post-apartheid identifications and settlements between and amongst class and race, as well as political, sexual, and gender identities and orientations (Britton 2006, Gouws 2006). It also became evident during the first democratic government that women's representation would not necessarily translate into the promotion of women's interests, due to a lack of political expertise of women MPs and the male-dominated nature of the South African parliament at the time (Britton 2006). It was within this rapidly changing and complex political context, as located within a deeply patriarchal society, that women's movement organizations had to advocate for equal rights whilst recognizing the intersectional identities of women.

The nature of South Africa's ruling coalition has had an effect on advancing gender equity. As traditional figures played a significant role in the post-apartheid settlement process, the ruling party's position on gender policy leaned more towards ameliorative, rather than transformative, gender equity policies. As a result, some women MPs were reluctant to push for more transformative changes to stay within the party line and played a more influential role in promoting less challenging policy agendas, such as those relating to gender equality in the workplace. This left the promotion of more transformative policies, including on domestic violence, to the women's movement in civil society that remained outside formal government.

The institutional dimension of South Africa's political settlement was also influential here, with regards to its relatively strong public institutions (Levy et al. 2015). This meant that negotiations around domestic violence took place within the formal governance arena, and the women's coalition operated through largely formal routes (in contrast to the importance of informal processes in the more personalized settings of Bangladesh and Uganda; see Chapters 7 and 4 respectively). The National Gender Machinery and the South African Law Commission played key roles in passing the policy on domestic violence. Although the process of adoption was mainly achieved through formal routes, the role of informal alliances between members of the domestic violence coalition and the ruling coalition did help to fast-track the process in the context of a dominant political settlement. In the next section, we take a closer look at the adoption process of the domestic violence law and explore the interplay between the formal and informal mechanisms and their impact on the symbolic and tangible protection for women.

The politics of domestic violence policy-making in South Africa

South Africa's transition from apartheid to a democratic state provided the impetus for a concerted focus on advancing women's rights, as well as the rights of victims of crime more broadly (Artz and Smythe 2005). Within this particularly enabling political environment, South Africa's parliament passed the Domestic Violence Act 116 in 1998 (DVA). There were also other domestic laws and policies promoting substantive gender equality and reinforcing women's rights and freedoms during this time, including laws relating to termination of pregnancy,[3] equality,[4] labour,[5] sexual offences,[6] maintenance,[7] and customary marriages[8] (Artz 2008). The DVA was promulgated with the aim of ensuring that 'victims of domestic violence received the maximum protection from domestic abuse that the law could provide'. The ambit of the Act expanded on what constitutes a 'domestic relationship' and what amounts to 'domestic violence'. In many respects, the Act marks a distinctive shift in South African law from denial of the existence of domestic violence to a legal definition that encompasses women's experiences.

The drafting of the DVA took place within a particularly enabling post-conflict, transitional environment, where the newly promulgated Constitution and Bill of Rights[9] promoted a human rights-focused era of criminal justice reform. The South African Law Reform Commission was particularly active at the time of these emerging laws and was also open to consultation with activists, academics, and other civil society organizations that had an interest in the domestic violence policy reform process. A number of key actors and institutions were influential in the outcome of the domestic violence policy. The strategies they used in terms of coalition-building, the discursive use of ideas, and negotiation of power relations, as located within an increasingly favourable transnational context, all played critical roles.

The story of the law

A comprehensive and largely progressive domestic violence statute, the DVA was drafted in part to address the high levels of intimate partner violence in South Africa, as well as to ensure a more accessible civil remedy for all South African women experiencing violence (Fedler 1995, Artz and Smythe 2005). Implicit in the objective of accessibility was the intention to amend pre-1994 legislation pertaining to 'family violence' that failed to recognize and provide for different types of abuse in a wide range of relationships. The DVA's predecessor was the Prevention of Family Violence Act 133 of 1993 (PFVA), which was the first piece of legislation specifically enacted to address domestic violence in South Africa. Although considered to be an innovative statute in the South African context—in that it criminalized marital rape—its provisions provided limited protection for victims of domestic violence. After the PFVA became operational, it was quickly discovered that there were a fair number of inconsistencies, but more importantly, it became apparent that implementation would be problematic. Among the

weaknesses of the PFVA was that it omitted to even define domestic violence, and protections were solely restricted to parties who were married, whether by civil or customary law, or those living in common law marriages (SALC 1997). A result of this failure to define domestic violence was that it afforded magistrates the discretionary power to make such a determination (SALC 1997). Another major problem was that not only were the police not familiar with the PFVA, they also lacked the training on how to implement its provisions because there was no instruction on how to use the PFVA or when to use their discretion in the protection of victims (Human Rights Watch 1997). Three years after the introduction of the PFVA, South Africa's new Constitution (108 of 1996) came into effect. The PFVA provisions were not compliant with the new Bill of Rights and the Constitution. A number of organizations, including the Black Sash and Human Rights Watch Africa, along with feminist groups and various law schools around the country, were highly critical of the PFVA (SALC 1997). In the face of mounting criticism and the ineffectiveness of the PFVA, the South African Law Commission (SALC) was called upon to launch an investigation. A team of experts comprising members from the magistracy, the NGO sector, and academia was then tasked with addressing the PFVA's shortcomings and drafting a new Domestic Violence Act (Parenzee et al. 2001).

Following an intensive process of consultation, which included civil society organizations, a new law was introduced in 1998. This new Act, the DVA, came into operation the following year, on 15 December 1999. The DVA sought to resolve all the concerns raised around weaknesses in the PFVA. The main actors involved in the negotiation process were individuals from state departments and committees, the SALC, legal experts, academic researchers, and women's organizations working in violence against women (Waylen 2007, Artz 2008). It is through alliances, public pressure, and discursive framing strategies that these stakeholders negotiated the legislation. The process of policy reform was also made possible within the context of the discourse of liberal rights and gender mainstreaming that was pursued during South Africa's political transition, as well as by the effective engagement of women activists with key politicians and existing state structures (Vetten 2005, Meintjes 2009).

Coalition-building and negotiations

The domestic violence lobby was comprised of civil society organizations at the national and international levels, documenting the high levels of violence against women in South Africa to push the government to action (Usdin et al. 2000, Mogale et al. 2012). A few years into the democratic transition, the relationship between the state and feminist movements slowly deteriorated, as the latter continued the fight for equality and freedom from violence. An NGO representative reflects on the past and the present relationship with the state:

> The days are long gone. We [state and civil society] had a nice honeymoon period. We were critical of each other, yes, but we all took it in stride and

knew that democracy in action was a tough road. Whatever side of the fence we were on after 1994—governmental or NGO—we were all on the same side before, in the struggle, and yeah for a few years after we were marching to the same tune … Now, over the years, you stop knowing who the enemy is any more, because we in the community [sic] kept fighting the good fight—the liberation of our people from poverty and violence and everything poor people suffer from—and the government over the years … they have other priorities.[10]

The increasingly strained relationship between the state and women's movements after democratization (Geisler 2000) meant that women MPs were often unsupportive of women's efforts for legal reform against domestic violence. Reflecting on the role of women's leadership in securing an emerging body of substantive rights for women in South Africa, one activist involved throughout the domestic violence policy process points out that it was civil society organizations, rather than women MPs or the gender machinery in government, that did much of the groundwork of bringing issues of gender-based violence and policy reform to the fore:

Let us not romanticize the role of the leading party at the time… The South African Law Commission (SALC) and the Parliamentary Portfolio Committee on Justice (PPCJ) did do quite a thorough job in presenting a discussion paper [on domestic violence] for civil society to comment on and engage with. Yet, the impetus for the drafting of this paper came from civil society organizations, who worked tirelessly with both the SALC and the PPCJ in bringing forward international laws, whatever local research was there at the time and of course the harsh realities of domestic violence in South Africa at that time. I have no recollection, however, of a substantive engagement… at least in the presence of civil society organizations … with the government's so-called 'gender machinery' at the time. [Respondent is asked to explain who the gender machinery was.] That includes the Office for the Status of Women, the Gender Commission, the ANCWL, and others, apart from the Ad Hoc Committee [on the Quality of Life and Status of Women], who actively engaged with us.[11]

This difficult relationship with the ruling party necessitated a strong coalition between different actors to push for policy reform on domestic violence. In securing strategic alliances between civil society and state structures, the violence against women (VAW) mobilization leadership shifted from grassroots organizations to legal and political experts championing legislation reform (Meintjes 2003). The National Network on Violence Against Women (NNVAW), a coalition of organizations throughout South Africa, played an important organizational role in putting domestic violence on the policy agenda. Academic and legal organizations initiated discussions in 1993 about the need for a national system joining regional chapters of stakeholders in VAW, in order to provide protection, support, and information to women and the larger public. The NNVAW was launched

in 1995 and possessed a mass-based constituency, including approximately 600 member organizations, rendering this nationwide structure able to impose much pressure on the government to address the internationally recognized pandemic levels of VAW in South Africa (Usdin et al. 2000, Vetten 2013). With resources from the UNDP and the government, they thus succeeded in opening a conversation about VAW across different departments—such as health, welfare, justice, and social development—"and with civil society working in service provision for victims of domestic violence (Meintjes 2003). However, the process of politicizing the issue reduced the agency of civil society organizations in the legislative process. This caused the de-radicalization of the movement on VAW, as advocates benefited from homogenizing the image of South African women and their experience of violence in the face of the law (Meintjes 2003).

Another important institution in the drafting process of the DVA was the South African Human Rights Commission (SAHRC), a state institution enshrined in the constitution with the aim of protecting human rights for all. It submitted a report to the Joint Committee on Improvement of Quality of Life and Status of Women on the status of domestic violence in South Africa, emphasizing the positive responsibilities of the state in fulfilling rights for everyone. Significant in its approach is the pressure it put on the government to intervene in domestic matters, emphasizing that violence in the home erodes South African society because it acts as an example to children and ensures the perpetuation of such acts (SALC 1996, Bendall 2010).

The SALC established the project committee on domestic violence in 1996, recognizing the positive duties of the state to protect and fulfil the rights of women in the form of safeguards and penalties in cases of domestic violence (SALC 1999, Bendall 2010). The SALC's discussion paper on domestic violence (Project 100) explained the inception of the present project committee as a response to the allegations of attorneys defending men, who decried the departure of the PFVA from *traditional applications* of the law, thus ignoring the role that the domestic violence lobby played in engendering the law reform. Most of the submissions in the discussion paper, however, described the unique circumstances of domestic violence, and the shortcomings of the PFVA due to the narrow definition of violence and domestic relationships, resulting in limited remedies available to the applicant (SALC 1997). This suggests that the power to initiate legislation related to gender rights was held by men of the apartheid legislative establishment.

The Joint Committee on the Improvement of the Quality of Life and the Status of Women (JC), chaired by MP Pregs Govender at the time, played a crucial role in fast-tracking the Project Bill in legislation through political will and expertise (Meintjes 2003). Established as an ad hoc committee in the National Gender Machinery, its role was to hold departments accountable for promoting the conditions and rights of women, as well as amending policies and legislation where gaps in the protection of women are evident. The JC is also responsible for ensuring the implementation of CEDAW. Strategic alliances among the JC chairperson, Govender; the Minister of Justice, Dullah Omar; and the Justice Portfolio Committee advocate, Johnny de Lange, allowed for an expedited process of

drafting the bill in parliament, ensuring that the SALC would deliver its findings and recommendations before the end of the session (Meintjes 2003). This shows that informal alliances between members of the domestic violence coalition and key figures in the ruling coalition were utilized alongside formal governance processes. While the first draft bill was rejected by SALC commissioners, due to the lack of gender-neutral language, the project committee members extensively engaged in lobbying to expose the need for the legislative reform.

This legislative reform process, however, came with obstacles. First, it deeply affected the ways that civil society can engage with government, limiting them to structured public hearings, dependent on bureaucratic limitations, and further emphasizing the need for political and technical expertise in gender rights advocacy (Meintjes 2003). Second, the speed with which particular individuals were able to push the project bill also excluded discussion of the financial implications of the implementation of the DVA for the different departments, which proved to be the most significant obstacle to the effective dissemination of the Act. Finally, the ratified DVA failed to consider the uneven circumstances of its constituencies and of the specific conditions of domestic violence. The politicization of gender-based violence as an issue meant that remedies at different levels were dependent on the political will and technical skills of particular individuals.

The role of discourses and ideas in shaping domestic violence campaign

The prevailing discourses around gender within South Africa have historically been based on a conceptualization of women as mothers, with early brands of feminism emphasizing women's need for protection. These tendencies have directly influenced how women's needs and interests have been framed in South Africa. A substantial body of literature decries the omission of gender from historical analyses of oppression in South Africa, noting that it successfully muted the agency of women under apartheid and the intersection of discrimination that dictated the experiences of women (Meintjes 2009).

An important consideration in the protection of women's rights before and after the transition was the extent to which the state was willing and able to intervene in family matters (Gouws 2005). The distinction between the public and private spheres was starkly made during the apartheid era by the patriarchal system that reinforced the subordinated nature of women in both social and political realms (Albertyn 1994). While women's role in the workforce and the public sphere was encouraged by the state, it was reluctant to address inequalities within the home. Change came slowly, as South African authority—in the form of community and religious leaders, as well as regional and national politicians—was keen to keep family matters out of the public realm (Geisler 2000, Albertyn 2011).

International discourses and ideas on women's and human rights, and South Africa's subscription to international human rights declarations, opened a space in which domestic violence could be addressed (Gouws 2005). International norms were also instrumental in enabling women's movements to raise awareness

of VAW in South Africa (Usdin et al. 2000, Mogale et al. 2012). The South African government was then sensitive to international discourse, in an effort to improve its standing within the international arena after decades of exclusion. It thus heavily committed itself to promoting human rights in line with international instruments (Hassim and Gouws 1998, O'Sullivan and Murray 2005). This was evident in South Africa's explicit goal of eradicating violence against women in response to the ratification of CEDAW and its obligation towards the African Protocol on the Rights of Women and to the Beijing Platform (Meintjes 2003, O'Sullivan and Murray 2005). The 1998 Southern African Development Community Declaration of the Prevention and Eradication of Violence against Women and Children further propelled the imperative to ensure the implementation of legislation and practices in line with the regional discussions on human rights and VAW (Meintjes 2003). The SALC Project Bill explicitly reiterated the South African government's commitment to CEDAW and highlighted the shortcomings of the PFVA in terms of these engagements (Meintjes 2009). Thus, global norm diffusion against VAW was critical in spurring momentum for the issue of domestic violence in South Africa into the political agenda.

Women's rights activists also used the shortcomings of the PFVA highlighted by victims' attorneys to frame the need for a new policy (Fedler 1995). They stressed the need to reconsider the way domestic violence was conceptualized in politics, arguing that the narrow understanding of violence against women did not tackle the conditions that perpetuate abuse. This framing shifted public understanding on the issue because domestic violence was perceived as a social issue, rather than purely a legislative one. The framing of the issue as a social matter, and the unique circumstances of battered women, allowed the policy coalition to demand that the new policies on domestic violence address women's medical, psychological, and economic needs. However, as we see later, these demands were not fully met. The new act only criminalizes the breach of the protection order and not domestic violence itself. The limited scope of provisions to protect domestic abuse applicants is further restricted by the attitudes and practices of the justice system and the South Africa Police Service (SAPS). These continue to constitute obstacles to gender transformative change in South African society.

Tracking the politics of implementation

The passage of the DVA is congruent with the progressive provision of rights within South Africa's post-apartheid political settlement, but its implementation is crippled by obstacles at the many levels of implementation. These obstacles are rooted in scarce governmental resources towards VAW, blurry definitions of interdepartmental roles, and pervasive patriarchal attitudes in state structures. Given that the standard of proof and the rules of evidence are less onerous than those within the criminal law, the civil remedy has at least proven to be more accessible and flexible than the criminal one (Connelly and Cavanagh 2007).

The DVA contains expansive provisions to ensure its implementation. It requires both the National Commissioner of Police and the National Director of

Public Prosecutions to issue national instructions and policy directives requiring officials to fulfil specific functions. This is reinforced through the imposition of positive legal duties on the police (see Combrick 1998, Artz 1999, Parenzee et al. 2001). Section 2 of the Domestic Violence Act places a duty on the SAPS to assist and inform complainants of their rights, including (1) assisting or making arrangements for the complainant to find a suitable shelter and to obtain medical treatment; (2) handing a notice containing information to the complainant in the official language of the complainants choice; and (3) explaining to the complainant the content of such a notice and the remedies at his or her disposal in terms of the Act and the right to lodge a criminal complaint (Artz 2003). The protection order granted in terms of the DVA is a civil order. Being a civil remedy (with quasi-judicial proceedings), the protection order aims to prevent future acts of violence and therefore includes ex parte hearings as part of the process (requiring a lower burden of proof), which allows for more access and more immediate intervention in domestic violence cases (Artz 2001). While these are expansive provisions, the implementation of the law has been slow, and there are omissions within the policy. In fact, the DVA is silent on the role of the health sector and was not explicit on the ways in which the judicial system and the police would collaborate, resulting in a fragmented response (Vetten 2005).

Artz and Smythe (2005) argue that the promulgation of the DVA was followed by decreased commitment to its implementation by the state, which failed to ensure interdepartmental collaboration and the necessary budget. It is, moreover, argued that the accountability mechanisms entrenched in the DVA are failing, given that, as of 2010, the SAPS had not imposed any penalties on those failing to submit reports on the implementation of the Act. Other obstacles to implementation came from the mismanagement of the legislation within and between government departments (Moore 2005), pervasive attitudes and traditional norms within the justice system discriminating against women applicants (Matthews et al. 2004, Smythe 2004), and the largely insufficient allocation of resources to implement and monitor the DVA (e.g. for training, dedicated staff, funding) (Smythe 2004, Vetten 2005). Significantly, there was a lack of a comprehensive effort to address sexual violence and women's rights in different domains, including improved information on, and provision of, sexual and reproductive health, adequate sex education, increased economic opportunities, etc. (Cooper et al. 2004, Mogale et al. 2012). This negatively affected implementation of the DVA at the different levels, revealing government's limited commitment to eradicating domestic violence in practice.

At the front line of implementation, magistrates and court clerks bear responsibility for granting protection orders to individuals who experience abuse and deciding on protective measures for applicants. Many barriers obstruct access to the protection orders provided by the DVA, including the language of the form (which is only in English, despite there being ten other official languages in South Africa), and the complexities of the cases they are confronted with. Most of them are poorly trained on the domestic violence legislation reform, still using misleading terminology from the PFVA.[12] Yet, scholars and field workers agree that

these obstacles lie in the heavy workload of practitioners, rather than a conscious neglect of women experiencing domestic violence.

The SAPS, which is supposed to play an instrumental role in granting abused individuals access to the law, facilitating medico-legal services to applicants, and preventing further abuse, falls short of performing its role effectively (SALC 1999, Bendall 2010). Artz and Smythe (2005) found that police officers believed that women used the DVA to their advantage in matrimonial disputes, on the basis of the high rate of case withdrawal by applicants. Problems of implementation within SAPS have been described in SALC's research paper on domestic violence, including hostile and insensitive responses towards victims of sexual violence, weak commitment to press charges and investigate charges against men, and prevalent ignorance of the legislation (SALC 1999). The SAPS National Instructions on the DVA aim to provide a conceptual and practical guide to police officers in dealing with cases of domestic violence, yet civil society has condemned the lack of transparency and consultation in the drafting process of the Instructions, resulting in a narrow approach that misses the complexity of the cases (Usdin et al. 2000).

With regards to victim protection and recovery, South Africa currently has 54 Thuthuzela Care centres, which are 24-hour one-stop centres, across the different districts of South Africa (UNICEF n.d.). They offer access to integrated services to victims of violence, such as doctors, the police, counselling, court preparation, and prosecution (Republic of South Africa 2009). However, NGOs still bear the majority burden of service provision to survivors of domestic violence—from judicial support to medical and psycho-social care—and providing shelters to women and their children. This demonstrates that the Domestic Violence Act created a powerful legal tool for women's rights, yet its power remained in its rhetoric, rather than in tangible positive gains for its constituencies. This shows the lack of political commitment to transformative change for women's rights. Although women were part of the post-apartheid political settlement, their relationship with the ruling party became difficult following transition. These challenges meant that, although there was commitment for adoption following action by the women's coalition, commitment to implementation was low.

Conclusion

Does the use of a political settlement lens to unpack how gender equity gains are made in South Africa add value to our understanding of this process? We have shown in this chapter that, despite the successful adoption of the DVA, implementation has been slow, due to the lack of government capacity, lack of commitment of women MPs, and the lack of collective mobilization by the women's movement to hold the state to account. Within South Africa's dominant institutionalized settlement, the need for a domestic violence law was demanded by a broad issue-based alliance composed of legal and women's rights organizations with close ties to the state bureaucracy and the ruling party. This policy alliance justified their demands using the constitution (introduced by the ruling ANC), used their informal links

with insiders of the state bureaucracy, and employed an international discourse on rights strategically to gain support from the ruling ANC elite. The policy coalition relied on the learnings from their previous struggles. Once the issue was taken up by the ANC, the progress on the law unfolded through formal routes, given the institutionalized nature of the settlement and lack of opposition to the ruling coalition.

However, whilst the adoption of the new policy was swift, the implementation of the policy has proved to be a challenge. Women's organizations have a limited role in ensuring that the state meets its obligations by implementing the policy. The antagonistic relations that now exist between civil society and the state around questions of social justice within South Africa mean that the relationships among the national gender machineries, many female MPs, and the women's movement are no longer close. The dependence on state grants and funds means that the majority of the women's organizations now mostly provide services to abused women and have stepped away from their historical role of watchdogs—at the same time as female MPs have become drawn into the difficult work of government (Geisler 2000).

The present context of South African politics suggests that, rather than evolving towards social inclusion, clientelism and patronage started to take hold within the ANC during the late 2000s, perhaps in part because of the lack of sustained challenge to its electoral dominance since the 1994 elections. This means that women MPs and the ANCWL, once a strong force within the party, have struggled to maintain a more programmatic agenda on gender equity within the ruling coalition. As South African democracy comes of age, much of the population hoping to gain from a Black-majority-bargained settlement feel cheated of transformation; pro-poor programmes and affirmative action hardly suffice as a promise for social mobility and, in the case of abused women, protection of their rights.

Despite the constrained circumstances, South African organizations working on addressing gender-based violence never really gave up the expectation that progressive policy frameworks could lead to substantive transformation, social policy, and improved practices, particularly since post-apartheid constitutionalism has done so much to shift social relations. Within a transitional social context, it would be too fatalist to view 'the law' as a vacant collection of juridical rights that cannot be realized without full political and social 'restructuring'. It is more useful to see the 'progressive potential of the law' (Lewis et al. 2001) as informing and reinforcing social restructuring processes, where social change and the institutionalization of 'rights' happen simultaneously, incrementally, and relationally, with and without the full support of the state. In South Africa, both social and political transformation have occurred through legal transformation—the recognition of new constitutional rights and the development of human rights discourses through law and emerging jurisprudence—because historically it was the law and its agencies that kept people unequal and underdeveloped. In relation to domestic violence, there was an unambiguous need to challenge the prevailing and exclusionary definition of domestic violence and to broaden the scope and accessibility of legal interventions as a transformative measure of social justice

and equality. However, due to implementation challenges, little has changed, with South Africa continuing to have one of the highest rates of gender-based violence and domestic homicide in the world.

Notes

1. Opening remarks by the Deputy Minister of the Department of Telecommunications and Postal Services, Hlengiwe Mkhize, at event on 'The Role of Women in Politics, Focusing on the Then and Now', FABZ Garden Hotel, Johannesburg, 12 September 2015.
2. Pass laws were first used in South Africa in the early 1800s to control and restrict the movement of non-European South Africans, largely within agricultural and rural communities. On 9 August 1956, the Federation of South African Women (FEDSAW) organized a mass demonstration and marched to Pretoria to protest against the pass laws (which were now going to affect the movement of women through restricted areas), passing a petition to the government at the time. The pass laws were only officially repealed in 1986.
3. The Choice on Termination of Pregnancy Act 92 of 1996.
4. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
5. Employment Equity Act 55 of 1998 (as well as sections of the Basic Conditions of Employment Act 75 of 1997, and the Labour Relations Act 66 of 1995).
6. Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
7. Maintenance Act 99 of 1998.
8. Recognition of Customary Marriages Act 120 of 1998.
9. Constitution of the Republic of South Africa, 1996.
10. Legal researcher (NGO), Cape Town, September 2015.
11. Advocacy officer, Cape Town, September 2015.
12. Interview, women's support organization.

References

Albertyn, C. 1994. 'Women and the Transition to Democracy in South Africa'. *Acta Juridica*, 1: 39–63.

Albertyn, C. 2011. 'Law, Gender and Inequality in South Africa'. *Oxford Development Studies*, 39(2): 139–62.

ANC. 1943. 'Africans' Claims in South Africa'. African National Congress. http://www.anc.org.za/content/africans-claims-south-africa [accessed 1 May 2018].

Artz, L. 1999. 'Violence against Women in Rural Southern Cape: Exploring Access to Justice'. MA thesis. University of Cape Town: Institute of Criminology.

Artz, L. 2001. 'Policing the Domestic Violence Act: Teething Troubles or System Failure?' *Agenda*, 47(1): 4–13.

Artz, L. 2003. *Magistrates and the Domestic Violence Act: Issues of Interpretation*. Cape Town: Institute of Criminology, University of Cape Town.

Artz, L. 2008. 'An Examination of the Attrition of Domestic Violence Cases in the Criminal Justice System on Post-Apartheid South Africa'. PhD thesis. Belfast: Queen's University.

Artz, L. and D. Smythe. 2005. 'Bridges and Barriers: A Five Year Retrospective on the Domestic Violence Act'. *Acta Juridica*, (1): 200–26.

Bendall, C. 2010. 'The Domestic Violence Epidemic in South Africa: Legal and Practical Remedies'. *Women's Studies*, 39(2): 100–16.

Britton, H. 2006. 'Organising against Gender Violence in South Africa'. *Journal of Southern African Studies*, 32(1): 145–63.

Childs, S. and M. L. Krook. 2009. 'Analysing Women's Substantive Representation: From Critical Mass to Critical Actors'. *Government and Opposition*, 44(2): 125–45.

Combrinck, H. 1998. 'Positive State Duties to Protect Women from Violence: Recent South African Developments'. *Human Rights Quarterly*, 20(3): 666–90.

Connelly, C. and K. Cavanagh. 2007. 'Domestic Abuse, Civil Protection Orders and the New Criminologies: Is There any Value in Engaging with the Law?' *Feminist Legal Studies*, 15(3): 259–87.

Cooper, D., C. Morroni, P. Orner, J. Moodley, J. Harries, L. Cullingworth and M. Hoffman. 2004. 'Ten Years of Democracy in South Africa: Documenting Transformation in Reproductive Health Policy and Status'. *Reproductive Health Matters*, 12(24): 70–85.

Di John, J. and J. Putzel. 2009. 'Political Settlements: Issues Paper'. Birmingham, UK: Governance and Social Development Resource Centre (GSDRC), University of Birmingham.

Fedler, J. 1995. 'Lawyering Domestic Violence through the Prevention of The Family Violence Act 1993—An Evaluation after a Year in Operation'. *South African Law Journal*, 112: 231–51.

Geisler, G. 2000. 'Parliament Is Another Terrain of Struggle': Women, Men and Politics in South Africa'. *Journal of Modern African Studies*, 38(4): 605–30.

Gouws, A. 2005. 'Shaping Women's Citizenship: Contesting the Boundaries of State and Discourse'. In *Unthinking Citizenship: Feminist Debates in Contemporary South Africa*. Edited by Gouws, A. Cape Town: UCT Press.

Gouws, A. 2006. 'The State of the National Gender Machinery: Structural Problems and Personalised Politics'. In *State of the Nation, South Africa 2005–2006*. Edited by Buhlungu, S., J. Daniel, R. Southall and J. Lutchman. Cape Town: HSRC Press.

Hassim, S. 2006. *Women's Organizations and Democracy in South Africa: Contesting Authority*. Madison WI: University of Wisconsin Press.

Hassim, S. and A. Gouws. 1998. 'Redefining the Public Space: Women's Organisations, Gender Consciousness and Civil Society in South Africa'. *Politikon*, 25(2): 53–76.

Htun, M. and S. L. Weldon. 2010. 'When do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy'. *Perspectives on Politics*, 8(1): 207–16.

Human Rights Watch. 1997. 'South Africa: Medico-Legal System Fails Women Victims of Violence'. www.hrw.org/news/1997/08/07/south-africa-medico-legal-system-fails-women-victims-violence [accessed 27 July 2018].

Levy, B., A. Hirsch and I. Woolard. 2015. 'Governance and Inequality: Benchmarking and Interpreting South Africa's Evolving Political Settlement'. ESID Working Paper 51. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Lewis, R., R. E. Dobash, R.P. Dobash and K. Cavanagh. 2001. 'Law's Progressive Potential: The Value of Engagement with the Law for Domestic Violence'. *Social and Legal Studies*, 10(1): 105–30.

Mathews, S., N. Abrahams, L. J. Martin, L. Vetten, L. Van Der Merwe and R. Jewkes. 2004. 'Every Six Hours a Woman Is Killed by Her Intimate Partner: A National Study of Female Homicide in South Africa'. MRC Policy Brief 5. Cape Town: Medical Research Council.

Meintjes, S. 2003. 'The Politics of Engagement: Women Transforming the Policy Process—Domestic Violence Legislation'. In *No Short Cuts to Power: African Women in Politics and Policy Making*. Edited by Goetz, A. M. and S. Hassim, 140–59. London: Zed Books.

Meintjes, S. 2009. '"Gendered Truth"? Legacies of the South African Truth and Reconciliation Commission'. *African Journal on Conflict Resolution*, 9(2): 101–12.

Mogale, R. S., K. K. Burns and S. Richter. 2012. 'Violence Against Women in South Africa Policy Position and Recommendations'. *Violence Against Women*, 18(5): 580–94.

Moore, A. J. 2005. 'Endangered Species: Examining South Africa's National Rape Crisis and Its Legislative Attempt to Protect Its Most Vulnerable Citizens'. *Vanderbilt Journal of Transnational Law*, 38: 1469–98.

Murphy, R. 2004. 'Constitutional Rights Discourse: Canadian and South African Feminist Engagements'. In *Women Making Constitutions: New Politics and Comparative Perspectives*. Edited by Dobrowolsky, A. and V. Hart, 20–35. Basingstoke UK: Palgrave Macmillan.

Murray, C. and M. O'Sullivan (eds). 2005. *Advancing Women's Rights: The First Decade of Democracy*. Cape Town: Juta Press.

Nazneen, S. and M. Mahmud. 2012. 'Gendered Politics of Securing Inclusive Development'. ESID Working Paper 13. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

O'Sullivan, M. and C. Murray. 2005. 'Brooms Sweeping Oceans—Women's Rights in South Africa's First Decade of Democracy'. *Acta Juridica*, 1: 1–41.

Parenzee, P., L. Artz and K. Moult. 2001. 'Monitoring the Implementation of the Domestic Violence Act: First Report'. Institute of Criminology, University of Cape Town.

SALC. 1996. 'Project 100: Issue Paper 2. Family Violence'. Pretoria: South African Law Commission. http://salawreform.justice.gov.za/ipapers/ip02_prj100_1996.pdf [accessed 27 July 2018].

SALC. 1997. 'Project 100: Discussion Paper 70. Domestic Violence'. Pretoria: South African Law Commission. http://salawreform.justice.gov.za/dpapers/dp70.pdf [accessed 27 July 2018].

SALC. 1999. 'Research Paper on Domestic Violence', Pretoria: South African Law Commission. www.justice.gov.za/salrc/rpapers/violence.pdf [accessed 1 May 2018].

Smythe, D. 2004. 'Norms and Architecture: Limits on Rape Law Reform in South Africa'. Law and Society 40th Anniversary Meeting: Law, Power, and Injustice: Confronting the Legacies of Sociolegal Research. Chicago, IL, May 2004.

Republic of South Africa. 2009. 'South African CEDAW Report: Progress Made on the Implementation of the Convention for the Period 1998-2008'. www.women.gov.za/images/CEDAW.pdf [accessed 27 July 2018].

UNICEF (n.d). 'Thuthuzela Care Centres', UNICEF South Africa. Available at: https://www.unicef.org/southafrica/hiv_aids_998.html [accessed 30 November 2018].

Usdin, S., N. Christofides, L. Malepe and A. Maker. 2000. 'The Value of Advocacy in Promoting Social Change: Implementing the New Domestic Violence Act in South Africa'. *Reproductive Health Matters*, 8(16): 55–65.

Vaismoradi, M., H. Turunen and T. Bondas. 2013. 'Content Analysis and Thematic Analysis: Implications for Conducting a Qualitative Descriptive Study'. *Nursing and Health Sciences*, 15(3): 398–405.

Van Wyk, J. A. 2009. 'Cadres, Capitalists and Coalitions: The ANC, Business and Development in South Africa'. DLP Research Paper 01. Developmental Leadership Program.

Vetten, L. 2005. 'Addressing Domestic Violence in South Africa: Reflections on Strategy and Practice'. UN Division for the Advancement of Women Expert Group Meeting. Vienna, May 2005. http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.216.3289&rep=rep1&type=pdf [accessed 27 July 2018].

Vetten, L. 2013. 'Deserving and Undeserving Women: A Case Study of Policy and Legislation Addressing Domestic Violence'. MA thesis. University of the Witwatersrand, Johannesburg: Department of Political Studies.

Waylen, G. 2007. 'Women's Mobilization and Gender Outcomes in Transitions to Democracy: The Case of South Africa'. *Comparative Political Studies*, 40(5): 521–46.

Appendix 3 List of participants in the South Africa study

1. Legal researcher (NGO), Cape Town, 3 September 2015
2. Advocacy officer, Cape Town, 11 September 2015
3. Advocacy officer, Cape Town, 16 September 2015
4. Research and advocacy manager, Cape Town, 16 September 2015
5. Academic researcher, Cape Town, 22 September 2015
6. Small focus group discussion, Cape Town, 23 September 2015
7. Academic/policy analyst, Johannesburg, 2 March 2016
8. Advocacy and training officer, Durban, 28 March 2016
9. Policy and advocacy manager, Durban, 11 April 2016
10. Acting director, women's support organization, Cape Town, 19 April 2016
11. Communications coordinator, women's support organization, Cape Town, 19 April 2016
12. Court support system manager, Cape Town, 19 April 2016
13. Professor and advocate, Johannesburg, 13 April 2016

Part III

The significance of informal networks

Promoting gender equity in competitive settlements

7 Building strategic relationships with the political elites

The politics of Bangladesh's Domestic Violence Act 2010

Sohela Nazneen

Introduction

Bangladesh presents an interesting paradox when it comes to women's inclusion in politics and securing gender-inclusive development outcomes. Since the democratic transition in 1991, women have occupied the highest political office, and women's presence in politics in general has increased, due to the existence of gender quotas at the national and local levels of government. Women's movement actors have also been active in policy spaces since this turning point. Recently, Bangladesh has been lauded for its remarkable pace in reducing maternal mortality and fertility rates, reaching gender parity in primary and secondary school enrolment, and for enacting various laws addressing violence against women (World Bank 2008). Increased women's presence in formal politics and policy spaces alongside these achievements in securing gender-equitable development outcomes would indicate that a positive relationship exists between women's inclusion in politics and their influence over policy outcomes (Escobar-Lemmon and Taylor-Robinson 2014).

However, this interpretation overlooks the complex ways in which power and politics operate in Bangladesh, including the difficulties of mobilizing women as a political force in a patriarchal, informalized, clientelist context (Hassan 2013). Women, as a political group, have little to offer to the ruling elites in Bangladesh because they do not vote as a bloc, because gender equity concerns have little currency in mainstream politics, and because women's organizations are weak actors in the formal political arena. Moreover, the progress that Bangladesh has made in securing gender-equitable development outcomes, while significant, should not be exaggerated. The country has failed to adopt some more transformative policy agendas or to implement many policy reforms effectively. In particular, Bangladesh has high levels of violence against women—the Bangladesh Bureau of Statistics' (2011) survey of 12,000 women revealed that about 87 percent of ever-married women have experienced some form of violence in the last year—despite the various laws enacted to protect women.

These failures and constraints raise the following questions: What led the state to address gender equity concerns in some policy areas successfully? What role did women and their allies play to make these changes happen? Why do some of the

failures in implementation persist, even after the successful adoption of policies? The answers to these questions require an engagement with how deeper forms of politics and power relations shape the adoption and progress of gender equity policies, which include, but go beyond, the presence of women in formal political institutions. This means unpacking how power relations are organized between different groups of actors in overlapping domains of power and how they both engage with formal processes, as well as use informal networks and relationships to promote or constrain gender-inclusive policy change. In this chapter, I explore these questions through a qualitative case-study analysis of a reform aimed at promoting gender equity, the Domestic Violence Act of 2010, which was selected as a transformative legal reform that challenges patriarchal ideology.

Scholars have identified Bangladesh as reflecting a 'competitive clientelist' type of political settlement (Khan 2010, Levy 2014), in that (until recently) elites had to struggle constantly to assert their power and legitimacy vis-à-vis other organized elites with a similar level of power in a context within which political power was expected to change hands regularly. Such contexts tend to limit the time horizons of political elites to short-term considerations of maintaining power, and encourage the politicization of public space and bureaucracy and the treatment of political subjects as clients. By applying the power domains approach developed in Chapter 2 that incorporates the influence of political settlement dynamics on women's political inclusion and the promotion of gender equity, I investigate the nature of women's inclusion in Bangladesh and how far this shaped their ability to promote these reforms. I examine the nature of women's inclusion in critical junctures of Bangladesh's history that led to women being able to demand change; the influence of ideas and discourses (both national and international) that created 'windows of opportunity'[1] (Waylen 1998) for women to make claims; the interests and incentives of the ruling elites, and also other actors that have a considerable stake in supporting or opposing these gender-equitable changes; and the institutional norms that flow from the competitive clientelist character of the political settlement.

I used the process-tracing method to identify the causal factors behind the adoption of the Domestic Violence Act in Bangladesh. This involved constructing a timeline that captured the major events that led to the policy change, mapping and interviewing the key actors involved in policy negotiations, analysing relevant secondary literature and policy documents, and participant observation of two internal policy meetings. In total, 20 interviews were carried out with key members of Citizen's Initiative Against Domestic Violence (CiDV), female MPs, the secretary of the Ministry of Women and Children's Affairs (MOWCA), magistrates, and officers (see Appendix 4 for a full list of participants).

In the next section, I provide a brief overview of women's inclusion and influence in politics and policy-making in Bangladesh and of the nature of its political settlement. I broadly outline the policy adoption story in the third section. In the final section, I analyse the key findings in terms of the power domains approach and discuss what value the insights from this case study add towards understanding how pro-gender equity policy coalitions promote specific agendas in a competitive clientelist context.

Women's inclusion in politics and policy-making in Bangladesh

Critical junctures and history of women's engagement in politics before the democratic transition

Bangladesh was formed upon independence in 1971 as a Muslim majority state with a parliamentary system of government. It has experienced alternating periods of democratic (1971–1975; 1991–2006; 2009–present) and military (1975–1990; 2006–2008[2]) rule. The three most powerful actors in Bangladesh's political landscape in the early years were the military, the bureaucracy, and the top political party leaders. The result of contests between different political groups led to a series of military coups in the mid- and late 1970s. Bangladesh was under authoritarian rule for 15 years, during which time the relationship between civil society actors and the state was confrontational in nature. The state used law enforcement agencies to suppress political activities, making it difficult for women's movement actors to engage with the state in their efforts to promote gender equity.

This struggle by women to engage with the state under difficult conditions in Bangladesh spans back to the anti-colonial struggles against the British and social reform movements during the late 18th and the 19th centuries in Bengal (Ahmed 1981, Jayawardena 1986, Jahan 1995). However, women emerged as a more significant political and development constituency after independence in 1971, to a large extent because their suffering at the hands of Pakistani soldiers helped politicize their plight and demands. The rehabilitation of survivors of rape and war widows was a major challenge for the state, particularly because patriarchal structures constructed women as economic dependents in ways that limited their access to material and social resources, mobility in the public sphere, and interactions with nonrelated males (Kabeer 1994). The famine in 1974 intensified the pressure on the state to address the changed circumstances in which women could no longer rely on men to provide and protect them in exchange for foregoing property, sexual autonomy, and mobility (Hossain 2017). The first public work schemes and programmes targeting women started during this period, including the Vulnerable Group Development programme, which was also known as the 'destitute mothers' card' (Hossain 2007).

Since its inception, the Bangladeshi state has always held a contradictory position on matters related to women's rights. On the one hand, it has enhanced women's economic role through various schemes, education, and laws to protect women, while, on the other, it has also preserved colonial laws and implemented policies that sustain male privilege. The UN Decade for Women (1975–1985) and donor willingness to fund Women in Development (WID) programmes created scope for targeting women as development agents and also led to the creation of gender machinery within government, namely MOWCA. Donor dependency was high during the 1970s and 1980s, and the military generals in power from then were willing to promote gender and development issues, particularly women's economic empowerment schemes, because it allowed them to use women's productive power and to earn brownie points with donors (White 1992).

However, the apparently pro-women axis of transnational and military players was a double-edged sword. On the one hand, international donors offered financial and ideological resources for promoting women's rights and helped to empower women in their negotiations with the state, whilst, on the other, it enabled critics to label them as 'westernized' actors promoting agendas that violated both cultural and religious values and norms (Nazneen and Sultan 2014). And whilst promoting women's economic rights, military dictators would also undermine their civil and political rights by rehabilitating banned religious political parties and incorporating religion in state policies, in order to legitimize their regime (Jahan 1995). After the transition to multipartyism, both main parties entered tacit or overt alliances with the Islamist parties to win elections and form a government, further strengthening the position of the religious political parties and groups (Nazneen and Sultan 2014). The emphasis on religion in public life has created difficulties for women's rights organizations to demand change in matters that are dictated by religious personal laws.

Bangladesh's political settlement following democratic transition and women's inclusion in politics

The anti-authoritarian movement in 1990 was spearheaded by two centrist parties—the Awami League (AL) and the Bangladesh Nationalist Party (BNP)—that dominated the political scene after Bangladesh's democratic transition in 1991 through a de facto two-party system. The change to a nominally democratic order involved a shift in balance of power within the national elite, with the political class emerging as the most powerful vis-à-vis the military and civil bureaucracy. However, the operation of this multiparty system is closely conditioned by the fact that the state is built on a social structure that is hierarchical by gender and class, within which patron–client relationships remain the dominant form of social organization (Jahan 1995, Kabeer 1989). These factors have combined to produce a form of competitive clientelism within which public spaces and institutions become heavily politicized in the struggle for power between the two political parties.

The public bureaucracy is heavily politicized, as reflected by the recruitment, transfer, and promotion processes of the police, civil bureaucracy, and lower judiciary to allow the ruling parties to exert partisan control over these agencies (BRAC Institute of Governance and Development, 2014). Partisan recruitment ensures loyalty to the ruling party at the local level and creates a stable network of insiders within the law enforcement agencies, civil bureaucracy, and the judiciary, although elements of the higher judiciary have been able to preserve their autonomy. Ruling regimes use the police and other security forces as private enforcers of violence for harassing opposition political leaders and constraining dissent from civil society (ICG 2015). The politicization of the law enforcement agencies has led to political parties essentially privatizing violence, with the youth, labour, and student wings and local cadres of successive ruling parties able to intimidate and discipline opposition activists (ICG 2015). Civil society has also been

heavily politicized in Bangladesh, with professional associations divided along party lines, in ways that constrain their capacity to promote their interests and demand accountability. The ruling party's power is challenged or constrained to some extent by the scrutiny of the privately owned print and electronic media and national-level rights-based nongovernmental organizations (NGOs) (Hassan 2013). To some extent, the Islamist groups also act as challengers, exercising veto powers over particular policy issues, including on women's rights.

In general, the systemic levels of bureaucratic and political corruption and political instability generated by this form of competitive clientelism have tended to undermine the capacity and commitment of the state to promote inclusive development; although within this context, political elites have been willing and able to protect certain sectors that are deemed critical to regime survival, particularly within key parts of the economy and social provisioning (Hassan 2013). This protection, and perhaps also the dynamic nature of competitive clientelism (Levy 2014), has enabled Bangladesh to make significant development progress on certain fronts in the past two decades.

This context has closely shaped the possibilities for women's political empowerment in Bangladesh. The influence of privatized forms of violence within local- and national-level politics restricts women's participation in these traditional arenas of political apprenticeship and prevents them from developing the networks that are crucial for functioning effectively within informal-centralized party structures (Akter and Nazneen 2014). It seems likely that the social and financial capital required to navigate the informal nature of ruling coalition politics also reduces the extent to which women can operate politically, with informality also limiting the extent to which rules-based legislation around women's rights can actually be enforced by the heavily politicized public bureaucracy and judiciary. As discussed later, these factors closely shape how women's movement actors have engaged with the dominant elite groups in promoting the women's rights agenda.

A shift in women's political and civil engagement took place after the democratic transition. Women's organizations and women in student unions were active in the pro-democracy movement of the 1980s and won a seat at the table during the first caretaker government (CTG) regime formed after the fall of General Ershad in 1991. They were consulted on how women in politics and policy-making should be addressed by the democratic regimes. The preparations for the Fourth World Conference on Women in Beijing in 1995 also created scope for women's groups to access policy spaces, because the government needed the expertise of civil society groups and Bangladeshi feminists working in international development agencies to draft national reports for the event.

Quotas for women in parliament and local government were considered inappropriate by political elites after independence, because of both a perceived lack of eligible women and the perception that this would be discriminatory towards men (Jalal 1975). A reservation of 15 seats for women in the parliament was introduced in 1972 and was later increased to 30 seats in 1978 (Chowdhury 1994b). These reserved seats were added to the existing 300 general seats. In 1988, one-third

of seats were reserved at the local level for women. The reserved seats at the national and local levels were seen as quick fixes by the military government to increase women's numerical representation during the UN Decade for Women. The provision of 30 reserved seats for women in parliament lapsed in 2001 and was extended, and later increased, to 50 seats (Akter 2014). Direct elections for women in local government to reserved seats that constituted one-third of local assemblies were introduced in 1997 (Chowdhury 1994b). The continuation of gender quotas in parliament in 2001 was deemed by the political elites to be a solution that required minimum changes to ensure women's presence in parliament. Female politicians and women's organizations were themselves ambivalent about the gender quotas, seeing them as an interim measure that created scope for women to enter a male-dominated space, whilst also being aware that in the long run, this system may limit women's political effectiveness (Jalal 1975, Chowdhury 1994b) and create proxy representatives (Chowdhury 1994a, Panday 2008).

Reserved seats in parliament have been used by the two main parties to negotiate with coalition partners and distribute patronage (Akter and Nazneen 2014). No political party, whether in power or not, has proved willing to change the system of nomination by party executives and introduce direct elections to these reserved seats. This is despite strong demands from women's rights organizations and women's wings of these parties (Akter and Nazneen 2014) and stipulations made in the Representation of People's Ordinance (RPO) of 2008.[3] This suggests that gender quotas were largely introduced to create party loyalists, to gain the support of donors, and to project Bangladesh and its leaders as 'progressive' on the global stage (Nazneen and Sultan 2014). Little has been done by the political parties to address the various structural and attitudinal barriers that limit women's effective participation in formal politics, including an androcentric political culture, a lack of women in leadership positions, political violence, and the limited capacity of most women to function as political agents in terms of their knowledge of government functioning and financial means (Chowdhury 1994a, Akter and Nazneen 2014).

Women largely come into politics in Bangladesh through the financial support and kinship networks of dynastic political families, including the female politicians who have led the two major parties. With the presence of these leaders—along with four female cabinet ministers, a female Speaker of the House, and a large number of women representatives in reserved seats in the national parliament—Bangladesh performs well compared with other countries when it comes to women's inclusion in informal politics (Inter Parliamentary Union 2014). What is less clear is the effectiveness of these women in delivering gender-equitable development policies and outcomes. The picture is also different at the national and the local levels. At the national level, women MPs are nominated, and therefore more accountable to the parties, than to their constituents. Given the weak position of the legislature as an institution, and the control exerted by the party leaders in a fiercely competitive electoral context, female MPs have rarely contested party positions on gender equity concerns or managed to create cross-party alliance and effectively lobby for gender-equitable legal reforms. In most cases, female MPs have toed

the party line when parliament acted as a rubber stamp for executive decisions (Akter and Nazneen 2014).

In terms of gender-responsive policy reforms at the national level, femocrats (i.e. feminist bureaucrats), the women's movement, and their (often male) allies within the bureaucracy have played key roles in promoting gender equity concerns in Bangladesh. Given the partisan and polarized nature of civil society (Hassan 2013), women's movement organizations have judiciously steered clear of engaging with political parties for fear of being labelled as appendages and losing their credibility. The women's organizations are not key players in formal politics, and political parties are unwilling to challenge the 'veto power' that Islamist parties and groups (*ulema*) have on certain agendas, such as education policy, religious personal laws, and reproductive rights (Nazneen and Sultan 2014). Led by the middle class and professional women, women's movement organizations have been active in promoting various agendas, including property rights, reproductive rights, political empowerment, family law reforms (Kabeer 1989, Halim-Chowdhury 2009), and, as we will see, legal reforms addressing violence against women.

The politics of domestic violence policy-making in Bangladesh

This section analyses the politics of negotiating gender equity within Bangladesh's competitive clientelist settlement through the story of how the Domestic Violence Act of 2010 was adopted. The analysis reveals a range of factors that influenced the extent of adoption and implementation of domestic violence legislation: the holding power of the pro-gender equity coalition (both organizational and ideational) and their ability to navigate informal politics; the changes in organizational power of the groups opposing these reforms; the shifts in political settlement dynamics that create policy reform opportunities; and the interests and incentives that the ruling coalition, particularly the top political leader in power, have in promoting certain agendas that either build their reputation or contribute to patronage distribution. I also explore the role played by transnational actors and ideas in influencing the inter-elite bargaining processes and in framing the policy agenda.

The story of the law

The enactment of the Domestic Violence (DV) Act in Bangladesh in 2010 is touted as a success story for gender equity by government and women's movement actors, both because of the unprecedented level of collaboration between these two parties and because the legal provisions have immense potential to change gender power relations. The Act introduces a broad definition of domestic violence that includes physical, sexual, psychological, and economic abuse 'against a woman or a child of a family with whom the victim is, or has been, in a family relationship' (DV Act 2010[4]). The formulation of the Act involved the following key actors and institutions: (1) the coalition of women's rights and human rights organizations (CiDV) that carried out the advocacy for the bill and drafted the laws; (2) the

gender machinery of the state, especially MOWCA—particularly the secretary and the women's minister, who championed the bill; (3) the prime minister, who used her influence inside the cabinet; (4) the ruling party and the parliament; and (5) the Ministry of Law, which resisted some proposed provisions. Interestingly, there was no resistance from organized religious groups after 2009, perhaps because such groups were under legal scrutiny at the time, although their potential threat continued to influence government behaviour. International donors provided funds for legal research, internal meetings, and other costs incurred by CiDV, but were not a part of the political negotiations.

The Act itself is the result of many years of struggle by the women's movement in Bangladesh to make the personal political. The process that led directly to the DV Act of 2010 started after 2002, when it came to the attention of women's legal aid organizations, and also government, that the existing laws on violence against women were unable to address the needs of women suffering from violence inside the family home. Existing legislation either addressed dowry-related violence or categorized cases to be tried under the criminal code where victims had suffered extreme forms of violence (e.g. acid attack, bride burning, etc.). This concern converged with the increased emphasis placed on addressing domestic violence in international discourse and agencies since the late 1990s. Women's rights groups started researching the provisions and laws of other countries on domestic violence, with funding from international donors. These groups also sought help from female lawyers, male judges, and international feminist lawyers from neighbouring countries, mainly India and Malaysia.[5] The evidence gathered provided a focal point for feminists to come together to assimilate these drafts in 2006, at which point the decision was made to lobby government to enact a law on domestic violence. Importantly, an electoral turnover at this point brought in a caretaker government (CTG) within which an erstwhile feminist activist in civil society held a prominent position, with authority over MOWCA. This political opening, created by the absence of partisan politicking at the centre of government, encouraged feminist groups to forma policy coalition—Citizen's Initiative Against Domestic Violence (CiDV)—consisting of 25 groups, which engaged regularly with government to push the issue.

The policy coalition's work suffered a setback in 2008, when the controversy over the proposed clause on women's control over acquired assets in the National Women's Development Policy (NWDP) led to wide-scale mobilization and criticism by the Islamist groups and forced the CTG to stall its work on any issues related to women's rights. In 2009, after the AL government came into power, MOWCA was headed by an insider from the feminist movement, injecting new momentum into CiDV, which moved to partner with MOWCA in promoting the bill. The drafting of the bill was incorporated as a part of the donor-funded Multi-Sectoral Project on Violence Against Women (MSVAW) at the suggestion of the new minister of women's affairs. This led to the institutionalization of the work around drafting facilitated by the then secretary of MOWCA. The draft law was actually prepared by the CiDV, which included lawyers' organizations, and presented to the Ministry of Law for vetting. The placement of a well-researched

draft reduced the time needed by the law ministry to forward a draft law to the cabinet in 2010. The close relationship[6] between the minister of women's affairs and the prime minister expedited the process. The prime minister was eager to enact the DV Act because the AL government had compromised on the new version of the National Women's Development Policy in 2010, and the government also wanted to project itself as a women-friendly government for the Committee on Status of Women (CSW), because the country was scheduled for a CEDAW review in February 2011 in New York that would assess whether the commitments made by the state to CEDAW provisions were being met.[7] Moreover, in July 2010, the key leaders of the Jamaat E Islami, the opposition coalition partner, went on trial on charges of collaborating with the Pakistani military, which reduced the veto power of the Islamist groups and created the need for the AL government to seek support from secular elements of civil society.[8]

The positive stance of the prime minister was influential over both the cabinet and the parliament. In an unprecedented move, the minister of women's affairs passed queries on the draft law raised by the cabinet on to CiDV, so that they could help the minister convince the prime minister of the necessity of the clauses in question.[9] Meanwhile, CiDV members actively lobbied male MPs who could potentially oppose the law and mounted an intensive media campaign when the bill was being discussed in parliament. These moves were informed by CiDV's own political analysis, undertaken at the outset of the campaign, which had mapped out the key players who may resist the Domestic Violence Act. This meant that the bill was subjected to relatively little debate and scrutiny in parliament once it went through the cabinet and was passed in October 2010. The Act includes the following provisions for women: protection orders; the right to reside in the marital home; temporary custody of children; and recovery of personal assets and assets acquired during marriage. However, compromises were made with the law ministry in terms of defining which relationships were covered under the law and also through the exclusion of marital rape from the legislation. In addition, various loopholes in the law have made its application difficult in matters related to economic rights and claiming compensation.

Each stage of the negotiation process was characterized by the high degree of informality and dynamism that characterizes politics under competitive clientelism in Bangladesh, involving backdoor negotiations, personal relationships, and shifting coalitional politics. However, it was also closely informed by broader factors, including the influence of transnational discourses and actors and the legacies of previous processes of engagement between feminists and the state within the domain of women's interests in Bangladesh.

Coalition-building and informal negotiations

The policy coalition, CiDV, was formed by organizations that either belonged to the women's movement or were human rights NGOs. The leaders came from national-level organizations with significant credentials in championing women's rights, working on violence against women, and providing legal aid.

The inclusion of female and human rights lawyers and scholars in the policy coalition allowed it to access different constituencies (lawyers and judges) and to claim legitimacy on the subject of dealing with domestic violence. The experience of legal aid provision at the grassroots level helped the coalition to counter the claim that there was no demand at that level and that its members were elite women disconnected from reality.[10] The coalition also expanded its membership to signal that the demand for a DV Act was, wider, with deliberate efforts to include organizations of transgender and gay groups, people with disabilities, and children's rights organizations.

CiDV's lead organizations included members who had been classmates of the prime minister at university or were close friends of the women's minister, who herself was a member of CiDV lead organizations, Bangladesh Mohila Parishad (BMP) and Bangladesh National Women Lawyer's Association (BNWLA). These previous relationships and informal connections opened many doors, allowed access to insider knowledge, and enabled the policy coalition to tackle bureaucratic resistance. According to one of our sources working within CiDV at the time:

> When Shirin Sharmeen Chowdhury became the Minister of Women's Affairs, we were very happy as she was one of us… and a lawyer to boot… Previously those serving in the CTG were also our people, but the political reality was different, so the issue had stalled… The minister herself took a personal interest and was willing to put the ministry's resources at our disposal… She lobbied to get MOWCA in charge of the process and not the Ministry of Law… she tipped us off about the kind of queries that may be placed. She knew X, Y, and Z and those who drafted the Act, so for us to access her was not an issue… When the Act was placed in the cabinet for debate, she asked for a special briefing and specifically asked us to respond to the queries that were privately asked by the PM before the bill was placed, which is not the norm….[11]
>
> MOWCA secretary was like a mother hen guarding the whole process of drafting the law, getting it vetted, and placing it into the hands of the minister. We were lucky that he was not transferred … for six years he organized consultations, called us up whenever the draft hit a wall, tipped us off about how to draft our demands, who we should target, and how we could negotiate the bureaucratic maze, resisting pressure from the law ministry… his core team members at MOWCA also took this to heart… he is the one who integrated it into the MSVAW project. He used to say, 'I will write the notes in such way that other ministries cannot ignore this—that even if I am not here the work will go on…'.[12]

The coalition members interviewed described their role and the role of the secretary of MOWCA and Minister of Women's Affairs as 'committed opportunists' and 'realists who started with the ideal asking for the stars… and made pragmatic choices and compromises to get the law through'.[13] Their opportunism resulted from the alignment of the campaign with the interests of the ruling regime to

enact this particular piece of law, which flowed both from the shifting dynamics of the ruling coalition at the time and its need for wider (international) legitimacy (discussed later).

MOWCA played the lead role, along with the Bangladesh Law Commission and the Ministry of Law, in facilitating the process. The women's minister and the secretary of MOWCA ensured that the DV Act was institutionalized as a deliverable for the donor-funded MSVAW project that was being implemented by the ministry. This formalized CiDV's interactions with the government and gave its work weight and entry into policy space. Conventionally, the Ministry of Law takes the lead in drafting bills, but this was unconventionally left to MOWCA, which allowed CiDV the opportunity to rework and place its initial drafts of the Act. This move reflected not only the minister's own personal interest in enacting this law, because of her personal links with the women's movement and the close fit between the DV Act and the ministry's other policy priorities at the time, but also pressure from external funders to move forward on this issue and the fact that the law ministry lacked the expertise to draft laws on domestic violence—expertise that CiDV lawyers could offer.

Nonetheless, the women's minister had to personally deal with the resistance from the Ministry of Law, which saw MOWCA as encroaching on its territory. A Supreme Court barrister and also a member of CiDV pointed out that the 'law ministry had kicked up a fuss over our definition of family in the draft, but Shirin (the minister) was very tough… and insisted that the law ministry should not tinker with MOWCA's draft…'.[14] Although MOWCA is the weaker ministry, in terms of resources, personnel, and position within the government, the position of the women's minister within the inner circle of power opened up avenues. The support of the Prime Minister's Office (PMO), and especially the prime minister, was critical once the law was placed in the cabinet: a CiDV insider based at the PMO noted that the prime minister briefed the cabinet that she wanted the Act passed during her tenure as a part of the election pledge and that the draft should be placed in parliament as soon as possible. This helped to limit discussion in the cabinet, excepting protests from the Ministry of Law, and also parliament. CiDV members interpret this support as AL's need to:

> [W]oo the women's rights and human rights groups with the beginning of the war crimes trial, when the government needed support of all secular and liberal groups against the Islamist parties—especially since the government had compromised on appeasing the *ulema* (religious scholars) on the National Women's Development Policy and had disappointed us… so this was a peace offering, given the CEDAW review at CSW (Committee on Status of Women) was coming up in February 2011 and we were preparing the alternative report and Bangladesh needed to appear doing well….[15]

The fact that merely passing the Act did not require immediate resourcing also reduced any potential resistance from other stronger ministries.

Donors were not a part of the CiDV, nor did they formally engage in the negotiations with government. Nonetheless, funding from the German Corporation

for International Cooperation (GIZ), Academy for Educational Development (USAID funding), and the Nordic countries in particular helped facilitate the process. Donor funding was particularly useful during the research and training stages, where legal aid scholars and feminist lawyers who had worked on the Indian Domestic Violence Act were brought in to discuss difficulties in the Criminal Procedure Code enacted by the British colonial authority and the various cultural matters that one needs to take into cognizance when drafting such a law.[16]

The role of discourses and ideas about domestic violence

The influence of international discourses on women's rights on the Bangladeshi women's movement is palpable. The longstanding focus on violence against women by women's rights organizations in the country gained prominence in and around preparations for the UN Beijing Conference in 1995, the follow-up to which saw the government formulating the National Women's Development Policy and the National Action Plan for women, which included domestic violence (Afsharipour 1999, Chowdhury 2001). This process created opportunities for women's rights organizations to engage with the state by entering policy spaces, enabling each side to gain insights into the other, and helped create the basis for the working relationships that would later develop around the push for the DV Act. The growing rights-based agenda also created a context where the domestic violence issue was packaged as a human rights violation issue—and not a private matter between family members. The ideas used to frame the Indian and the Malaysian domestic violence law were particularly influential on women's rights groups in Bangladesh.[17]

The key achievement of the DV Act was to define domestic violence beyond the physical, to include economic, sexual, and psychological forms of violence (in line with the general recommendation made by the CEDAW committee in 1992)—because the latter three dimensions were not clearly recognized in the existing penal code. This definition had far-reaching consequences in matters related to consciousness raising and the framing of provisions for women. The idea of how a family was defined was another issue that challenged the prevalent notions about marital relations, sexual order, and women's needs. CiDV promoted a wider definition that included cohabitation, adopted children, and transgender and gay partnerships. This definition was internally contested, because some members felt that the DV Act should only focus on women and leave out other groups to be covered by special codes.[18] In the end, a narrower and sanitized definition of the family was used by the Ministry of Law to avoid controversy and minimize contention (only blood, marital relationships, and adopted children were recognized). A debate also occurred around whether it should be a gender-neutral bill (covering men also) or specifically target women.[19]

While framing the issue, the policy coalition and the ministry emphasized the interconnectivity of ideas and interests on domestic violence with other prominent discourses at the time in Bangladesh, including the Millennium Development Goals, maternal mortality, and the economic and social costs of

domestic violence.[20] This more instrumentalist discursive strategy was adopted to help the coalition reach a wider audience. The policy coalition and the ministry were well aware that domestic violence is embedded in patriarchal power relations and that an explicit challenge to male privilege would provoke resistance. The Act also contained provisions on the rights of married women to live in the marital home and to claim compensation for property that was acquired during marriage, which, if implemented, would greatly limit male power. However, these provisions were framed around the 'need' Bangladeshi women have for male protection and economic provision by the husband. While this framing reflected the reality of women's condition, it also limited the possibilities for contention by playing into a construction of gender roles more acceptable to men and society in general.

The provisions on these aspects in the final version of the Act were much less challenging to male privilege than they might have been. The right to live in the marital home does not establish ownership claims of the woman, but provides temporary shelter until the husband cools down.[21] Because the law is premised on protecting victims while they remain married, it does not apply once the couple is divorced and so enables a man to unilaterally divorce his wife by sending her three written notices. The economic rights for women within the family that were enshrined in the domestic violence law (e.g. right to residence, maintenance claims) are limited by the fact that the DV Act is a civil law that does not disrupt the discriminatory religious personal law regimes in place in Bangladesh. Men's stake with regards to the loss of privilege was not as high with the DV Act as compared with the National Women's Development Policy, where a move to increase women's control over acquired assets opened up possibilities for disrupting existing systems of property and inheritance rights. While the DV Act included sexual violence in its definition of domestic violence, it did not include provisions on marital rape, but focused more on sexual offences that take place within the home against children or minors. In fact, by the time this law reached the cabinet, it was seen as a 'lightweight' issue that was needed to protect women from widespread violence within the home.

On resistance to the law and diffusing resistance

The main resistance to the Act came from the Ministry of Law and some male MPs. Ministry of Law officials disputed the draft bill's broad definition of the family, which included a couple cohabiting or persons living in the same household, in favour of focusing only on married couples. The recognition of cohabitation was seen as a threat to the existing sexual order and family stability, in a society where the only acceptable form of sexual relations takes place within (heterosexual) marriage. Law ministry officials were also worried that families would break down if marital rape was recognized and that women would abuse the various provisions in the law that allowed them the right to reside in the marital home and property in order to harass the husband and in-laws. Initially, resistance to these provisions was dealt with by the women's minister, who was

adamant that no changes would be made. However, the Ministry of Law had the right to send the draft for independent scrutiny, which is where the definition of the family was changed, cohabiting couples were removed from protection, and marital rape was excluded.[22]

Some resistance also came from male MPs, including leading members of the executive and opposition party, who criticized the bill 'for singling out women for protection under the Act, since men also needed protection, and they feared that women would abuse the provisions of the law'.[23] CiDV counter-lobbied by highlighting the widespread nature of domestic violence, noting the fact that other countries had legislated against it, and also toning down the more radical aspects of the proposed Act. Most female MPs, other than those who had links with the women's movement, played no part in persuading their male counterparts.[24] The policy coalition briefed all the female MPs regarding the bill, partly to avoid hostile questions from the opposition female MPs. This fear was not unfounded, given the confrontational nature of parliamentary political practices and culture in highly competitive settings such as Bangladesh, where female MPs have usually failed to unite over gender equity concerns, due to pressures to toe the party line.[25] This is further exacerbated by the fact that the majority of female MPs are in reserved seats and thus owe their loyalty to the party leadership.[26]

Parliamentary resistance to the Act could therefore have had a significant impact, had it not been for these efforts by women's movement actors, along with the strong support from the PMO, and the fact that parliament is a weak institution that has rarely proved capable of resisting pressure from the executive. The attention of opposition MPs was also usefully diverted by other ongoing processes, including the war crimes trial. Although the *ulema* (religious scholars) and Islamist political parties did not directly oppose the bill, the toning down of the radical aspects of the DV Act—particularly concerning the definition of the family and the non inclusion of marital rape—was a direct result of the group's veto powers and the perceived threat this group posed with regards to questioning AL's credentials to rule a Muslim majority country. Again, this process of norm contestation and negotiation at the domestic level demonstrates the interactive, rather than top-down, nature of norm diffusion on domestic violence and the important role played by domestic political dynamics and actors in this process, as suggested in Chapter 3.

The politics of implementation

The pace at which Bangladesh moved to adopt the DV Act of 2010 may not have been rapid when compared to other developing countries (see Chapter 10), but it certainly exceeds the pedestrian pace at which it has been implemented to date. The state still lacks a coherent and well-resourced operational structure through which to implement the law. The process of implementation was initially stalled because of the delay around the rules of procedure, which took three years to develop and gazette. The rules were developed and submitted to MOWCA by the CiDV in 2012. However, the ministry only took them up in 2013, and it

took another year to develop the prescribed forms required to file cases; even now, MOWCA still lacks the resources to copy these forms and distribute them to different state agencies. MOWCA also requires cooperation from the home, social welfare, law and justice, and finance ministries, which has so far been absent.[27] It was envisioned that the MOWCA officer at the district and the upzila level would be the key implementing officer and would liaise with the police, courts, hospitals, and local-level women's organizations. A list of service-providing organizations (women's organizations, legal aid organizations) would be developed, and catchment areas of these service-providing organizations would be clearly defined. So far, training modules for MOWCA officers and the listings of these service-providing organizations have been completed by CiDV, although a recent evaluation conducted by BNWLA found that about half of the MOWCA officers interviewed at the district level had not received training on the DV Act (Bangladesh National Women Lawyers' Association [BNWLA] 2013). Most stated that they did not know how to file applications under the DV Act and could only do so with the assistance of the legal aid and women's organizations.

Progress in the training of judges and police officials has been slow because of a lack of resources as well as commitment. The BNWLA evaluation also reported that of the police officers interviewed in five districts, only 10 percent of the officers knew about the DV Act (BNWLA 2013). There are eight one-stop crisis centres and nine government shelters, covering 64 districts (some of these existed before the law was passed), which means that the vast majority of Bangladeshi women are unable to access the support required to take advantage of the new law. Although the law has specific provisions for compensation, the courts struggle to issue such orders because establishing what assets women have acquired during marriage is difficult. Adequate monitoring mechanisms are yet to be developed to track implementation of the Act by the state. Table 7.1 shows the steps undertaken by the state and the gaps in implementation.

Why do these gaps in progress exist? The immediate reasons that surface are the following. The implementation of the DV Act requires changes in operational procedures and budgets to ensure that state officials are able to enact the law. At present, MOWCA and social welfare officers operate as the point of contact at the district level when cases are filed. However, this provision places the officer in the role of enforcer, which is largely incompatible with their primary role as welfare officer. This is in addition to the increased workload; the lack of training on the new law; and lack of budget for transport, conducting investigations, and accessing various services that the victims need. One MOWCA officer based in Dhaka highlighted the following problems:

> There weren't enough forms to file complaints, which were later supplied by BLAST… I worked with BLAST to file a protection order, as I had no training …I work on other cases also (and because of this)…there was a lag in securing the protection order… When the order was ineffective to protect the girl, I had to go and rescue her at 10pm. I contacted the local police station, but they were not co-operative initially. I needed a vehicle to go

Table 7.1 Steps undertaken to implement the Domestic Violence Act in Bangladesh

Action	Year	Time and other types of lags
Developing Rules of Procedure	April 2013	Draft submitted to MOWCA in 2012
Developing training modules	Completed in 2013	Modules developed three years later
Training of MOWCA officers	299 officers trained to cover 64 districts; still continuing	Resource gaps
Preparing list of service delivery organization and information registry; identification of catchment areas	Catchment areas identified by CiDV by 2013; list of service delivery organizations submitted by CiDV in 2014	MOWCA yet to published list
Training of police officers	CiDV continuing from 2013	Resource gaps
Training of magistrates	CiDV continuing from 2013	Resource gaps
Cases filed	Cases were filed mostly in Dhaka and five other districts, largely in project pilot areas: 146 by BNWLA; 32 by BLAST; 9 by ASK. Cases are mostly filed by women against their husbands.	Most court officials and police officers unaware of the DV Act
Monitoring of cases	CiDV member pilots in 2013–14	Some pilots by CiDV members; no concentrated efforts by the state

Note: information as of December 2014; collated from CiDV members and MOWCA officials and website.

to that part of the city at night, which I did not have, and the office will not reimburse me…My husband took me. The officer in charge was responsive later and helped in rescuing the girl, but we could not bring her things, as we had no storage space for keeping them…I received so many threats from the husband's family… and this is just one case… If anything gets done [under the DV Act], it gets done because some people in the government and the women's organization workers are committed to making it work, but there are limits to what only commitment can deliver!

In addition, CiDV's role in training state officials and developing the forms required for cases to be developed has created internal conflict, because some are opposed to CiDV becoming a 'training unit'. However, where cases have been filed under this law, experience shows that involvement of women's rights groups in handling the case on behalf of the plaintiff, and the presence of responsive state officials, are crucial for successful implementation.[28]

If one digs deeper, it is apparent that the following structural issues act as barriers. First, the law requires MOWCA to be able to coordinate the activities of

several implementing agencies, which it is unable to do effectively, given its low levels of bureaucratic capacity and also political capacity, particularly in relation to the more powerful ministries of law and home affairs. The lack of coherence between the vision of the DV Act and its provisions makes this task of coordination harder still.

Second, the preceding discussion reveals that the implementing state agencies face a lack of resources and capacity to implement the law, in part because a clear financial policy and plan was not developed when the law was adopted.[29]

Third, the implementing agencies—including the police, lower judiciary, and medical service providers—remain male-dominated professions and arenas and act as 'blockers' in the implementation process (Waylen 2014). Most of these actors encourage women who bring domestic violence cases to pursue mediation and reconciliation, partly as a paternalist means of protecting them from the loss of economic security that this could entail, given that many women in Bangladesh are economically dependent on their husbands. Moreover, the predominant view within the police and judiciary is that the filing of domestic violence cases leads to 'destruction of family, the core unit upon which the society is built'.[30]

Fourth, the key players in the adoption process—namely the civil society coalition and also donors—are not officially involved in implementing the law, and whilst the key implementing agencies were consulted during the adoption process, they were not amongst those pushing for this legal change. Thus, there is a disconnect between the 'rule-makers' and 'rule-enforcers' (Waylen 2014), a gap that has to be mediated by the relatively weak MOWCA. This disconnect helps explain the limited priority that implementing actors have placed on enforcing the law. Moreover, the fact that these institutions have been heavily politicized within Bangladesh's competitive clientelist setting for over two decades, has further reduced their capacity and incentives to deliver rules-based policies in general, let alone those that threaten dominant interests and ideas, and carry little political weight behind them. For example, a police officer made the following points to a CiDV member:

> [A] husband slapping a wife around is not a priority when we have to make sure that the opposition party cadres are not out of line, when there are political clashes, when we get phone calls to provide different types of services by the 'high ups' [sic]… solving a domestic violence case will not help in keeping my job….[31]

Conclusion: a hollow victory?

In Bangladesh, national-level ruling elites are capable of reaching a consensus over policies that would earn them extra mileage with the international community or create opportunities for distributing patronage. Thus, many reforms and good policies are formulated when it comes to addressing gender needs and the rights agenda insofar as they meet either or both of these conditions. However, most of these policies and reforms are not implemented effectively, partly because

of the particular difficulties of implementing reforms in the domain of women's rights, partly because of low levels of state capacity, and partly because the failure to deliver is not electorally costly, as it does not threaten the stability of the regime. The interest of the ruling coalition in enacting a domestic violence law was driven by the top leadership's interest in projecting its image as a gender-friendly regime at the national and international levels. The enactment of a law, which had been compromised during the negotiation process through which it was established, did not create major challenges to the sexual, social, and gender order.

Moreover, CiDV members are unwilling to publicly shame the government concerning its limited enforcement of the DV Act, because this would undermine the good relationship that they have established with government—access that enables them to retain some degree of influence at a time when the ruling elite's need to woo the women's rights groups and the space for opposing the state is being squeezed out. In 2014, new gagging laws pertaining to the media and NGO funding were introduced to limit criticism of government actions, which has limited space for calling the state to account. Also, the holding power of the policy coalition had decreased with the rise of Hefazat E Islam, a loose coalition of Islamic forces in 2013, which the government needed to pacify, given upcoming elections in 2014.

This analysis reveals how the political settlement has shaped the negotiation of gender equity in Bangladesh and points to the value of moving beyond the usual focus on the impact of gender quotas and the effectiveness of state gender machinery to the deeper forms of politics and power relations that shape progress on this front. The difficulties in getting the DV Act adopted and implemented reflect the significance of securing an alignment between the policy reform and the dominant interests and ideas of the ruling coalition and, thus, the capacity and commitment accorded to the policy agenda. As a nominally 'transformative' policy reform, the DV Act of 2010 faced great resistance and had to be diluted in ways that have helped to maintain male privilege. The difficulties in implementing the law can be explained in part by its complex character, which requires coordination between multiple actors and agencies, but also because it does not fit the incentive structure of the ruling coalition. It does not confer electoral legitimacy nor offer scope for dispensing patronage—the key currencies within political contexts that are primarily clientelist rather than programmatic in nature. This insight carries important lessons for movement actors and policy entrepreneurs in advancing transformative policy reforms in competitive clientlelist contexts.

By using a power domains framework that brings together feminist and political settlements literatures (see Chapter 2), I was able to draw attention to the role of key actors in relation to their power within the ruling coalition, the significance of historical context in terms of establishing women's entitlements at key moments of state formation, the role of informal networks and personalized relations in the negotiation process of policy formulation, and the role of strong policy coalitions. Whereas a standard political settlements analysis would focus only on interests, the power domains framework also enabled me to explore the influence of ideas in shaping political behaviour (Lavers, 2018). In many ways,

these analytical insights converge with the recent emphasis placed by feminist scholars on the significance of informal institutions (Waylen 2014, 2017), and state–society relations (Htun and Weldon 2010) and coalitions in securing gender equity, but the analysis of the Bangladesh case brings these insights together under a coherent framework. This indicates that the framework used allowed me to capture a more nuanced picture of the policy story than current feminist analysis.

The value of the power domains framework for the analysis of the domestic violence policy case story in Bangladesh lies in being able to clearly capture the role of the informal networks, interpersonal capital, and informal norms and practices in adopting and implementing a legal change. It revealed that informal networks may not always adversely affect the promotion of gender equity, as generally assumed in the good governance literature (Nazneen 2017). Personal relationships between the leadership of the domestic violence policy coalition, the top leadership of the ruling regime, and key officials in the gender machinery greatly influenced the pace of the policy adoption process and the content of the law. The significance of the informal network that existed between the leaders of the women's movement and a powerful female minister created strong ties between civil society and the elites.

The other value added from using a power domains framework for analysing negotiations around the DV Act is to show how, even in a competitive clientelist context within which it is difficult to promote programmatic agendas, windows of opportunity for feminist activists may emerge when political dynamics shift and when opponents (in this case, religious political parties) are rendered temporarily toothless. An analysis of the political settlement is useful for unpacking these dynamics and the ebb and flow of holding power amongst different groups therein, with a view to overcoming resistance. Unpacking the role of informal networks, norms, and practices and understanding the incentives of the key actors for promoting or resisting gender equity concerns is crucial for developing a clear analysis of what kind of change is possible for advancing women's rights or gender equity concerns.

The evidence from the Bangladesh story suggests that for the public bureaucracy to play a progressive role requires that the normal rules of the game within a competitive clientelist political settlement are somehow disrupted. This happened here when the usual dynamics of competitive clientelism and its politicizing effects on political debate and the public bureaucracy were temporarily suspended by the installation of a caretaker government, in ways that opened political space for activists and femocrats to ally and drive forward the enactment of the law.

Lastly, the Bangladesh story reveals (as do other country cases in this book) that transnational actors, events, and discourses on women's rights are able to tip the balance in favour of women's rights, even if this comes at the price of women's groups having their legitimacy called into question. Importantly, South–South exchanges can play a vital role in the promotion of gender equity, as demonstrated by the role played by Indian and Malaysian feminist movement actors in

supporting their Bangladeshi counterparts to frame the DV Act in Bangladesh. These findings challenge the methodological nationalism of much political analysis on gender equity and also point towards the need for a deeper appreciation of how transnational actors and discourses may be constitutive of, and help shape, the political settlement itself, as well as specific policy domains within the Global South.

Notes

1. Changes in national and international contexts, power of the allies and opposition.
2. The 2006 military intervention created a caretaker government, which was in power for two years to implement the necessary electoral reforms.
3. In 2008, under the caretaker regime, the Election Commission proposed that the RPO should stipulate direct elections in reserved seats, a 33 percent reservation for women in parliament, and all committee positions within the political parties. All political parties resisted these changes.
4. See https://mowca.portal.gov.bd/sites/default/files/files/mowca.portal.gov.bd/page/203db-6dc_7c82_4aa0_98a6_8672334b235c/Domestic%20Violence%20Act%20English.pdf [accessed 23 July 2018].
5. Interview, Naripokhkho and CiDV member; 25 May 2014; HRLS, BRAC employee (former Ain o Salish Kendra employee) and CiDV member, 27 August 2014.
6. The father of the minister of women's affairs was a high-ranking AL leader, who had a close relationship with Sheikh Mujibur Rahman, the prime minister's father. The women's affairs minister also steadfastly supported Sheikh Hasina, the AL prime minister, when Hasina was facing difficulties during the 2007–2008 CTG regime backed by the army and also was being challenged by many of the AL leaders.
7. Interview, GIZ employee and CiDV member, 22 June 2014; interview, Bangladesh senior staff member and CiDV member, 19 June 2014.
8. Interview, senior staff member and CiDV member, 19 June 2014; interview, former Bangladesh National Women Lawyers' Association (BNWLA) employee and CiDV member, 24 June 2014.
9. Interview, former BNWLA employee and CiDV member, 24 June 2014; interview, MOWCA secretary, 22 July 2014.
10. Interview, HRLS BRAC employee (former Ain o Salish Kendra employee) and CiDV member, 22 August 2014; interview, senior staff member and CiDV member, 19 June 2014.
11. Interview, former BNWLA organizer and member of CiDV, 24 June 2014.
12. Interview, Naripokhkho member of CiDV, 25 May 2014.
13. Interview, HRLS BRAC employee (former Ain o Shalish Kendra [ASK] employee) and member of CiDV, 27 August 2015; interview, senior staff member and member of CiDV, 19 June 2014.
14. Interview, senior staff member and CiDV member, 19 June 2014.
15. Interview, senior staff member and CiDV member, 19 June 2014.
16. Interview, former Care Bangladesh employee and CiDV member, 20 April 2014.
17. Interview, Naripokhkho and CiDV member, 25 May 2014.
18. Interview, HRLS BRAC employee (former ASK employee) and member of CiDV, 27 August 2014.
19. Interview, senior staff member and CiDV member, 19 June 2014.
20. Interview, former Care Bangladesh employee and CiDV member, 20 April 2014.
21. Interview, former BNWLA employee and CiDV member, 24 June 2014.
22. Interview, senior staff member and CiDV member, 19 June 2014; interview, former GIZ employee and CiDV member, 22 June 2014.

23. Interview, BLAST lawyer, 24 June 2014.
24. Interview, female MP 1, 1 March 2014; interview, BNWLA employee and CiDV member, 24 June 2014.
25. Rules against 'floor crossing' were introduced after 1973 to control dissent; a member of parliament loses his/her seat.
26. Interview, BNWLA employee, 4 June 2014.
27. Interviews, BLAST lawyer and CiDV member, August, 2014; MOWCA officers at MOWCA–CiDV dialogue, August 2014.
28. Observations made at the MOWCA–CiDV meeting, August 2014.
29. According to an article in *ProthomAlo*, 26 April 2015, more than 450 posts were vacant for the position of district and assistant judges at the time of writing.
30. Interview, magistrate 1, 26 August 2014.
31. Interview, ASK lawyer and CiDV member, 24 July 2014.

References

Afsharipour, A. 1999. 'Empowering Ourselves: The Role of Women's NGOs in the Enforcement of the Women's Convention'. *Columbia Law Review*, 99(1): 129–66.

Ahmed, R. 1981. *Bengal Muslims 1871–1906: A Quest for Identity*. New Delhi: Oxford University Press.

Akter, M. 2014. 'Women in Bangladesh Politics: Existing Challenges and Future Opportunities'. *Technical Brief 06. Center for Gender and Social Transformation*. Dhaka, Bangladesh: BRAC University.

Akter, M. and S. Nazneen. 2014. 'Inclusive Democracy: Engendering Political Parties'. In *The State of Governance Report: Bangladesh 2013*. Dhaka, Bangladesh: BRAC University.

Bangladesh Bureau of Statistics. 2011. *Violence Against Women in Bangladesh 2011*. Dhaka, Bangladesh: BBS.

Bangladesh National Women Lawyers' Association (BNWLA). 2013. *Ending Impunity: Monitoring Report for the Implementation of the Domestic Violence Act (Prevention and Protection) 2010*. Dhaka, Bangladesh: BNWLA.

BRAC Institute of Governance and Development. 2014. *The State of Governance Report: Bangladesh 2013*. Dhaka, Bangladesh: BRAC University.

Chowdhury, N. 1994a. 'Bangladesh: Gender Issues and Politics in a Patriarchy'. In *Women in Politics Worldwide*. Edited by Nelson, B. and N. Chowdhury, 92–113. New Haven, CT: Yale University Press.

Chowdhury, N. 1994b. 'Women's Participation in Politics: Marginalization and Related Issues'. In *Women in Politics*. Edited by Chowdhury, N., H.A. Begum, M. Islam and N. Mahtab. Dhaka, Bangladesh: Women for Women.

Chowdhury, N. 2001. 'The Politics of Implementing Women's Rights in Bangladesh'. In *Globalization, Gender, and Religion: The Politics of Women's Rights in Catholic and Muslim Contexts*. Edited by Bayes, J. H. and N. Tohidi, 203–30. New York: Palgrave Macmillan.

Escobar-Lemmon, M. C. and M. M. Taylor-Robinson (eds). 2014. *Representation: The Case of Women*. New York: Oxford University Press.

Halim-Chowdhury, E. 2009. 'Transnationalism Reversed: Engaging Religion, Development and Women Organizing in Bangladesh'. *Women's Studies International Forum*, 32(6): 414–23.

Hassan, M. 2013. 'Political Settlement Dynamics in a Limited Access Order: The Case of Bangladesh'. ESID Working Paper 23. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Hossain, N. 2007. 'The Politics of What Works: The Case of the Vulnerable Group Development Programme in Bangladesh'. CPRC Working Paper 92. Chronic Poverty Research Centre, BRAC University.

Hossain, N. 2017. *The Aid Lab: Understanding Bangladesh's Unexpected Success*. Oxford: Oxford University Press.

Htun, M. and S. L. Weldon. 2010. 'When Do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy'. *Perspectives on Politics*, 8(1): 207–16.

ICG. 2015. 'Mapping Bangladesh's Political Crisis'. Asia Report 264. International Crisis Group, Brussels.

Inter Parliamentary Union. 2014. 'Annual Report 2014'. Geneva: Inter Parliamentary Union. http://archive.ipu.org/pdf/publications/SG14_en.pdf [accessed 27 July 2018].

Jahan, R. 1995. 'Men in Purdah and Women in Public: Rokeya's Dreams and Women's Struggles in Bangladesh'. In *The Challenges of Local Feminisms: Women's Movement in Global Perspective*. Edited by Basu, A. Boulder, CO: Westview Press.

Jalal, K. 1975. 'Women in Politics'. In *Women for Women: Bangladesh: 1975*. Dhaka, Bangladesh: Women for Women.

Jayawardena, K. 1986. *Feminism and Nationalism in the Third World*. London: Zed Books.

Kabeer, N. 1989. 'Subordination and Struggle: Women in Bangladesh'. *New Left Review*, 168.

Kabeer, N. 1994. *Reversed Realities: Gender Hierarchies in Development Thought*. London: Verso.

Khan, M. 2010. 'Political Settlements and the Governance of Growth-Enhancing Institutions'. *Monograph*. London: SOAS.

Lavers, T. 2018. 'Taking ideas seriously within political settlements analysis'. ESID Working Paper No. 95. Manchester, UK: Effective States and Inclusive Development Research Centre, University of Manchester.

Levy, B. 2014. *Working with the Grain: Integrating Governance and Growth in Development Strategies*. New York: Oxford University Press.

Nazneen, S. 2017. 'Negotiating Gender Equity in a Clientelist State: The Role of Informal Networks'. In *Gender and Informal Institutions*. Edited by Waylen, G., 161–82. Lanham, MD: Rowman & Littlefield International.

Nazneen, S. and M. Sultan (eds). 2014. *Voicing Demands: Feminist Activism in Transitional Contexts*. London: Zed Books.

Panday, P. K. 2008. 'Representation without Participation: Quotas for Women in Bangladesh'. *International Political Science Review*, 29(4): 489–512.

Waylen, G. 1998. 'Gender, Feminism and the State: an Overview'. In *Gender, Politics and the State*. Edited by Randall, V. and G. Waylen. London: Routledge.

Waylen, G. 2014. 'Informal Institutions, Institutional Change, and Gender Equality'. *Political Research Quarterly*, 67(1): 212–23.

Waylen, G. (ed). 2017. *Gender and Informal Institutions*. Lanham, MD: Rowman & Littlefield International.

White, S.C. 1992. *Arguing with the Crocodile: Gender and Class in a Bangladeshi Village*. London: Zed Books.

World Bank. 2008. 'From Whispers to Voices: Gender and Social Transformation in Bangladesh'. World Bank: Dhaka.

Appendix 4 List of participants in the Bangladesh study

1. Senior staff member and CIDV member
2. Human Rights Legal Services, BRAC employee (former Ain O Shalish and CIDV member)
3. Former BNWLA organizer and member of CiDV
4. GIZ employee and CiDV member
5. Naripokhkho member and CiDV member
6. Lawyer 1, BLAST
7. Former CARE employee and CiDV member
8. GIZ employee 2, CiDV member
9. Secretary, MOWCA
10. Former director, MSVAW; MOWCA
11. Female MP 1
12. Female MP 2
13. Magistrate 1 (Dhaka)
14. Magistrate 2 (Dhaka)
15. MOWCA officer 1 (Dhaka)
16. MOWCA officer 2 (Tangail)
17. BNWLA lawyer
18. ASK lawyer and CiDV member
19. BMP member
20. Senior staff member (involved as Naripokkho member)

8   Between democratization and patronage

The politics of Ghana's Domestic Violence Act (2007)

Beatrix Allah-Mensah and Rhoda Osei-Afful

Introduction

Despite Ghana's apparent success in building a multi-party democracy and achieving middle-income status, concerns remain over the extent to which women have benefited from these wider processes in both political and developmental terms. In 2014, Ghana ranked 124 in the world in its Gender Inequality Index, with a score of 0.554 (UN Development Programme 2015). Furthermore, although Ghana was one of the first countries to introduce a quota to elect women to parliament in 1960, this was discontinued amid subsequent political upheavals, with the result that women currently represent only 11 percent of parliamentarians (Quota Project 2015). From an inclusion-to-influence perspective, this would seem to corroborate the expectation that progress on gender equity requires the increased presence of women in politics (Phillips 1995, Escobar-Lemmon and Taylor-Robinson 2014). Although this may well form an important part of the picture, drawing such broad-brush correlations is not helpful when it comes to identifying the specific conditions under which a country such as Ghana adopts gender-equitable policies. Drawing on recent advances in the political analysis of both gender and development in the Global South (see Chapter 2), this chapter highlights the role of elite interaction, informal politics, and power relations in shaping political commitment to inclusive development (Hickey et al. 2015) and gender equity (Nazneen and Mahmud 2012). Our analysis of the adoption and (partial) implementation of legislation against domestic violence in Ghana draws attention to the configuration of power within the national political settlement and the domain of women's interests and how this shapes how formal democratic institutions actually function within a competitive clientelist setting.

In methodological terms, we used a multi-staged approach to data collection, starting with a desk-based review to identify women's political inclusion in relation to the unfolding of Ghana's political settlement over time. We then sought to trace the process through which the domestic violence policy was adopted in 2007 and the subsequent process of implementation. Primary data were collected using key informant interviews with the stakeholders involved in the campaign for domestic violence legislation and the implementation process (see Appendix 5 for a list of interviewees). Primary data collection was supplemented by secondary document

analysis of academic and policy literature on domestic violence policy-making and implementation in Ghana. The focus throughout was on the dynamic interaction of actors, institutions, and ideas within key domains of power and how that shaped this particular effort to negotiate gender equity in Ghana.

This chapter is structured as follows: the next section discusses the history of women's inclusion in politics and policy-making in Ghana, before subsequent sections focus on the politics behind domestic violence policy-making. The concluding section offers a summary of the broader politics of securing gender equity within Ghana's competitive clientelist settlement.

Women's inclusion in politics and policy-making in Ghana

Ghana's status as one of Africa's political and economic success stories has recently been challenged by scholarship suggesting that its impressive achievements—in terms of growth, poverty reduction, and multiparty elections—have become increasingly compromised by the nature of its competitive clientelist political settlement. The combination of intensely competitive electoral politics and the persistent presence of informalized patron–client relationships as the means through which status and resources are accumulated and distributed, is said to create few incentives for political elites to establish institutions capable of meeting the higher-level tasks of challenging structural inequalities and achieving economic transformation (Whitfield 2011, Oduro et al. 2014, Abdulai and Hickey 2016). Competitive clientelism—particularly where there are strong factions competing for power and regular turnovers—as pertains to Ghana, tends to encourage political elites to adopt short-term time horizons rather than programmatic agendas and to use public institutions as a means of securing political loyalty through the distribution of rents rather than the impersonal allocation of rights (Levy 2014). As outlined in Oduro et al. (2014), this form of governance has characterized Ghana since the mid-1990s, with intra-elite negotiations required from 1992 to 1995 to ensure actual buy-in to the multiparty system reestablished in 1992. Prior to this transition, Ghana had experienced a largely 'dominant' political settlement under the rule of Jerry Rawlings from the early 1980s. This came after a series of coups and political instability that followed the deposing of the largely dominant period of President Nkrumah, the country's leader at independence in 1957.

Critical junctures and women's engagement in politics (1950s–80s)

Ghana's political history from the independence period through to the early 1980s, we argue, created specific types of opportunities for women to participate in politics and largely constrained their ability to promote gender equity concerns after the transition to democracy in the early 1990s.

Women played a significant role in Ghana's struggle for independence. Tsikata (1989) records that the Convention People's Party (CPP) developed its women and youth wings to marshal massive popular support and also to form women's

groups—including the Ghana Women's League (GWL). In recognition of this contribution, the CPP introduced a number of measures to enhance women's political participation when it came to power at independence, including the establishment of the national women's association, the National Council of Ghana Women, in 1960. As Adomako-Ampofo (2008) argues, although the association was not independent from the government, it offered women a space for organization, training, and development. According to Tsikata (2009a), Ghana became one of the first African countries to introduce and implement a quota system for women through the enactment of the Representation of the People (Women Members) Amendment Act of 1960. The Act ruled that in addition to the seats provided by law, there would be 10 additional seats for women. Women members of the national assembly were to be elected for each region by the members of the assembly representing that region (Burnett Harvey 1966, p. 37). The Act led to women's representation reaching 18.2 percent (19 women) of the 104 parliamentary members by 1965 (Tsikata 2009a, pp. 33–34). However, these gains for women were to be short-lived.

The fall of the CPP government through the first military coup in 1966 introduced an unstable period of rule marked by frequent shifts between the military and civilian governments, with largely negative implications for the inclusion of women in both politics and policy-making. The closed nature of governance under male-dominated military regimes left women out of decision-making roles. Moreover, the National Council of Ghana Women was disbanded following the fall of the CPP government, leading to a 15-year period during which women lacked a formal structure through which to engage with government (Tsikata 2009b). The dictatorships also introduced a chaotic socioeconomic order that made it dangerous for women to gain a public profile, including, for example, prominent businesswomen, some of whom were victimized by the state. The political misfortunes that women experienced intensified following the 1979 uprising under the Armed Forces Revolutionary Council (AFRC) led by Flt Lt Jerry John Rawlings. This era saw women running market stalls portrayed as the causes of the economic woes of the country, leading to their public humiliation and torture (Adomako-Ampofo 2008).

However, under the Provisional National Defence Council (PNDC) that held power from 1981 through to 1992, also led by Jerry Rawlings, there was a strong commitment to women's political inclusion, particularly under the auspices of the 31st December Women's Movement (DWM), as led by the wife of President Rawlings. The movement revived women's organizing at a national scale and permeated every region and district of Ghana with a large following. In line with the wide mobilizing strategies of the PNDC, which emphasized building its support base amongst popular rather than more elite social groups, the women's movement and party structures were populated mainly by market women, workers in the informal economy, and artisans (Allah-Mensah 2005).

The role of the women's movement was instrumental in developing and passing key bills, including the interstate succession law, which came into effect on 24 June 1985 and offered legal protection for widowhood rights concerning inheritance and abuse (Gedzi 2014). The movement was also instrumental in

strengthening the National Council for Women and Development (NCWD), the women's machinery, which later became the institutional base for the creation of Ghana's Women and Children's Ministry (now the Ministry of Gender, Children, and Social Protection).

The dominant party settlement was effectively used by women during this period to negotiate their interests, frequently in informal ways through accessing the leader's wife, Mrs Rawlings. This included gaining representation for women within the Constituent Assembly that negotiated the transition from military dictatorship to constitutional rule. The DWM gained considerable political support to undertake economic empowerment activities for women, and it was DWM members who formed the majority of female candidates at the district assembly level's first elections in 1998 and subsequently the 1992 general elections (Allah-Mensah 2005). Women's political inclusion was thus conducted through the personalized politics of patronage, rather than through a more institutionalized and rights-based system, as reflected in the failure to reestablish an effective quota system for women. In addition, the PNDC's dominance closed the political space for wider mobilization, leaving women with little opportunity to form more autonomous organizations beyond the DWM (Tsikata 2009b).

The current political settlement and women's inclusion in politics (1992–2012)

The democratic transition of the early 1990s enabled space for a broader range of actors to engage in politics, including women and women's organizations. The 1992 constitution-making process involved a nationwide effort to collate the views of Ghanaians on the future of democracy in Ghana and created scope for women to raise matters concerning their rights (Allah-Mensah 2005, pp. 18–19). The government decided to install a Committee of Experts to draw up proposals for a draft constitution, and although only two women were appointed to the nine-member committee, it did make some proposals around women's political inclusion. These included recommending a Council of Ministers to be appointed on the basis of special expertise, experience, and equitable regional and gender representation and on women's rights issues such as addressing debilitating customary practices, female circumcision, property rights, equal conditions of work, and equal representation and participation of women and men on boards and in appointments to public positions (Committee of Experts 1991). Nonetheless, these proposals were ironically whittled down in the 1992 constitution that was formulated by a consultative assembly, despite the assembly having higher levels of female representation than the Committee of Experts (Republic of Ghana 1992, Svaniker 1997). The consultative assembly (CA) did not ensure that any of the afore-mentioned gender issues were categorically included in the constitution, including a quota for women's political participation. Some critics explain this gap between women's sizeable inclusion in the CA and their limited influence in terms of the characteristics of the women who gained inclusion. The PNDC government used urban informal-sector agents to sponsor, form, and register

Table 8.1 Women in Ghana's national parliament

Year	Number of parliamentary seats	Women	Percentage
1992	200	16	8.0
1996	200	18	9.0
2000	200	19	9.5
2004	230	25	11.0
2008	230	20	8.3
2012	275	29	10.5

Source: Allah-Mensah (2005), Bawa and Sanyare (2013).

more than 30 informal organizations (e.g. of hairdressers, fishmongers, drinking and chop bar owners), some of which became representatives in the consultative assembly (Allah-Mensah 2005). The NCWD, which was an advisory body to government largely controlled at that stage by the 31st December Women's Movement (DWM), had 10 representatives (Bluwey 1998). Women's inclusion thus arguably reflected the PNDC's clientelist strategy of securing support from a particular constituency, rather than a broader commitment to women's empowerment. In line with the PNDC's broader strategy of supporting popular rather than elite actors, many highly educated and articulate women were excluded from the process in ways that arguably reduced the quality of women's representation that might have been achieved through a more cross-class-based coalition. Some observers (e.g. Bluwey 1998) note that the largely politically acquiescent and less educated representatives failed to raise strategic issues, including affirmative action and making women's rights legally binding, in ways that would have significantly changed the role of women in politics and public life.

Women's political representation within the fourth republic has therefore been limited at both the national assembly and local government levels (see Table 8.1). In a parliament of 275 members, only 29 are currently women, a proportion that has been largely unchanged since 1992. The situation at local government level (see Table 8.2) is similar: in the local level elections in 2010, only 7 percent of the elected and 3 percent of appointed members were women (Ministry of Women and Children's Affairs 2012).

A review commission established in 2011 to undertake a consultative review of the 1992 constitution argued strongly for affirmative action to increase women's

Table 8.2 Women in Ghana's district assemblies

Year	Total number of contestants	Percentage of women elected
1998	4282	5.0
2002	4589	7.6
2006	4734	10.1
2010	6103	7.0

Source: NDPC (2001), Ministry of Women and Children's Affairs (2012).

effective participation in politics. This recommendation was championed especially by the women's movement, civil society organizations, think tanks, and research and academic institutions and was backed by the Ministry of Women and Children's Affairs. The resulting government white paper supported the principle of affirmative action but rejected the recommendation for political parties to amend their constitutions to undertake measures that would boost women's chances of parliamentary representation (Republic of Ghana, Constitutional Review Committee 2011). This reflects the powerful grip that political parties have over public institutions in Ghana's competitive clientelist context and the powerful incentives for them to focus first and foremost on ensuring their political interests and survival. This stance also reflects the broader patriarchal norms that closely conscribe women's political agency in Ghana.

Looking beyond political society to civil society, the democratic transition of the early 1990s in Ghana encouraged the emergence of a broader range of women's organizations. Two notable examples of women's movements in this period were NETRIGHT and the Women's Manifesto Coalition, which lobbied on issues of economic justice and women's increased representation in formal politics, respectively. As Adomako-Ampofo (2008, p. 401) argues, these two organizations would later provide the basis for the Domestic Violence (DV) Coalition. Research-based women's groups championed by women academics also flourished at this time and would later help produce research on women's rights and violence against women, and use international protocols to leverage the framing of issues around the importance of women's political inclusion and the promotion of gender equity (Institute of Development Studies et al. 2016).

The politics of domestic violence policy-making in Ghana

This section explores how the gendered dynamics of Ghana's political settlement identified earlier shaped the process through which the Domestic Violence Act was promoted and adopted and the extent to which it has been implemented. The quest to address domestic violence is not a recent phenomenon in Ghana, or Africa more broadly, and cannot be seen as a Western idea or imposition (Burrill et al. 2010, p. 1). The roots of domestic violence itself lie within the colonial period, and specifically the British hut tax system that mandated men to pay for any extra wives they had as a way of discouraging polygyny (Burrill et al. 2010). Efforts by some men to increase their control over their wives' labour led to conflicts over wealth and income controlled by the women. This meant that this colonial project of domestication, through which African households became connected to the political economy of colonialism, 'contributed to the consolidation of a moral authority and reordering of household relationships within the state and among members of the household' (Burrill et al. 2010, p. 9). Some analysts interpreted this as the very foundation of, or at least a catalyst to, forms of violence in the household, which subsequently became entrenched.

Background and story of the law

The issue of domestic violence gained prominence in Ghana in the 1990s, due to a convergence of international, regional, and national pressure and events that unfolded around the same time. In March 1995, the Women in Law and Development in Africa (WiLDAF) network met in Togo and proposed the creation of an African Charter on Human and People's rights to address women's rights. Although the charter was not signed until 2003, the issue of women's rights, including protection against violence, was already on the table in regional meetings. This, combined with the Beijing Platform for Action, which included clear steps that governments should take to end violence against women (VAW), offered a stepping-stone for women's groups in Ghana to push for policy change on domestic violence (Fallon and Aunio 2006). In 1998, in partial fulfilment of its international obligations under the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), the government established the Women and Juvenile Unit (WAJU) of the police service as a specialized unit to handle cases of abuse against women and children.

As shown in Table 8.3, the trigger for national-level discussions on domestic violence came in 1998, from a study conducted by the Gender and Human Rights Documentation Centre. Their report made shocking revelations about the prevalence and forms of domestic violence in Ghana, including the finding that one in every three Ghanaian women suffers from physical violence at the hands of a current or past partner and that 27 percent of women had experienced psychological abuse through having been forced to have sex by their male partner (Coker-Appiah and Cusack 1999).[1] Public discussion on domestic violence was further catalyzed by newspaper reports of married women being killed by their husbands on grounds of infidelity (Adomako-Ampofo 2008, p. 405), and the serial killings of women in the years preceding the 2000 elections that led to women's demonstrations against VAW. The main opposition party politicized the issue of domestic violence during the 2000 election campaigns[2] and would go on to establish the Ministry of Women's and Children's Affairs (MOWCA) on taking office.

Women's groups, feminist academics, and internationally recognized civil society groups intensified their mobilization around domestic violence after the election and resolved to form a coalition in 2002 to ensure the government's commitment to global and regional protocols on VAW. Evidence-based awareness-raising became a key strategy. Research by University of Ghana law students and human rights experts for the International Women's Human Rights Clinic at Georgetown University in 2003 found that women in Ghana were inadequately protected from high rates of domestic violence (Cantalupo et al. 2006). These findings coincided with parliament's consideration of the Domestic Violence Bill proposed by the Law Reform Commission. However, efforts of the women's movement to build alliances within government and parliament were heavily undermined by the stance taken by the then Minister for Women and Children's Affairs, Gladys Asmah. Asmah opposed the bill in both cabinet and parliament, where she was a leading member of the women's caucus. According to Boas (2006), the minister's opposition—and

Table 8.3 Chronology of events and critical moments for the Domestic Violence Law in Ghana

Date	Event
1998–99	Discussions on domestic violence legislation start by Leadership and Advocacy for Women in Africa (LAWA); Gender Centre's research findings; WAJU established.
1999	The above discussions picked up by International Federation of Women Lawyers (FIDA)–Ghana and efforts to push it as a private members' bill in parliament made. Consultation with the women's caucus showed that this would not work.
2000	Serial murders of women lead to intensity in calls for action by government. MOWCA formed.
2001	A draft bill submitted to the attorney general's (AG's) department for consideration.
2002	Law Reform Commission submits its research and proposals to the AG. AG then considers all submissions as basis for drafting a first draft for public comment. The bill then becomes a government bill.
	The Ark Foundation holds maiden 'activists night out'—an annual dinner for anti-violence advocates and activists to relax and reflect together. The commitment to establish the National Domestic Violence Coalition was made during this first meeting.
2003	Women's Initiative for Self-Empowerment (WISE) organizes a National Strategic Planning Workshop on Domestic Violence Bill, held to actualize suggestions from the night out.
	As part of the outcome from the strategic meeting, the National Domestic Violence Coalition was established. The key members of the coalition were mainly women's groups who formed NETRIGHT, but later others, including MPs, joined.
	The AG's department prepares second draft, and there was a national consultation on the bill.
	Challenges with the consultations and the then Minister for Women and Children's Affairs, who opposes the bill.
2004	Over 100 individuals and organizations sign up as members of the coalition.
	There is a change in the ministerial appointment for Women and Children's Affairs.
2005	Women's ministry continues with consultation on draft bill to cover whole country with widespread support for the passage of the bill.
2006	In May 2006, the bill is introduced in parliament by AG.
2007	In February 2007, parliament passes the bill into law after six years of civil society advocacy, political agitation, and parliamentary quandary.

Source: Adapted from Adomako-Ampofo (2008), pp. 408–11.

that of some male MPs, traditional authorities, and religious leaders—focused in particular on a clause in the bill that would outlaw marital rape. Realizing the extent to which this issue was acting as an obstacle to the bill as a whole, the women's coalition decided in 2005 to downplay this aspect and also to shift the discursive framing of their advocacy from a focus on women's rights to an emphasis on the 'pro-family' aspects of the bill.

The year 2005 also marked an important turning point in other respects, particularly through the appointment of a new minister at MOWCA, Alima Mahama, who had previously worked within women's organizations. In addition, the Country Report from the Beijing +10 conference, which highlighted that high levels of gender-based violence persisted in Ghana, called on the government to undertake legislative and administrative reforms in this area (UNDP 2010). Women's movements utilized these global calls to end VAW and pushed the government to act, claiming that it had the obligation under CEDAW to introduce laws against domestic violence (Hodžić 2009). According to a gender activist interviewed,

> [T]here was a lot of talk about it, but domestically, when you talked about it, people felt that it was not a common phenomenon and the concept was foreign. The Gender Centre decided to research into the problem to see the extent of the problem in the Ghanaian society.[3]

This impetus helped lead to the bill being tabled in 2006 and subsequently passing into law as the Domestic Violence Law (Act 732) in 2007. The Domestic Violence Act 2007 incorporates a broad definition of domestic violence that includes physical, sexual, psychological, and economic abuse or any other act that may harm an individual. It also involves a fairly broad definition of the family that involves couples, children, and other relatives (Republic of Ghana 2007).

The protracted process of claims-making, negotiation, and compromise regarding the passing of the DV Act in Ghana was closely shaped by the relative power of the different actors and ideas involved and how these interacted with both formal and informal institutional arrangements. The next section analyses some of these aspects in more depth, starting with the role played by the women's coalition and moving onto analysing how their strategies and the outcomes (in terms of policy articulation and adoption) were shaped by the broader character and dynamics of Ghana's political settlement and the dominant players therein.

Coalition-building and informal negotiations

Ghana's journey towards the domestic violence law enactment was significantly influenced by women's collective action, specifically by the nature and strategies of the coalition that was formed to campaign for the bill (Adomako-Ampofo 2008, p. 396). Our respondents stressed the 'instrumental' role played by the National Coalition on Domestic Violence Legislation (DV Coalition) in securing 'the passage of the Domestic Violence Act'.[4] Founded in 2003, the DV Coalition was one of three coalitions to have emerged over the past decade, along with the Network for Women's Rights in Ghana and the Coalition on the Women's Manifesto for Ghana (Tsikata 2009b, p. 186). Bringing together varying elements of the women's movement in Ghana, which included a range of different types of civil society organizations, academics, journalists, lawyers, and grassroots advocacy groups, coalitions helped overcome potential weaknesses naturally inherent in

collective action within the women's movement. A strong secretariat, a capable coordinator, and a highly committed core of leaders ensured that the membership rose from about 15 people to over 100 groups, organizations, and individuals and that a clear campaigning and mobilization strategy was adhered to (Adomako-Ampofo 2008, Tsikata 2009b). Realizing that the passage of a domestic violence bill was going to be a tough and long drawn-out struggle, the coalition also started to reach out to other potential allies, including the female caucus in parliament, some male MPs, and students.[5]

Awareness-raising was a key strategy. According to a former minister at MOWCA:

> Most people who opposed the bill did it out of ignorance. Opposition stemmed from lack of clarity and understanding about the concept. They thought the bill was confrontational to men, but when they were educated and sensitized about it, they got to understand the issues.[6]

This broad approach was joined by more direct lobbying of key figures—including potential opponents such as queen mothers, chiefs, and religious leaders—and an effort to use church platforms, mosques, and various local languages during numerous consultation and community sensitization meetings on the bill at the district levels to reach citizens directly. Bodza, one of the key male gender activists, notes that

> First we went to the men's/women's fellowships of the churches and then they invited us; we also went to pastors several times and then they allowed us to get to the congregations. We also used other organizing strategies, like using the president's wife, and MP's wives.[7]

There was initially little effort to mobilize rural women as actors; rather, local-level consultations seem to have been undertaken and intensified as a damage-limitation strategy once the government (and the women's minister in particular) had rejected their demands. This arguably reflects the urban-elite nature of the coalition, a point we return to.

The role of ideas: framing domestic violence by opposers and activists

The policy coalition sought to use all available formal channels of engagement to advocate for the bill, including the media and direct lobbying of parliamentarians. The Ghanaian media's representation of the issue had mixed effects, on the one hand emphasizing the views of opponents to the bill and framing it as being spearheaded by elite women groups for their own interests (Hodžić 2009, p. 334), whilst on the other hand helping to popularize the issue by their reportage on abuses perpetrated against women, including through the role played by Women in Broadcasting (WIB). The group's initial call was contextualized within the constitutional rights and legal framework. However, this framing catalyzed opposition

around the key sticking point of marital rape from a considerable number of male parliamentarians, religious and traditional leaders, and even from some women, who saw the concept of marital rape as foreign and almost unthinkable within Ghanaian culture. Under Ghanaian law, all sexual relations during marriage are considered to be consensual. The Criminal Offences (CO) Act 1960 section 42g on consent mentioned that when consent is given, the use of violence is not prohibited. It explicitly mentioned that in marriage, the two parties give consent to sexual relations, and this can only be revoked if the parties divorce. The DV Coalition vigorously protested for this section to be repealed from the CO Act.

During government's stakeholder consultations on the draft bill, the bill was opposed on the basis that it would cause of marital breakdown.[8] Within parliament, the bill received both support and opposition from both sides of the political divide.[9] For example, the then Attorney General, Nana Akufo-Addo, was supportive whilst the then Minister of Women and Children's Affairs was opposed, launching a country-wide campaign for arbitration via customary law as an alternative to the domestic violence bill (Hodžić 2009).

In order to counter the focus on marital breakdown from those opposing the bill, the coalition reframed domestic violence as threatening to family life and the bill as helping to protect family values. This was specifically focused on securing the buy-in of religious leaders. One respondent noted that, 'some religious leaders opposed the law, but were not vociferous…they thought that it was going to break up marriages'.[10] The coalition also started to emphasize the developmental payoffs of the bill; a leading thinktank, the Centre for Democratic Development (CDD), supported this argument by stating that:

> the bill would assist the nation in quelling violence against women, which would in turn enable the country to increase its productivity. The more women are able to participate as equal partners in the country, unimpeded by violence in their homes, the more likely that they will contribute to the country's economic development. (CDD 2005, p. 5)

However, this reframing did not in itself reduce opposition around marital rape, which the coalition eventually decided to start downplaying in order to achieve the other goals within the proposed bill. One of the interviewees and a member of the coalition indicated that there was modification of language regarding the marital rape issue to state that consent should be sought within marriage on sex.[11] This modification facilitated the passage of the bill,[12] although intense opposition from government eventually led to marital rape being removed from the bill, which was redrafted and sent to parliament. There was also no mention of repealing section 42g of the Criminal Offences Act, despite intense mobilization by women's groups to do so. The Act was successfully passed in 2007. Although the DV Act mentions that violence cannot be justified on the basis of consent, which is an important breakthrough, marital rape is not explicitly prohibited. Despite this major loss, section 42g on consent was eventually repealed after the DV Act was passed (Fallon 2008).

These findings demonstrate the power of gender norms and ideas in shaping domestic violence policy-making, eventually leading to a diluted domestic violence law that does not challenge structural gender inequalities and patriarchal notions of the family. The early deployment of a rights-based discourse by the DV Coalition was perhaps politically naïve in a context in which women's rights were highly contested and stands in contrast with the strategic shift to a focus on 'family unity' and 'development'. Whilst this arguably helped secure the passage of the bill, as was the case in Uganda (Chapter 4), this came at a price in terms of limiting the transformative ambitions of the bill for gender equity.

The politics of implementation

The National Domestic Violence Policy and National Plan of Action identifies a number of actions required for the DV Act to become effective, including the development of the legislative instrument; the establishment of a management board, with a secretariat and governing board; the provision of shelters and healthcare; and the training of staff in the key implementing agencies, particularly police and health officers. Government officials within the Ministry of Women, Children, and Social Protection, which is responsible for delivering the DV Act, note that progress has been very slow, at least until 2013, from which point a new minister seems to have brought some impetus to the proceedings. For example, the development of a legislative instrument (LI) has taken longer than the passage of the bill itself and has still not been finalized. Under the new minister, the LI has been drafted and presented to the attorney general's office in July 2013. A committee met to finalize it in June 2014, although by the end of 2016 it had yet to be completed. This failure places constraints on what can be achieved; for example, a fund has been established to provide financial assistance to victims of domestic violence, but this cannot be operationalized until the LI has been established.

The ministry coordinates and engages with various stakeholders involved in implementation, including the DV Coalition, the Gender Centre, FIDA-Ghana, the attorney general's department, the Ministry of Interior, the Ministry of Health, and the Domestic Violence and Victims Support Unit. The National Policy and Plan of Action was developed and adopted in 2008, and a set of guidelines for policy action has also been developed. Among the key actions so far taken towards actualizing the Act are the following: (1) setting up a management board—and the establishment of the Domestic Violence Secretariat by the board to coordinate implementation of the Act; (2) disseminating of copies of the Act, abridged and in six local languages, to schoolchildren, traditional leaders, and regional directors of the ministry; (3) developing guidelines for the construction of shelters for victims (two shelters have been established, one in Accra, through collaboration with the Christian Council, and one in Wa, which belonged to the social welfare department); and (4) establishing two courts for trying domestic violence cases in Accra and Kumasi.

The legal, social, and physical infrastructure required to enforce the Act have been only partially institutionalized. As Adu-Gyamfi puts it, 'it is an established fact that in spite of the legal provisions to combat the canker of domestic violence

Table 8.4 Budgetary allocation to the Ministry of Gender, Children and Social Protection (in Ghanaian cedis)

Year	Amount allocated to ministry	Percentage of national budget	Funds from donors	Overall total of funds (national budget and donor)
2009	2,752,774	0.1	6,768,571	9,521,345
2010	4,147,266	0.13	4,371,404	8,518,670
2011	3,285,625	0.17	10,037,071	13,322,696
2012	3,833,158	0.14	11,840,332	15,673,490

Source: Ministry of Women and Children Affairs (2012, p. 45)

in Ghana, still there are issues hindering domestic victims' access to justice to bring perpetrators to face the laws of the land' (Adu-Gyampfi 2014). There is no clear budgetary allocation for operationalizing the Act. Table 8.4 indicates that part of the problem here has been the very small budget allocated to the Ministry of Gender, Children, and Social Protection, up until at least 2012, for all its activities, including support for the implementation of the DV Act and for the secretariat.

Table 8.4 shows that the ministry remains heavily dependent on external support, with donors providing an increasingly large share of the ministry's budget. This has left implementation subject to the uncertainties of donor funding: according to one civil society advocate,

> there are no resources committed by government; it's now donors who are doing 'pick and choose' on different aspects of the policy. Currently, donors who supported the cause initially have shifted their focus to 'early marriages' and this is also affecting the full implementation of the bill.[13]

Donors such as DANIDA, UNICEF, ActionAID, and UNFPA have helped develop a regulatory framework that sets out how both state and non-state institutions can work in the area of domestic violence (Quaicoe-Duho 2014), although the uptake of such opportunities has been slow. NGOs such as the Ark Foundation have established some victim support centres in addition to the centres in Wa and Accra, although these are woefully inadequate to support the cases received. More positively, in 2014 the Ministry of Gender, Children, and Social Protection (MOGCSP) developed a communication strategy on domestic violence to facilitate educational campaigns and training for the prevention of gender-based violence and the protection of survivors. A domestic violence victim support fund was launched and a training manual developed for domestic violence service providers, as well as for the sensitization of stakeholders on domestic violence, and the provision of professional psychosocial support for domestic violence victims (MOGCSP 2014). However, there are currently no state-run one-stop crisis centres (although in January 2018, the Ministry of Health announced that it would open one).

In terms of explaining the general lack of progress on implementing the DVA, those involved in the process point to a number of problems, many of them political in nature. This includes the electoral turnover of the party that adopted the

legislation within one year of the Act being adopted, frequent changes in ministerial appointees, and a general lack of political commitment to providing the required funding. The Act lacked strong support from the kinds of powerful players required to ensure the effective implementation of public policies, particularly those in cabinet and parliament. Given this somewhat familiar lack of support for gender issues within the political elite, we tend to agree with Sardenberg (2011) that women's organizing is vital, not only to get laws onto the statute books, but also to play a role in monitoring the implementation of these policies and holding government accountable in making legislation more effective. However, the efforts of the DV Coalition have substantially waned since the bill was adopted as an Act, in part because of financial limitations, but also because its strategic focus was mainly on securing the passage of the legislation, rather than its implementation (Tsikata 2009b, Manuh and Dwamena-Aboagye 2013).

Another challenge to the successful implementation of the law in Ghana is the prevalence of customary law, which advises women to obey their husbands and to submit to their demands for sexual relations (Archampong 2010). With the passage of the domestic violence law, responsibility shifts from the village elders to the justice system, and any customary practices that are harmful to people are prohibited. Although this is a significant development, many people still adhere in practice to customary law. This can constrain women from raising their case and asking for help and can reduce the transformative effect of the law in practice.

The political settlements literature suggests that policy implementation is particularly problematic in competitive clientelist settlements, where the public bureaucracy is heavily personalized and politicized and used primarily as a means of distributing rents, rather than delivering public goods and protecting the rights of citizens in an impersonal way (Levy 2014). As argued by Whitfield and Therkildsen (2011), ruling elites choose policies and implementation arrangements as part of their strategies for maintaining ruling coalitions and/or winning elections (Whitfield 2011, p. 8). It seems likely that the New Patriotic Party (NPP) government saw the passage of the domestic violence law not as being critical to its continuity in power, but rather as something that, on the one hand, needed to be done to assuage certain elements of its ruling coalition (notably the educated and often lawyerly element of the women's movement that formed part of it social constituency) and, on the other, would enable it to avoid international censure. It seems reasonable to conclude that the lack of either an instrumental political rationale for pursuing the legislation or a genuine ideological commitment to gender equity could help to explain the slow progress in terms of both adoption and implementation, before and after the election.

Conclusion: the political settlement and domestic violence legislation in Ghana

The passing of the Domestic Violence Act was an important step in a long journey to eliminate domestic violence in Ghana. The process of demanding the domestic violence law took at least six years to bear fruit, and legislation was only adopted in

2007 once the most controversial part of it (concerning marital rape) was modified. The legislative instrument is yet to be finalized, and there is little evidence as yet that norms around domestic violence have started to shift in Ghana. One of our interviewees noted that Ghana's government tends to enforce general laws adequately enough, 'but when it comes to laws for something specific like the domestic violence, it takes forever…'.[14] The protracted process through which the legislation on domestic violence was eventually secured in Ghana needs to be understood in relation to the hybrid elements of political openness and patron–client politics that characterize its competitive clientelist settlement. The openness of political space secured by the transition away from dominant party rule not only meant that women's groups had more room for manoeuvre, but also that they could start to escape from the overbearing patronage of the erstwhile First Lady. Tsikata (2009b) argues that the women's coalitions represent an enlargement and consolidation of the space for women's organizing in Ghana, although as Lust (2009, p. 122) points out, these openings are also available to many other interest groups, such as the youth and the disabled, some of which will have competing and opposing interests. Importantly, where electoral competition is as fiercely fought, as it is in Ghana, this space becomes heavily politicized in a partisan sense as the key political organizations pursuing power deploy their mobilizing and discursive strategies to secure electoral advantage. Unable to align directly with either political party, for fear of undermining their broader appeal, women's organizations can too easily become marginal to the main political dynamics at play, which often revolve around organized social groups, such as unions, business associations, and ethno-regional groups bargaining with ruling elites for the distribution of goods on a club or private (rather than public) basis in exchange for political support (Levy 2014).

Such contexts reduce the possibilities for political parties to adopt programmatic agendas, including around women's rights, unless they can directly help patronage politics and/or secure election victories, and it is notable that neither political party in Ghana, including the allegedly 'social democratic' National Democratic Congress, has championed women's rights or gender equity more broadly. Also successive presidents—who are also party leaders and who retain considerable agenda-setting and legislative powers in Ghana (Oduro et al. 2014)—failed to support the DV Act. The case of Ghana therefore draws attention to the problems of promoting inclusive development in contexts of competitive clientelism, where the incentives are geared towards spreading resources thinly in accordance with the logic of pork-barrel politics and making deals, rather than following (constitutional) rules and promoting equity (Abdulai and Hickey 2016). Transformative policies for gender equity seldom generate sufficient rents or legitimacy for politicians for it to be worth their expending political capital on them, especially in the face of opposition from powerful groups.

Within this generally unfavourable context, women's groups have sometimes found the government of Ghana to be responsive when issues are raised at elections (Adomako-Ampofo 2008, p. 400), particularly where closely fought elections raise the prospect of the ruling coalition being deposed, as was the case in

both 2000 and 2008. However, what seems to have been more critical here was the removal of the focus on the marital rape clause and a new minister for women and children's affairs, plus transnational pressure before and after the Beijing Women's Conference, rather than elections per se.

Lacking the support of dominant players, the women's movement also lacked representation in the multiple venues required for women's representation to be effective in terms of securing policy change (Escobar-Lemmon and Taylor-Robinson 2014). This was denied to women not just by the lack of a quota to help secure a critical mass of women in parliament, but also by the initial opposition from within the women's ministry itself. Although the Ministry of Women and Children's Affairs is not renowned for its agenda-setting powers, its minister nonetheless holds a cabinet position and is expected to champion women's rights and issues. The fact that the then minister for women and children's affairs directly opposed the bill during the first two years of the campaign was cited by most of our interviewees as the most significant obstacle to progress. The concerns she raised over the marital rape element of the bill resonated well with those initially opposed to the bill, such as religious groups, male parliamentarians, and a cross-section of the Ghanaian public, who perceived the introduction of the bill as a foreign imposition and a potential threat to marriage and the social and cultural norms of Ghana. According to some women activists interviewed, the new minister had a far greater affinity with the coalition and its cause, in part because she was from the CSO family and therefore could better relate to them, the issues, and their modus operandi and in part because of her previous role in the women's movement.[15] This was confirmed in our interview with her: 'I had exposure with CSO work and knew how to handle them. I had been one of them actually and I think this experience helped me to manage my dealings with them'.[16] This allowed the Coalition to use these ties, both formally and informally, to help ensure her support. This appears to be the exception that proves the rule, in that women generally lack access to the informal venues and processes that continue to characterize policy-making in Ghana and clientelist political settlements more broadly (Parks and Cole 2010, p. 9). In general, gaining access to and navigating the informal rules, unwritten conventions, patron–client relations, and midnight meetings where critical political decisions and agreements are negotiated require levels of social and financial capital that are more amenable to male than female politicians (Waylen 2014).

Finally, the Ghana case reveals that the discursive framing strategies required to secure alignment between gender equity policies and paradigmatic ideas on gender within a given political settlement can lead to potentially transformative policies being rendered ameliorative. The shift from a rights-based discourse to a focus on family unity and development made strategic sense and helped ensure that at least some legal basis for protecting women from domestic violence is now in place. However, the exclusion of a clause on marital rape, and the limited rate of progress in implementing the Act, raise concerns that Ghana remains a long way from establishing a decisive normative shift towards greater gender equity in this regard at least.

Notes

1. Records from the Domestic Violence and Victim Support Unit (DOVVSU) indicated that between 1999 and 2000, there were 109,784 cases of domestic violence, with women being the biggest victims (Participatory Development Associates, 2014).
2. Interviews with gender activists, held between 26 February and 25 April 2014.
3. Interview with civil society and gender activist/advocate, 28 March 2014.
4. Interview with former coordinator of the Domestic Violence Coalition A, 17 March 2014.
5. Interview with Domestic Violence Coalition coordinator, 18 March 2014.
6. Interview with former Minister of Women and Children's Affairs, 21 March 2014.
7. Interview with gender activist, 26 February 2014.
8. Interview with former coordinator of the Domestic Violence Coalition B, 18 March 2014.
9. Interview with civil society and gender activist/advocate, 28 March 2014; interview with former coordinator of the Domestic Violence Coalition A, 17 March 2014.
10. Interview with gender activist/advocate, 8 April 2014.
11. Interview with former coordinator of the Domestic Violence Coalition B, 18 March 2014.
12. Interview with gender activist/advocate, 8 April 2014.
13. Interview with civil society and gender activist/advocate, 28 March 2014.
14. Interview with gender activist, February 2014.
15. Interview with gender activist/advocate, 28 March 2014; interview with former minister for women and children's affairs, 21 March 2014.
16. Interview, former minister of the Ministry of Women and Children's Affairs, 21 March 2014.

References

Abdulai, A-G. and S. Hickey. 2016. 'The Politics of Development under Competitive Clientelism: Insights from Ghana's Education Sector'. *African Affairs*, 115(458): 44–72.

Adomako-Ampofo, A. 2008. 'Collective Activism: The Domestic Violence Bill Becoming Law in Ghana'. *African and Asian Studies*, 7(4): 395–421.

Adu-Gyamfi, E. 2014. 'Challenges Undermining Domestic Violence Victims' Access to Justice in Mampong Municipality of Ghana'. *Journal of Law, Policy and Globalization*, 27: 75–90.

Allah-Mensah, B. 2005. *Women in Politics and Public Life in Ghana*. Accra: Friedrich-Ebert-Foundation.

Archampong, E. A. 2010. 'Marital Rape: A Women's Equality Issue in Ghana'. Equality Effect. http://theequalityeffect.org/pdfs/maritalrapeequalityghana.pdf [accessed 20 February 2017].

Bawa, S. and F. Sanyare. 2013. 'Women's Participation and Representation in Politics: Perspectives from Ghana'. *International Journal of Public Administration*, 36(4): 282–91.

Bluwey, G. K. 1998. 'State Organizations in the Transition Constitutional Democracy'. In *Ghana: Transition to Democracy*. Edited by Ninsin, K. A. Accra: Freedom Publications.

Boas, H. 2006. 'Lessons from Ghana: The Challenges of a Legal Response to Domestic Violence in Africa'. ABA Commission on Domestic Violence, Law Student Writing Competition. Berkeley, CA: Boalt Hall School of Law.

Burnett Harvey, W. 1966. *Law and Social Change in Ghana*. Princeton NJ: Princeton University Press.

Burril, E., R. Roberts and E. Thornberry (eds). 2010. *Domestic Violence and the Law in Colonial and Postcolonial Africa*. Athens, OH: Ohio University Press.

Cantalupo, N. C., L. V. Martin, K. Pak and S. Shin. 2006. 'Domestic Violence in Ghana: The Open Secret'. Washington DC: Georgetown University Law Centre Faculty Publications. http://scholarship.law.georgetown.edu/facpub/433/ [accessed 17 August 2018].

Centre for Democratic Development (CDD) Ghana. 2005. 'The Domestic Violence Bill Must Be Tabled and Passed This Year'. *Democracy Watch: In the Annals of Governance*, 6(1): 5–6. http://www.cddgh.org/publications/Democracy-Watch [accessed 23 August 2018].

Coker-Appiah, D. and K. Cusack (eds). 1999. *Breaking the Silence and Challenging the Myths of Violence Against Women and Children in Ghana: Report of a National Study on Violence*. Accra: Gender Studies and Human Rights Documentation Centre.

Committee of Experts. 1991. 'Report on the Committee of Experts (Constitution) on Proposals for a Draft Constitution of Ghana'. https://searchworks.stanford.edu/view/1971716 [accessed 17 August 2018].

Escobar-Lemmon, M. C. and M. M. Taylor-Robinson (eds). 2014. *Representation: The Case of Women*. New York: Oxford University Press.

Fallon, K. M. 2008. *Democracy and the Rise of Women's Movements in Sub-Saharan Africa*. Baltimore, MD: Johns Hopkins University Press.

Fallon, K. M. and A-L. Aunio. 2006. 'Domesticating Transnational Activists: Cultural Frames, Imperialism and Methods of Soft Repression'. (Mimeo.) https://www.mcgill.ca/isid/files/isid/Fallon.Aunio.pdf [accessed 17 August 2018].

Gedzi, V. 2014. 'PNDC Law 111 in Ghana and International Human Rights Laws'. *Global Journal of Politics and Law Research*, 2(2): 15–26.

Hickey, S., K. Sen and B. Bukenya (eds). 2015. *The Politics of Inclusive Development: Interrogating the Evidence*. Oxford: Oxford University Press.

Hodžić S. 2009. 'Unsettling Power: Domestic Violence, Gender Politics and Struggles over Sovereignty in Ghana'. *Ethnos*, 74(3): 331–60.

Institute of Development Studies, Ghana Statistical Services (GSS) and Associates. 2016. *Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences*. Brighton, UK: Institute of Development Studies, University of Sussex.

Levy, B. 2014. *Working with the Grain: Integrating Governance and Growth in Development Strategies*. New York: Oxford University Press.

Lust, E. 2009. 'Democratization by Elections: Competitive Clientelism in the Middle East'. *Journal of Democracy*, 20(3): 122–35.

Manuh, T. and Dwamena-Aboagye, A. 2013. 'Implementing Domestic Violence Legislation in Ghana: The Role of Institutions' in: *Feminist Activism, Women's Rights and Legal Reform*. Edited by Al-Sharmani, M. London: Zed Books.

Ministry of Gender, Children and Social Protection (MOGCSP). 2014. 'Annual Progress Report'. Accra: MOGCSP.

Ministry of Women and Children's Affairs (MPWCA). 2012. 'Annual Progress Report'. Accra: MOWCA.

National Development Planning Commission (NDPC). 2001. 'Annual Progress Report'. Accra: NDPC.

Nazneen, S. and M. Mahmud. 2012. 'Gendered Politics of Securing Inclusive Development'. ESID Working Paper 13. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Oduro, F., M. Awal and M. Ashon. 2014. 'A Dynamic Mapping of the Political Settlement in Ghana'. ESID Working Paper 28. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Parks, T. and W. Cole. 2010. 'Political Settlements: Implications for International Development Policy and Practice'. Occasional Paper 2. Manila: The Asia Foundation.

Participatory Development Associates. 2014. 'Report on Domestic Violence in Ghana'. Accra, Ghana: Participatory Development Associates.

Phillips, A. 1995. *The Politics of Presence*. Oxford: Oxford University Press.

Quaicoe-Duho, R. 2014. 'Stakeholders Finalise Legislative Instrument on Domestic Violence Act', 23 June 2014, *Daily Graphic*. http://www.graphic.com.gh/news/general-news/stakeholders-finalise-li-on-domestic-violence-act.html [accessed 17 August 2018].

Quota Project. 2015. 'Ghana'. http://www.quotaproject.org/country/ghana [accessed 20 January 2017].

Republic of Ghana. 1992. 'Constitution of the Republic of Ghana 1992'. http://www.ghana.gov.gh/images/documents/constitution_ghana.pdf [accessed 4 July 2017].

Republic of Ghana. 2007. 'Domestic Violence Act 2007 (Act 732)'.

Republic of Ghana. 2011. 'Constitutional Review Committee, Ghana'.

Sardenberg, C. 2011. 'What Makes Domestic Violence Legislation More Effective?' Pathways to Women's Empowerment Policy Paper October 2011. Brighton, UK: Institute of Development Studies, University of Sussex.

Svaniker, J. 1997. *Women's Rights and the Law in Ghana*. Accra: Friedrich-Ebert-Stiftung.

Tsikata, D. 2009a. *Affirmative Action and the Prospects for Gender Equality in Ghanaian Politics*. Accra: Women in Broadcasting and the Friedrich-Ebert-Stiftung.

Tsikata, D. 2009b. 'Women's Organizing in Ghana since the 1990s: From Individual Organizations to Three Coalitions. *Development*, 52(2): 185–92.

Tsikata, E. 1989. 'Women's Political Organisations, 1951–1987'. In *The State, Development and Politics in Ghana*. Edited by Hansen, E. and N. Kwame. London: CODESRIA.

United Nations Development Programme (UNDP). 2015. *Human Development Report 2015: Work for Human Development*. New York: UNDP.

United Nations Development Programme. 2010. Ghana Country Analysis. New York: UNDP.

Waylen, G. 2014. 'Informal Institutions, Institutional Change, and Gender Equality'. *Political Research Quarterly*, 67(1): 212–23.

Whitfield, L. 2011. 'Competitive Clientelism, Easy Financing and Weak Capitalists: The Contemporary Political Settlement in Ghana'. DIIS Working Paper 2011:27. Copenhagen: Danish Institute for International Studies.

Whitfield, L. and O. Therkildsen. 2011. 'What Drives States to Support the Development of Productive Sectors? Strategies Ruling Elites Pursue for Political Survival and Their Policy Implications'. DIIS Working Paper 2011:15. Copenhagen: Danish Institute for International Studies.

Appendix 5 List of participants in the Ghana study

1. Interview with gender activist, 26 February 2014, Accra
2. Interview with a former coordinator of the Domestic Violence Coalition A, 17 March 2014, Accra
3. Interview with a former coordinator of the Domestic Violence Coalition B, 18 March 2014, Accra
4. Interview with former minister for women and children's affairs, 21 March 2014, Accra
5. Interview with civil society and gender activist/advocate, 28 March 2014, Accra
6. Interview with gender activist/advocate, 8 April 2014, Accra
7. Interview (via phone) with civil society activist, 23 April 2014, Accra
8. Interview with legal practitioner and consultant to the Ministry of Gender, Children, and Social Protection, 25 April 2014, Accra

9 Building strong alliances

The politics of the Protection of Domestic Violence Act in India (2006)

Asmita Basu

Introduction

Although the Constitution of India guarantees equal rights for women, there is much to be done for women to achieve parity of status with men. Taking their cue from article 15 (3) of the Constitution,[1] successive Indian governments have promulgated a number of laws and policies to promote gender equity. The enactment of many such laws, particularly on issues of violence against women, has required longstanding campaigns by India's highly influential and active women's movement. The role of the Indian women's movement in this regard has been remarkable, given the limited presence of women in the mainstream political arena. Women do not vote as a bloc and, as a political group, are considered less important than religious, caste, and regional groupings. This leads to the question: what led the state to address gender equality concerns through legislation and policy? And what role did women and their allies play in making these changes happen?

Answers to these questions require an understanding of how power relations between different actors and groups in formal and informal spaces have been organized and how these relations underpin the way institutions function. In this chapter, I investigate the issue of how India's political settlement has shaped the inclusion of women in politics and policy-making to promote gender equality. This is done through an exploration of the process that led to the enactment of the Protection of Women from Domestic Violence Act (PWDVA) in 2005. I used a three-pronged approach for this study, starting with a mapping of how India's political settlement has evolved over time and of the nature of women's political inclusion in relation to this. Second, I used the process-tracing method to explore the drivers behind the PWDVA, with a particular focus on the key actors, ideas, and institutions involved in the process. I conducted 24 key informant interviews with members of women's groups and a range of stakeholders involved in the adoption and implementation of the law, including protection officers, lawyers, and service providers (see Appendix 6 for list). Secondary document analysis— particularly a review of parliamentary debates, available data on violence against women, and reports of NGOs on the implementation of the PWDVA—helped create a fuller picture of the process. Third, I analysed secondary and primary

data from three states—Maharashtra, Karnataka, and National Capital Territory (NCT) of Delhi—to help further investigate the implementation process. The three states were chosen because in NCT Delhi and Maharashtra, the women's movement was the most organized in campaigning for the law, while Karnataka was the only state to introduce a domestic violence law, even before a law was enacted by parliament.

It should be noted that I worked for the Lawyers Collective and was present in parliament when the law was being debated.[2] Therefore, to mitigate personal bias, and as part of the rigorous research effort identified above, I took additional steps to interview those who were critical of the process of campaigning and implementation, taking care to ensure that their points were included in my analysis. This account has also been subject to peer review.

The chapter is divided into four sections. The first section sets out the context by providing a brief introduction to the Indian political context and the actors and institutions involved in forging India's broader political settlement. It also discusses the nature of women's political inclusion in formal representative bodies, particularly the parliament, and provides a short account of the history of the women's movement in India. In the second section, I trace the different phases of the movement around the PWDVA, focusing on key actors, the negotiations between these actors, the discourses used to influence the outcome, and milestones achieved in the campaign for the PWDVA. The final section traces the politics of implementation, identifying the reasons behind the level of progress achieved, before discussing the links between India's political settlement and the path of adoption and implementation of the PWDVA more generally.

Women's inclusion and influence in politics and policy-making in India

Critical junctures and history of women's engagement in politics before independence

India has a vibrant women's movement, and women have played an active role in various political struggles throughout its history. The women's movement in India gained momentum in the 1920s by building on the gains made by the social reform movement of the 19th century. This laid the foundation for at least some progress towards gender equality, through reforms in education and abolition of practices such as *sati* (widow immolation), child marriage, and infanticide, although these reforms were largely carried out by men, with women in the role of passive recipients (Burte 2013). In pre-independence days, women's organizations were linked to political parties. While the national movement allowed for women's participation, issues relating to women's emancipation were relegated to the cultural and spiritual realm, particularly in negotiations with the colonial state. Women participated in large numbers in India's freedom struggle, thus helping to legitimize their claims for equality after independence.

India's post-independence political settlement and women's inclusion in politics

India gained its independence in 1947, after a long struggle against the British. Since then it has functioned as a federal parliamentary democracy with a bicameral parliament.[3] Power-sharing among several institutions, including the bureaucracy, courts, and parliament, provides checks and balances and prevents a monopolization of power, while simultaneously posing challenges to defining the boundaries of power between different institutions (Jayal and Mehta 2010).

According to the typology outlined in Chapter 2 and by Levy (2014), India represents a competitive-institutionalized form of political settlement. Politics in the first 20 years after Indian independence was dominated by the *Congress system*, with the Congress party running governments at both federal and state level (Jayal and Mehta 2010). Congress hegemony continued until the mid-1980s, after which India's politics has been rigorously competitive, with regional parties gaining prominence at the national level. Since the 1980s, India has witnessed violent agitation for secession in Kashmir, Assam, and Punjab, which led to a deterioration of the communal situation all over the country. Fuelled by the violent history of Partition in 1947, the deterioration of inter-communal relations opened up space for the spectacular rise of the Hindu nationalist Bharatiya Janata Party (BJP) as a major national party.

State-level politics (except for a few states) is highly competitive. Mehta and Walton (2014) point out that no single social or political group has been able to dominate the polity over the past three decades. A crucial dimension of parliamentary politics in India in the 1990s was the replacement of single-party rule by coalition governments. Coalitions, led by the major political parties—the BJP and the Congress—have alternated in forming governments through coalitions since 1991. From 1990 onwards, the regional parties came to play a crucial role in forming coalition governments, which changed the power relations between the centre and states.

The second dimension of India's political settlement is the extent to which institutions function based on informal personalized relations, as opposed to formal rules. Mehta and Walton (2014) argue that India's political settlement can also be categorized as a hybrid type in terms of the level of institutionalization. Although the politics of patronage and corruption remains prevalent, India's longer and more intense period of state-building under colonial rule means that it has established higher and more impersonalized levels of institutional complexity than competitive clientelist countries, such as Ghana or Bangladesh. Institutions such as the electoral commission, the judiciary (particularly the Supreme Court), and the auditor general's office, largely function in accordance with formal rules. The Supreme Court has been able to maintain its independence from excessive political intervention by ensuring that appointment of judges, particularly in the upper judiciary, remains firmly within its remit.[4] However, the Indian bureaucracy does not function strictly in the 'Weberian' sense, and '[o]ften embod[ies] both legalistic processes and varieties of informal mechanisms, from informal payments

for preferred positions, to petty bribes that are a pervasive feature of everyday relations with citizens' (Mehta and Walton 2014, p. 10). This informality also permeates the way in which state security agencies, particularly the police, operate.

In terms of actors, it is important to explore the role played by civil society and social movement actors in India's political settlement, particularly their relationship with the state.[5] The relationship between the civil society and the Indian state has evolved over the years, from collaboration with the state to confronting the state over its excesses and building grassroots movements. Advocacy conducted by nongovernmental organizations (NGOs), particularly their critique of state actions in violation of human rights, has led to an onslaught against civil society by the state since 2010 (under the second term of the United Progressive Alliance; Sakhrani and Panchal 2015).

The possibilities for women's inclusion in politics, and for how women's groups can mobilize in support of gender equity, are strongly informed by this political context. The absence of a dominant ruling coalition at the centre, and the rise of identity-based regional parties, has influenced women's inclusion in politics at the national level, how agendas around women's rights are framed by the government, and how women's movement actors engage with political elites in specific ways. Coalition politics has meant that elite support for policies aimed at promoting gender equity has waxed and waned, depending on whether such issues were deemed central by different coalition partners. Moreover, the rise of *Hindutava* and nationalist parties gaining power in the 1990s has influenced the nature and space for women's rights groups engaging with political elites, and the kinds of discourses that have emerged around women's rights.

Identity issues—such as caste, religion, and class—remain central to winning elections and political survival for the political parties, and this mediates the extent to which gender equity concerns are taken up by political elites. Indeed, the influence of identity politics on how the Indian state approaches questions of gender equity has been apparent since before independence. During the colonial era, identity was constructed along religious lines by applying separate religious family laws for different communities—Hindu, Muslim, Christian, and Parsi—in the realm of the personal (relating to aspects of marriage, guardianship, inheritance, etc.). Following independence, and while there have been some attempts to reform religious personal laws, there is also a tendency to avoid such legislation, 'thus avoiding a direct confrontation with communities and communal politics' (Menon 2014). The PWDVA is an example of such a law because it mandates civil reliefs to protect women from domestic violence and recognizes women's right to reside in the shared household. However, to avoid confrontations with the personal law regime, the PWDVA does not displace existing religious family laws, which have remained intact. This reflects the ways in which the compromises made in the realm of the personal compromise the transformative potential of the law.

While women's presence in civil society is well entrenched in India, women's representation in formal politics, particularly the parliament and state legislatures, has been historically and consistently low. The current parliament has 61 women MPs out of 543 (a proportion of 11 percent), and the national average

of women members of (state) legislative assemblies (MLAs) stands even lower, at 9 percent. Though women head some of the major political parties, studies have shown that women face deep-seated gender bias when it comes to contesting elections and are discriminated against within the rank-and-file of major political parties. Women voters carry little weight compared with groups based on caste or religious identities, and parties have made little effort to increase their share of women's votes.

In India, reservations in political institutions for various groups, including women, have been shaped by the ideas of building an inclusive nation and by identity politics along religious, caste, and ethnic lines (Mazumdar 1999, Menon 2000). After the 73rd and 74th Amendments that introduced reservation for women in local government, women's organizations made a joint demand for a women's reservation in parliament. This led to the formulation of the 81st Constitutional Amendment Bill (Women's Reservation Bill, or WRB), which proposes a reservation of 33 percent of seats in parliament and state legislatures for women and, additionally, the reservation of one-third of the total number of seats for Scheduled Castes and Tribes for women in these groups. Although the Rajya Sabha passed the WRB in 2010, the Lok Sabha has still not passed it. The consistent lack of consensus over the WRB indicates that women are considered a less significant political category in comparison with religious, caste, class, and tribe groupings. In turn, the power of these groups has made it more difficult to promote gender equity in India.

The politics of negotiating gender equity: the case of the PWDVA

The story of the law

The campaign for the enactment of the PWDVA, a civil law on domestic violence, began in the early 1990s and would span a decade. The need for a comprehensive law on domestic violence was identified from the practice of using criminal laws to address cruelty within marriages. The campaign for the PWDVA was foregrounded in the women's movement's engagement with issues of violence against women, which began in the 1970s around incidents of dowry deaths. The women's movement campaigned for amendments to the existing 1961 law, which outlawed the practice of dowry and demanded that cruelty within marriage and dowry death be recognized as separate offences (Sakhrani and Panchal 2015). The reformed law and the issue of cruelty within marriage would later feature in discussions around the PWDVA. As a result of the campaigns led by the women's movement, sections 498A[6] and 304B[7] were introduced in the Indian Penal Code to criminalize cruelty within marriages and dowry deaths, respectively, as well as amendments in the Dowry Prohibition Act, 1961.[8] Further, women's police stations and family courts also started functioning in the late 1980s to enable more gender-sensitive handling of cases of marital violence (Sakhrani and Panchal 2015).

The campaign for the enactment can be divided into three phases, the first starting in the 1990s to the early 2000, which involved the initial phase of drafting and consultations. The second phase involved the start of the legislative process, with the introduction of the bill in parliament by the BJP-led National Democratic Alliance (NDA) in 2001. In the third phase, the legislative process was continued under the United Progressive Alliance (I), which was voted into power in 2004, and the enactment of the bill in 2005. The different phases of the campaign reveal the importance of the following factors in adoption of the law: (1) the informal relationship that women's movement actors have with the members of government commissions and ministry officials, and in later stages with women members of parliament (MPs); (2) changes in political settlement dynamics, particularly elections in 2004 that led to a change in government and brought Left parties into the coalition government; (3) the significant role played by ideas in shaping how political elites promoted or resisted changes in the various provisions of the law; and (4) the importance of international events and discourse in creating opportunities for pushing the agenda on domestic violence.

Coalition-building and informal negotiations

Phase 1—1990–2000

The initiative for drafting a law on domestic violence came from the National Commission of Women (NCW). In 1993, the NCW asked the Lawyers Collective[9] to prepare the first draft of a civil law on domestic violence. Mohini Giri, a noted social worker and founder of the Guild of Services for women, was a member of the NCW and knew Indira Jaising of the Lawyers Collective.[10] Jayanti Patnaik, the chairperson of the NCW, Mohini Giri, and Indira Jaising were known to each other due to their close association with the women's movement. The Lawyers Collective submitted a first draft of the bill to the NCW in 1994.[11] After submission of the draft there was a lull, but a more focused campaign for the law began in 1998. The Lawyer's Collective and other women's organizations used a two-pronged strategy: (1) to build consensus within the legal community and the women's movement on the content of the law; and (2) to strengthen the legitimacy of the draft bill by incorporating feedback and lessons from women's organizations working at the grassroots level.

To build a consensus on the content among the legal community, the Lawyer's Collective organized a colloquium, 'Empowerment through Law', in 1998, which brought together lawyers, academics, women's rights activists, and appellate judges from across the country. Arun Jaitley, the then law minister with the NDA government, also attended the colloquium. The colloquium helped to introduce the concept of 'domestic violence' as 'legal tender' in India.[12] Some of the judges attending the meeting had to be introduced to the concept of 'domestic violence', which was broader in scope than 'cruelty within marriages', as per section 498A with which the legal community was more familiar. The Lawyers Collective bill was revised, based on the discussions at the colloquium (Jaising 2009). To build

consensus among women's movement actors on the content, several revisions, based on wide consultations with a range of women's organizations, took place between 1998 and 2001. The National Alliance of Women's Organizations, a network of grassroots women's organizations, played a key role in organizing these consultations. The consultation informed the drafting of the law with lessons from practice. The draft bill was also widely circulated among lawyers for feedback, with a view to ensuring a workable and effective passage of the bill. Consequently, the bill was resubmitted to the National Commission for Women, as well as to the Department of Women and Child Development (DWCD) under the Ministry of Human Resource Development (HRD) and other government agencies, for adoption.

International events also created opportunities for pushing this agenda. One of the concluding observations of the Committee on the Elimination of Discrimination Against Women (CEDAW) to India's report on 24 January 2000 was that the government should 'strengthen law enforcement and introduce reforms proposed by the NCW and women activists with regard to the law on rape, sexual assault, and domestic violence' (CEDAW 2000). The Indian women's movement contributed significantly in highlighting this agenda through the CEDAW shadow reporting process. The CEDAW review, coupled with commitments made at the 1995 Beijing Platform of Action, gave the Indian government a significant push to enact a law on domestic violence, as the government needed to be seen to be doing something for Indian women on the international stage.[13] Consequently, the minister of HRD, Murli Manohar Joshi, tabled the bill in the Lok Sabha in February 2002. Unfortunately, the government chose to table its version of the bill (GOI bill 2002), instead of accepting the Lawyers Collective draft.

This phase of the process therefore centred on efforts to establish a consensus among women's movement actors and other key stakeholders, such as legal professionals and statutory commissions, on the PWDVA. It reveals the importance of personal relations, particularly those between the women in state agencies and women's movement actors, and shows how the need for international legitimacy influences political elite behaviour on the PWDVA.

Phase 2—the legislative process under the National Democratic Alliance

The NDA, which came to power in 1998, was led by the Hindu nationalist party, BJP, which extolled the role of the family and motherhood and has maintained a minimalist position on the rights of women within marriage. The narrow provisions made in GOI (Government of India) Bill 2002 demonstrate how ideas held by political and policy elites shape the space for promotion of gender equity within legal reforms. While the introduction of the government version of the bill marked a willingness on the part of the government to legislate on the issue of domestic violence, the government had not taken on board the expansive provisions that were incorporated in the Lawyers Collective draft.

The GOI bill 2002 was geared more towards the preservation of the family, rather than preventing domestic violence. The definition of domestic violence was

based on definitions contained in the Dissolution of Muslim Marriages Act of 1939, which are narrow and vague. Thus *domestic violence* was defined to include only habitual assaults (thereby excluding one-time acts of violence) and acts that 'made the life of an aggrieved person miserable by cruelty'. It contained no declaration of rights or prescription of clear remedies or mechanisms to facilitate women's access to justice. The most insidious provision of the bill was section 4(2), which seemed to suggest that a plea of 'self-defence' was available to the man when faced with a complaint of domestic violence because it recognized the right of men to use violence in order to defend themselves and their property. This allowed a man to argue that the violence between himself and his wife was not intentional, but that the injury had occurred during self-defence (Lawyers Collective 2004).

A month after this bill was tabled, a press conference was organized by the members of the women's movement to condemn it. Subsequently, women's groups in New Delhi and other cities organized a number of meetings to discuss GOI bill 2002 (Saheli 2002). The campaign for the enactment of a civil law on domestic violence thus transformed into a campaign resisting the passage of the GOI bill. At this point, the Minister of State for Women and Child Development, Sumitra Mahajan, intervened and, at a meeting with women's movement representatives, provided an assurance that the government bill would be referred to a parliamentary standing committee for review (Saheli 2002). A parliamentary standing committee under the HRD department was thus constituted, with representation from all elected political parties and chaired by Arjun Singh of Congress (I), which was the main opposition party. The parliamentary standing committee invited submissions on GOI bill 2002 from the public during the period May–December 2002. In response, it received 27 memoranda from individuals, institutions, and women's organizations from across the country. The committee agreed with most of the recommendations made by the women's groups, including expanding the coverage of the law to include non-marital relationships, as well as the deletion of provisions relating to self-defence and mandatory counselling.

The report of the committee was tabled in the Rajya Sabha on 12 December 2002, but the campaign was not able to achieve anything substantial in the two years following the recommendations of the standing committee. A key reason behind this is that the NDA regime was reaching the end of its tenure and therefore prioritized other government work that would ensure electoral success, and the PWDVA was not perceived to be one to ensure electoral votes. The dissolution of parliament in February 2004 resulted in the lapse of the bill.

Phase 3—legislative process under United Progressive Alliance I

In 2004, political settlement dynamics in India shifted through elections, as the United Progressive Alliance (UPA) (I), led by Congress, came to power. The analysis here shows how this shift and the role of coalition politics created opportunities for adopting the PWDVA. It also reveals the importance of ideas on gender equity held by key elite actors and the significance of informal networks that women's movement actors have within state agencies and with women MPs.

The coalition government, formed with external support from Left parties, adopted the National Common Minimum Programme, which listed the enactment of a law on domestic violence, as a matter of high priority. Women's groups were invited to provide inputs into the formulation of the Common Minimum Programme.[14] Further, the move to prioritize the enactment of a civil law on domestic violence received strong support from Left parties, as well as from key political elites actors, including the Congress (I) party leader, Sonia Gandhi, and the law minster, H.D. Bharadwaj.[15] Women MPs from the Communist Party of India (Marxist) also played a key role in promoting the agenda.

In July 2004, the Lawyers Collective held a meeting with representatives of key women's organizations[16] from across the country. A delegation was formed to hand over a revised draft of the Lawyers Collective bill to Arjun Singh, who was appointed as the minister of HRD. Other women's groups also voiced demands for the law. To illustrate, Action India, a grassroots women's organization based in Delhi, collected thousands of signatures from across the country demanding an early passage of the law. The Left-affiliated All Indian Democratic Women's Association created a delegation with women MPs from the Left parties—including Vrinda Karat, Sarla Maheshwari, Chandrakala Pande, and other representatives from the women's movement—in Delhi to meet the minister and urge him to introduce the bill in the winter session of parliament.

Consequently, the minister forwarded the draft bill to the DWCD for further action; it moved back and forth between the DWCD and the Department of Law in the following months. As a result, certain things got left out from the final bill that was presented for cabinet approval (Jaising 2009). During this time, the National Advisory Council (NAC) and the National Commission for Women (NCW) also submitted positive recommendations on the content of the law. The agreement of these bodies on the content of the bill was due to the presence of allies of the women's movement[17] in these bodies and their informal interactions with the Lawyers Collective and other women's organizations.

In May 2005, the bill was presented for cabinet approval. The bill was then tabled in parliament and, following discussions, was finally passed in the Lok Sabha on 22 August 2005. In spite of contestations by male MPs (see next section), the law was passed unanimously by the Lok Sabha and the Rajya Sabha on 29 August 2005 and received presidential assent on 13 September 2005. The Act was brought into force on 26 October 2006.

The role of discourses and ideas in shaping the PWDVA campaign

The influence of international discourses on the Indian women's movement in shaping the draft of the PWDVA is clear. The draft bill prepared by the Lawyers Collective relied on the UN Model Code framework on domestic violence. The Lawyers Collective also conducted extensive research on laws on domestic violence in other countries, including Malaysia, USA, UK, Canada, Australia, and South Africa. The availability of international funding supported the research and consultative processes adopted in the drafting of the law.

While the principles of the law were derived from these sources, the effort was to ensure that these principles were contextualized within the Indian legal framework to ensure relevance. The law was envisaged to apply in addition to existing laws to ensure applicability to all women, irrespective of religion, which meant that provisions needed to be framed in way that avoided direct confrontations with the state on issues relating to personal laws. Significantly, the law recognized the right of all women, irrespective of religion, to reside in the shared household and prevent illegal dispossessions. This is a civil law in form, but criminal procedure was applied for obtaining reliefs and remedies to ensure efficiency.

The key achievement was to expand the definition of domestic violence beyond physical violence to include verbal, emotional, sexual, and economic forms of violence. This definition was in marked contrast to the one proposed in GOI bill 2002. The definition encompassed unnamed forms of everyday violence that women faced within the home and helped to counter moves to trivialize the discourse and downplay the severity and seriousness of domestic violence during the campaign (Jaising 2009).[18] Interestingly, there was no opposition during the consultation or the parliamentary debates to the broad definition of 'sexual abuse'[19] adopted in the PWDVA that could be used to seek relief in cases of marital rape, which continues to be exempted from the ambit of rape laws under the Indian Penal Code. The law covers all forms of domestic relationship: those based on consanguinity, marriage, adoption, and even relationships in the nature of marriage. This marked a departure from the earlier laws used to address domestic violence, which limited protection to women in marital relationships alone.

The law was conceived of as a form of 'emergency' legislation to provide immediate relief to women survivors, to stop violence, and to equalize relationships within the home. It contained the following provisions for relief: protection orders (or 'stop violence' orders), residence orders (orders to prevent dispossession or allow for restoration in cases where the woman has already been dispossessed but does not provide ownership rights), orders for monetary relief (to meet expenditure incurred as a result of violence, as well as maintenance), compensation orders (providing damages for the mental agony suffered), and temporary custody orders (to guard against any form of harassment over the custody of children). These orders could be granted at an interim stage and on an *ex parte* basis at the discretion of the magistrate. The court orders under the law were thus visualized as being temporary in nature and aimed at creating a violence-free space for women to consider their longer-term options, including divorce, maintenance, reconciliation, or criminal proceedings (Jaising 2009), as provided for under other laws governing the family.

Over the course of consultation and during parliamentary debates, contestations took place over the following issues: the scope of the law, whether the law should provide only for women, and the role of protection officers. Interestingly, in the parliamentary debates, no one contested the need for the law, either under the NDA or the UPA governments. Speakers from both parties supported the bill. Indira Jaising, who headed Lawyer's Collective, made the following observation about support for the bill: 'One did not know if it was a reflection of a gradual

social recognition of domestic violence as an issue of immediate concern or was it plain apathy towards a law which was being enacted to simply fulfil an election promise?' (Jaising 2009).

During consultations within the women's movement, a much-debated issue was whether the law should be gender neutral and extend its protective ambit to men facing violence within the home. The wide consensus from the groups was that the law should be gender specific and regarded as a substantive equality measure to counter historical disadvantages faced by women. Moreover, there was an apprehension among the women's groups that extending protection to men might result in men using the law as a tool to harass women. While the issue of gender neutrality was hotly debated within the women's movement, interestingly, this was not picked up in parliament as an issue.

The inclusion of the term *relationships in the nature of marriage* was needed to cover women in relationships that did not meet the requirements of a legally valid marriage. This term, as mentioned earlier, was contested by the some MPs as they urged the government not to compromise the rights of legally wedded wives. However, counter-arguments were presented by pointing out that since India has no mandatory law on registration of marriage, many women would be excluded from the protection of the law.[20] The main opposition from male MPs was around the fact that the law would disrupt cordial familial relationships. They felt that it was developed with Western values in mind. A number of MPs raised concerns about the potential misuse of the law and indicated that this law created an avenue for women to pursue frivolous litigation due to the broad definition of domestic violence. These were opposed by some women MPs, using statistics on domestic violence to illustrate the need for the law. The response of the minister of state HRD, Kanti Singh, to the issues raised by male MPs is particularly revealing of the contradictory views on using law to address domestic violence:

> Despite unanimity on this bill, one question is arising in the minds of many people. Many of them are apprehensive that the bill may…create a chasm in the relationship and obstruct the smooth function (sic) of the family… However, I would like to submit that any woman who has patience, courage, and strength, would never prefer to approach courts for scuffle with her husband and other trivial discords in the family. This is the reason that there is so much increase in domestic violence.[21]

Tracking the politics of implementation

The PWDVA completes a decade of implementation in October 2016. How has India fared in implementing the law? While the PWDVA is a central legislation, the Act places the onus of implementation on state governments. Although the rules framed under the PWDVA provide some guidance on how the law is to be enforced, there is no central policy on the implementation of the law nor have any special mechanisms been put in place for the regular monitoring of implementation at the central level. The extent to which the various aspects

of the implementation mechanism are in place depends on the requirements identified and implemented by each state government. This has led to variation in implementation practices adopted at the state level and in the performance of each state. The following discussion provides a brief snapshot of the key aspects related to implementation, including setting up an operational architecture, allocating budget and resources, and establishing coordination mechanisms.

Setting up the operational architecture requires the appointment, training, and support of protection officers; registration of service providers (NGOs, women's organizations) to support the victims during the litigation process; and the establishment of shelters, medical facilities, and counselling services, as well as an effective coordinating body to manage multi-agency responses. By 2015, protection officers had been appointed in all states. However, in most cases, existing government officers[22] were vested with additional responsibilities as protection officers, which meant that this increased their workload. Data collected by the Lawyers Collective reveals that while protection officers could make use of existing facilities, no new infrastructure was provided to them in most states. Further, provision of training on the new legislation has been uneven across states, with most protection officers gaining clarity on their roles through hands-on experience. Registration of service providers has been slow to take off. By 2015, only 23 of 35 states and union territories have registered service providers, and the number of service providers in each state varies widely; no additional funds have been provided to service providers.

As a civil code, the PWDVA prescribes a limited role for the police. However, given the low levels of public awareness of the PWDVA, the police continue to be women's first port of call. Studies have found that patriarchal mindsets persist among police, wherein they believe that domestic violence is a family problem that can be resolved through counselling and reconciliation (Sakhrani and Panchal 2015). Although there are some referrals to protection officers from the police, in many cases, police either conduct counselling themselves or refer claimants to counselling cells.[23] Except in Andhra Pradesh, there were no initiatives taken by the police or by the Legal Services Authority to outline roles and responsibilities of these agencies vis-à-vis PWDVA implementation. Moreover, the failure to allocate adequate funds has been cited as a major impediment to the implementation of the PWDVA. Only just over a third of all states with the relevant information had separate budgets allocated for the implementation of the law.[24]

The Lawyers Collective (2012) noted a substantial increase in the number of orders collected from courts on domestic violence, from nearly 8,000 in the first year that the PWDVA was enacted to approximately 20,000 in 2012. However, according to lawyers interviewed in the study, court delays frequently undermined the rapid achievement of justice envisaged within the emergency character of the PWDVA. Overall, although the experience of using the law has not been satisfactory for women, the rising number of cases filed indicates the clear need for the law itself. However, lack of time-bound proceedings, high expenses associated with litigation processes, and the unpredictability of litigation outcomes has led many women to continue to use informal systems of redress, such as mediation

centres based in courts, NGOs, women's organizations, local governance bodies, and government-run family counselling centres (Sankrani and Panchal 2015).

The preceding discussion provides a snapshot of the measures taken to implement the PWDVA in terms of the implementation mechanisms established, the gaps in implementation, and how the law operates on the ground. The mechanisms established to give effect to the law are far from adequate. Key stakeholders are not sufficiently incentivized and supported to deliver protection for women in an effective way. Furthermore, patriarchal attitudes among key implementing authorities, particularly the police and courts, impede effective functioning. The inadequacy of resources within the criminal justice system is also a major impediment. These issues have persisted across changes in political dispensation within national government.

The limited commitment and capacity deployed to enforce the formal rules and regulations enshrined in India's PWDVA is mediated by the informal and less visible norms, rules, and practices on the ground. Geogina Waylen's (2014) analysis of institutional change points out that informal institutions play an important role in both subverting and facilitating institutional change. Based on this reading, the cases of the PWDVA would be classified as using a 'layering' strategy for institutional change, because the PWDVA led to the introduction of new rules and procedures alongside existing formal rules and procedures to address violence against women. Waylen points out that rule-makers are often not the rule-takers, which creates a gap between policy adoption and implementation. She also argues that actors who are implementing the rules may not be in favour of the institutional change process and may block progress. Actors who played a key role in rule-making, such as women's organizations, do not play a central role in implementation of the law. The representatives of women's organizations interviewed for this study all agree that there has been a de-politicization of the issue since the enactment of PWDVA. Although women's organizations continue to work on the issue,[25] the heightened engagements with the state, particularly with the central government, witnessed during the campaign have been vastly reduced. The bureaucracy mostly drives policy-making. There also appears to be a reluctance to deal with the current dispensation on the part of some organizations that are ideologically opposed to the government. Furthermore, changes in the relationship between civil society actors and the state in the past decade have limited the opportunities for women's organizations and civil society actors in terms of interactions with government functionaries and policymakers. How rule-takers interpret the law, particularly the judgements provided by the appellate judiciary, have also narrowed the expansive scope of the law in practice, particularly key issues linked to patriarchal gender norms. These include judgements on the right to residence, maintenance, and relationships covered by the law.

Politically, the implementation of PWDVA is not a key area of concern for MPs because it offers few opportunities for increased legitimacy, more votes, or distributing patronage. Issues of PWDVA implementation have been raised only sporadically in parliament: between 2006 and 2016, approximately 75 questions have been raised on the implementation of the PWDVA. These included questions

on aspects of budgetary allocation, the number of cases registered and trends, achievement of objectives, need for review and amendments, and steps taken for the timely disposal of cases. The most significant questions were raised in relation to protection officers and budgetary allocations. It is interesting to note that MPs representing states with high reportage of domestic violence were not necessarily the ones raising questions in parliament (Sen 2014). There has been little follow-up in terms of improving infrastructure and service delivery under the law. In fact, budgetary allocations in the area of women and child development have been going down. This indicates that the promotion of gender equity is not a priority issue for the state.[26]

Conclusion

What do the findings from the India case reveal about the politics of negotiating gender equity in India? What does a political settlement analysis add to our understanding? The findings and analysis presented here show that it is essential to move beyond a focus on gender quotas or the effectiveness of state gender machinery to understand the progress made in negotiating and implementing gender equity agendas. The India case demonstrates why it is important to examine links between different political settlements (and compromises made therein) to understand the deeper forms of politics and power relations that shape progress on gender equity. The findings reveal the relative ease with which the Indian government brought in legislation with limited to no commitments to ensuring effective legal implementation, and how the expansive provisions of the law were interpreted in relation to the compromises made with the personal law regime.

In terms of the politics of adoption, the case reveals that the following factors play a key role shaping the nature of the gains made around gender equity in India. First, women, as a political constituency, have very little weight in mainstream politics as compared with other identity-based groups. The competitive nature of India's polity, and the role played by coalition politics and regional political parties that mobilize around issues of religion, caste, and class issues mean that gender equity concerns are often sidelined or that compromises are made by the political elites on various progressive agendas involving women, should they clash with other identity-based interests. However, shifts in political settlement dynamics (including through the electoral process) can bring new coalitions into being that include actors in favour of gender equity, as with the role played by the Left in the UPA coalition in promoting the PWDVA. Second, the informal relations that existed between women's movement actors and members of the NCW—and, later, the links that women MPs had with the women's movement—played a key role in placing the adoption of the law on the political agenda and then placing demands and influencing debates within parliament. The analysis shows how even within competitive-institutionalized contexts, women's groups may have little to offer to political elites in terms of the incentives they face to remain in power.

Third, our analysis moves beyond the traditional political settlement analysis that focuses on the interests of the key actors in promotion of a particular

agenda, to demonstrate the key role played by ideas in shaping elite behaviour. Contestations over the various legislative provisions that were proposed and changed during NDA and UPA regimes and the framing of the law by the women's movement actors reveal the important role of discourse and ideas.

Fourth, our analysis highlights the important role played by international events and discourses. The state was persuaded to take up the agenda on domestic violence to increase its international legitimacy, after India's performance was reviewed by CEDAW at the Commission on the Status of Women. The women's movement had been influenced by the UN model framework, and also by research on various laws in other countries—research that was aided by international funding.

Fifth, our analysis of implementation of the law reveals capacity and resource gaps that impede implementation. It also reveals how informal norms, practices, and rules can subvert the spirit of the law (i.e. interpretation by the state agencies and the courts). Because the PWDVA does not generate any scope for patronage distribution, nor is key to electoral success, elected officials make very little effort to hold the state to account for delivering on this law.

In fact, Indira Jaising has this observation to make: 'courts are basically implementing personal laws with marked determination under the PWDVA, forgetting that this is a secular law applicable to all communities regardless of religion' (Jaising 2014).

Given all this, what is the future of the PWDVA? Will there be a backlash, or will the law lead to transformative change? Arguments highlighting the misuse of the law have already surfaced from courts and others in cases where a woman claiming the right to reside is seen as a disgruntled wife demanding property (Jaising 2014). The resistance of male groups has been comparatively less in relation to the PWDVA, perhaps due to the careful drafting of the law and owing to its being civil in nature. As courts start becoming inured to granting orders on the right to reside, it is likely that more such claims will be made in future. Legally, the only counter to this is to recognize women's equal rights within the home, however politically difficult this would be. While reform of discriminatory personal laws cannot be avoided if women are to be viewed as equal citizens, in the deeply fragmented politics of India today, this is likely to be a difficult goal to attain.

Notes

1. Articles 15 (1) and (2) prohibit the state from discriminating against any citizen on grounds of any religion, race, caste, sex, place of birth, or any of them. Sub-clause (3) of this article provides that nothing in this article shall prevent the state from making any special provision for women and children.
2. 23 August 2005: discussion on the motion for consideration of the Protection of Women from Domestic Violence Bill, 2005, moved by Smt. Kanti Singh (then minister of state in the Ministry of Human Resource Development).
3. The bicameral parliament at the centre has a lower house called the Lok Sabha (people's assembly) with 543 members, and an upper house called Rajya Sabha (state assembly) with 243 members. Fifteen percent and 7.5 percent of all seats in the lower house are reserved for candidates drawn from marginalized castes and tribes, respectively.

4. In October 2015, the Supreme Court struck down the National Judicial Appointments Commission (NJAC) Bill, 2014 and the Constitution (One Hundred and Twenty First Amendment) Bill, 2014, which enhanced the powers of the legislature in the appointment of judges. For details, see Jaising (2015).

5. NGOs involve any nonprofit group that is organized on local, national, or international levels. Social movements are defined as a group of often informally organized people or organizations with a common goal relating to social change.

6. Inserted in the Indian Penal Code by Act 46 of 1983.

7. Inserted in the Indian Penal Code by Act 43 of 1986.

8. Amendment Acts of 1984 and 1986.

9. An NGO providing legal services and engaging in advocacy for legal reform. See http://www.lawyerscollective.org.

10. For example, *Mary Roy v State of Kerala,* 1986 AIR 1011, where she successfully secured rights of equal inheritance for Christian women covered under the Travancore Succession Act, *RupanDeol Bajaj v KPS Gill,* 1995, (6) SCC 194-India's first case of sexual harassment, etc.

11. The colloquium was held on 8 and 9 May 1999 in New Delhi (Lawyers Collective 2000).

12. Interview with lawyer and founder, Lawyers Collective, 6 December 2015.

13. Interview with lawyer and founder, Majlis, 7 October 2015.

14. The author attended the meeting organized by UPA I representatives along with other women's groups.

15. This was clear from the Lawyers Collectives' interactions with government officials.

16. Including Ruth Manorama (National Alliance of Women's Organizations), Sheeba George (National Alliance of Women's Organizations, Gujarat), Albertina Almeida (BailanchoSaad, Goa), Ammu Abraham (Women's Centre, Mumbai), Philomena (State Commission for Women, Karnataka), and Anuradha Kapoor (Swayam, Kolkata).

17. As mentioned, members of the NAC were drawn from social movements and civil society organizations. Hence there was already an organic link between these members and the members of the women's movement. NAC members who played a lead role in advocating for the adoption of the Lawyers Collective draft included Aruna Roy of the right to information movement; A.K. Shiv Kumar, an economist engaged with child rights issues; Mirai Chatterjee of Self Employed Women's Association, etc. On the other hand, the Lawyers Collective received strong support from NCW chairperson, Dr Girija Vyas, who was known to Indira Jaising. NCW member Dr Malini Bhattacharya of the CPI (M) and a longstanding member of the women's movement required no introduction to the ongoing debates and strongly supported the Lawyers Collective bill.

18. As Indira Jaising further explains: 'the experience of using Section 498A in cases of domestic violence showed that it was extremely difficult to convince judges of the existence of violence in a relationship. Although the term "cruelty" in Section 498A encompassed both physical and mental cruelty, it was difficult to bring the subtleties of everyday violence in intimate relationships within the ambit of laws. Even when the judges were convinced of the existence of "cruelty", they tended to play down the possible impact of it and asked the woman to "forgive and forget"' Jaising (2009).

19. Section 3 (1) (ii) of the PWDVA provides that '"Sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades, or otherwise violates the dignity of a woman.'

20. Debates also focused on whether the law should cover domestic workers, because many experience violence and sexual abuse within their place of work. However, this proposal was not taken up, because it was felt that the protection of domestic workers was a better fit under laws relating to sexual harassment at the workplace.

21. Parliamentary debates accessed from the parliament library on the debates on the Domestic Violence Bill, 2005.

22. Mostly working under the Integrated Child and Development Scheme under the MWCD.

23. E.g., Parivar Paramarsh Kendras (family counselling cells) in Madhya Pradesh. The author recalls training sessions conducted with the Delhi police immediately following the enforcement of the law, where the police personnel clearly stated that they were not responsible for the implementation of the PWDVA.
24. As per the *National Family and Health Survey, 2005–06*, International Institute for Population Sciences and Macro International, Mumbai, 2007.
25. By undertaking activities such as raising awareness on the law at the community level, case work, trainings, etc.
26. Here it was noted that MWCD proposals are not often heeded by the finance ministry because they are not always gender sensitive and give less priority to women's development.

References

Basu, A. 2010. 'Introduction'. In *Women's Movements in the Global Era*. Edited by Basu, A., 1–28. Boulder, CO: Westview Press.

Burte, A. 2013. 'The Spirit of Resistance'. In *Feminist Counselling and Domestic Violence in India*. Edited by Bhate, D. and P. Rege, 19–47. New Delhi: Routledge.

Committee on the Elimination of Discrimination Against Women (CEDAW). 2000. 'Concluding Observations: India'. University of Minnesota Human Rights Library. https://www1.umn.edu/humanrts/cedaw/india2000.html [accessed 18 August 2018].

Government of India (GOI). 2002. 'The Protection from Domestic Violence Bill 2002. Government of India. http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN006181.pdf [accessed 30 November 2018].

Jaising, I. 2009. 'Bringing Rights Home: Review of the Campaign for a Law on Domestic Violence'. *Economic and Political Weekly*, 44(44). 31 October 2009.

Jaising, I. 2014. 'Concern for the Dead, Condemnation for the Living'. *Economic and Political Weekly*, 49(30). 26 July 2014.

Jaising, I. 2015. 'NJAC: Arun Jaitley's "Tyranny of the Unelected" Argument Is of No Relevance'. *Indian Express*, 19 October 2015. https://indianexpress.com/article/blogs/njac-verdict-arun-jaitleys-tyranny-of-the-unelected-argument-is-irrelevant/ [accessed 12 February 2016].

Jayal, N. G. and P. B. Mehta (eds). 2010. *The Oxford Companion to Politics in India*. New Delhi: Oxford University Press.

Lawyers Collective. 2000. *Domestic Violence and Law: Report of Colloquium on Justice for Women Empowerment Through Law*. New Delhi: Butterworths India.

Lawyers Collective. 2004. *Only Her Word: Campaign for a Civil Law on Domestic Violence*. New Delhi: Lawyers Collective.

Lawyers Collective. 2012. *Staying Alive: Fifth Monitoring and Evaluation Report on the Protection of Women from Domestic Violence Act, 2005*. New Delhi: Lawyers Collective.

Levy, B. 2014. *Working with the Grain: Integrating Governance and Growth in Development Strategies*. New York: Oxford University Press.

Mazumdar, V. 1999. 'Political Ideology of the Women's Movement's Engagement with Law'. In *Engendering Law: Essays in Honour of Lotika Sarkar*. Edited by Dhanda, A. and A. Parashar. Lucknow: Eastern Book Company.

Mehta, P. B. and M. Walton. 2014. 'Ideas, Interests and the Politics of Development Change in India: Capitalism, Inclusion and the State'. ESID Working Paper 36. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.

Menon, N. 2000. 'Elusive "Woman": Feminism and Women's Reservation Bill', *Economic and Political Weekly*, 35(43–44). 21 October 2000.

Menon, N. 2014. 'Uniform Civil Code—the Women's Movement Perspective'. *Kafila*, 1 October 2014.

Saheli. 2002. 'Update on Domestic Violence Bill New Scenario Poses New Challenges'. Newsletter May —August 2002. https://sites.google.com/site/saheliorgsite/violence/domestic-violence/campaign-update-on-domestic-violence-bill [accessed 18 August 2018].

Sakhrani, M. and T. Panchal. 2015. 'Quest for Justice: A Study of the Implementation of the Protection of Women from Domestic Violence Act 2005'. Mumbai: School of Social Work, Tata Institute of Social Sciences.

Sen, J. 2014. *The Protection of Women from Domestic Violence Act, 2005—Handbook for Parliamentarians*. New Delhi: Centre for Legislative Research and Advocacy.

Waylen, G. 2014. 'Informal Institutions, Institutional Change and Gender Equality'. *Political Research Quarterly*, 67(1): 212–23.

Appendix 6 List of participants in the India study

Interviewees	Organization	Location
Activist	Women's Centre	Mumbai
Academic	TATA Institute of Social Sciences	Mumbai
Programme analyst	UN Women	New Delhi
Member	Vimochana	Bangalore
Academic	Institute of Development Studies	New Delhi
Member	Vimochana	Bangalore
Lawyer and founder	Majlis	Mumbai
Activist	Action India	New Delhi
Lawyer and founder	Lawyers Collective	New Delhi
Academic	Centre for Women's Studies	New Delhi
Advocate		New Delhi
Lawyer and researcher	Centre for Law and Policy Research	Bangalore
Protection officer		New Delhi
Lawyer	TISS	Mumbai
Researcher	Centre for Enquiry into Health and Allied Themes and Dilaasa	Mumbai
Academic	Centre for Policy Research	New Delhi
Activist	NAWO	Bangalore
Researcher	CEHAT and Dilaasa	Mumbai
Lawyer	StreeMuktiSanghatana	Mumbai
Academic	TISS	Mumbai
Member	Saheli	New Delhi
Advocate		Mumbai
Academic	Centre for Legislative Research and Advocacy	New Delhi
Protection officer		Mumbai

Part IV

Concluding thoughts and ways forward

10 How does politics shape the negotiation of gender equity in the Global South?

A comparative analysis

Sohela Nazneen and Sam Hickey

Introduction

Our final chapter reflects on how politics shapes the adoption of gender equity policies in the Global South through a comparative lens. So far, the country chapters have demonstrated that the negotiation of gender equity is a profoundly political process that can operate along multiple pathways, depending on the type of political context involved. We argued in Chapter 2 that our 'power domains' framework would enable us to capture these multiple and contested routes towards social justice, through offering an integrated approach to analysing political and institutional realities in the Global South. Our framework was set up to explore the interplay between the underlying power configurations that shape how politics functions at the level of polity, on the one hand, and in the specific domain of 'women's interests', on the other. An overriding aim was to try and go beyond the limitations of the contemporary research agenda on the politics of gender equity, which has tended to narrow itself to the question of whether women's political inclusion leads to greater influence over policy agendas aimed at promoting gender equity.

Building on the analyses presented in the previous chapters, we focus on the following issues. First, what does a comparative analysis of the country case studies tell us about how different types of political settlement shape the possibilities for advancing gender-transformative policies in the Global South? Second, does our power domains framework—which combines recent theoretical advancements on the politics of development with those in the field of gender and politics—add value to current thinking on the politics of promoting gender equity in the Global South? Finally, what clues do our comparative insights offer for policy actors striving to promote gender equity in different types of political contexts?

We start by presenting the findings from the comparative analysis, exploring how efforts to promote gender equity reforms exist within, and are shaped by, the broader political settlement within a given country. We find that the level of women's political inclusion does matter to some extent, but that deeper-level political settlements analysis is required to reveal both how this inclusion becomes established in the first place and the kinds of effects it can have on the promotion of gender equity policies. Our comparative findings highlight important similarities

in the ways that anti-domestic violence policy processes have unfolded in our three competitive clientelist cases of Ghana, Bangladesh, and India, on the one hand, as compared with the more dominant cases of Uganda, Rwanda, and South Africa, on the other. In showing that reform processes have generally moved faster and further in more dominant settings, we join others in raising awkward questions regarding the assumed links between 'democratization' and progress on gender equity, and reemphasize the need to look beyond formal institutions to the forms of power relations and politics that underpin them. We demonstrate that the strategies that women's movements chose to deploy—including coalition-building, informal networking, and discursive framing—were influenced by the dominant interests and ideas that prevailed within specific political settlements and that their success was shaped by the shifting nature of political settlement dynamics therein. These dynamics included shifts in the balance of power between contending groups, including those with veto power over progressive legislation, and also electoral processes, the influence of which was closely mediated by the nature of intra-elite competition and the strength of institutions in particular contexts. In strategic terms, our comparative case-study analysis shows both the opportunities and risks facing feminist activists in terms of whether or not to seek alignment with the interests and ideas of dominant actors in order to achieve progress. It also shows how different political settlements present different opportunities for building progressive alliances and coalitions, a finding that has important strategic implications for gender equity proponents moving forward. We conclude the chapter by identifying the political and policy implications of the research for civil society organizations, governments, and transnational actors such as donors, and by posing critical questions for future research in this field. The critical commentary chapters (Chapters 11 and 12) from Georgina Waylen and Anne Marie Goetz, respectively, go further still in this regard.

Negotiating gender equity in different types of political settlement: a comparative analysis

The adoption of legislation against domestic violence in so many countries within the Global South over the last two decades, including our case study countries, cannot be separated from the broader transnational movement to assert women's right to be protected from domestic violence as a new global norm (see Chapter 3). From the 1993 UN Declaration on the Elimination of Violence Against Women onwards, the effort to promote such an international norm has been critical for action to address violence against women because, as Htun and Weldon (2012, p. 556) explain, 'norms create standards in global civil society, create shared expectations in regional communities of nations, and mobilise domestic civil society'.

Our power domains framework incorporates the process through which transnational ideas, norms, events, and actors influence both the political settlement and the domain of women's interests (see Chapter 2). In general terms, we found evidence from our interviews with feminist activists that the anti-domestic violence policy coalitions in all of our case-study countries were

informed by transnational ideas around women's rights and the anti-domestic violence agenda and, to some extent, were enabled by external resources received from donors. All the country chapters show that domestic violence legislation rose to prominence in national policy arenas in close proximity to the agenda gaining importance in global policy and in international women's rights discourse. International conventions and declarations, including the Committee on the Elimination of Discrimination Against Women (CEDAW), Vienna Declaration, and Beijing Platform for Action (PFA), directly shaped discourses on domestic violence within these countries.

However, our process-tracing efforts in each country struggled to identify moments at which transnational actors had a direct influence on the campaigns waged by women's movement actors in our case-study countries. This was in part because conscious efforts were made by activists to emphasize the struggle as being national rather than transnational in character, for fear of being labelled as pursuing a 'Western' agenda. Activists were also wary of using a ('Western') discourse of 'rights', for fear of provoking a backlash from elites in contexts where paradigmatic ideas around women's rights were far from aligned with international conventions. We did find some evidence that international events either influenced the pace of adoption or helped establish domestic violence on the ruling coalition's political agenda. In particular, ruling elites in India and Bangladesh were directly influenced by the CEDAW review processes undertaken by the Committee on the Status of Women (CSW) on progress made in addressing domestic violence, and in the case of Bangladesh a direct move was made to push forward legislation ahead of a forthcoming CEDAW review meeting at the CSW in New York in 2011.

The case-study chapters also draw our attention to the importance of the international and regional women's movement actors and South–South links. These emerged as important elements in framing the law and discursive strategies. South–South exchanges between feminist groups played a major role in the diffusion of ideas. For Bangladesh, Indian and Malaysian feminists played a key role, with the Malaysian experience having already informed activists in India; the feminist debates and policy developments undertaken in South Africa during the late 1990s would provide important sources of inspiration for women's movements in Uganda, Rwanda, and Ghana. Interestingly, in all case-study countries (except Rwanda), donors had a moderate influence when it came to the adoption of the law, apart from providing some funding to the policy coalitions for research in Bangladesh, Uganda, Ghana, and South Africa. Donors also seem to have made relatively little effort to ensure that the legislation is implemented effectively, again, with the exception of Rwanda, where donors played a key role in designing delivery mechanisms.

So, while international norms and actors played a key role in creating an enabling environment for the adoption of legislation against domestic violence, our comparative analysis demonstrates that the extent to which these norms gain traction within particular countries, the precise timing of policy uptake in this area, and the extent of implementation is shaped much more strongly by national political factors.
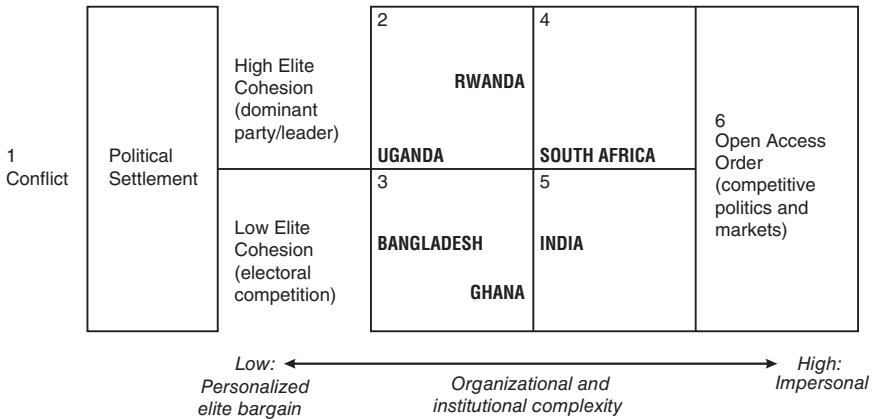
Figure 10.1 Political settlement type by case-study country.

Source: Authors, adapted from Levy 2014.

As set out in Chapter 2, our countries represent specific types of political set-tlement, as defined in terms of the relative dominance of the ruling coalition and the relative degree of institution-building that has taken place in each context (see Figure 10.1). This typological approach defines Uganda and Rwanda as domi-nant-personal settlements, albeit with Uganda tending towards a weaker and more personalized direction than Rwanda, and Bangladesh and Ghana as competitive clientelist. Because of the longer-term and deeper process of state-building that has taken place in South Africa and India, we characterize these as more advanced versions of each of these types, with South Africa dominant-institutionalized and India as competitive-institutionalized. This framing helps go beyond a focus on formal institutional arrangements, to reveal how different configurations of polit-ical power shape how institutions actually function in practice.

Table 10.1 presents a brief overview of where our countries stand in relation to the adoption and implementation of anti-domestic violence legislation, based on their political settlement type.

A comparative analysis of our findings suggests that the dominant party set-tlements (Rwanda, Uganda, and South Africa) moved more swiftly to adopt anti-domestic violence legislation than governments operating within compet-itive settlements (Ghana, Bangladesh, and India). Whereas dominant coalitions took about two to three years to pass legislation in response to demands from women's activists, this process generally took longer in more competitive settings: nearly four years in Bangladesh, five in Ghana, and 12 in India. The formulation of implementation plans to enact the legislation also shows a somewhat similar pattern: dominant party settlements moved faster to formulate implementation plans, within a year or two after the law was passed, whereas in competitive settle-ments the plans were delayed, taking more than three years in Bangladesh, whilst Ghana is yet to even formulate a plan to implement the legislation.

Table 10.1 Comparative findings on the passage and implementation of anti-domestic violence legislation

Country and PS type	Year domestic violence policy codition formed	Year DV Act adopted	Implementation plan (year enacted)	Delivery unit established	Number of state-run one-stop crisis centres (OSCs)/ total population these need to serve	Training	Finance
Ghana competitive clientelist	2002/3	2007	No	Yes	None; 28 m	Yes (limited)	Limited
Bangladesh competitive clientelist	2007	2010	Yes (2013)	Yes	8; 160 m (20 m covered by one OSC)	Yes (limited)	Limited
Uganda dominant personal	2008	2010	Yes (2011)	Yes	None; 41 m	Yes (limited)	Limited
Rwanda dominant personal	2005/6	2008	Yes (2010)	Yes	30; 12 m (0.4 m covered by 1 OSC)	Yes	Limited
India competitive institutionalized	1993 1998 (colloquim)	2005	Yes (2006)	Yes	170; 1.3 bn (7.6 m covered by 1 OSC)	Yes (varies in states)	Limited
South Africa dominant institutionalized	1995	1998	Yes (1999)	Yes	55; 55 m (1 m covered by 1 OSC)	Yes (varies in states)	Limited

In terms of actual implementation, all case-study countries suffer from a failure to invest sufficiently in training personnel and allocating financial resources. Interestingly, the best and the worst performers among the six, in terms of training, resources, setting up of shelters, crisis centres, and other operational architecture, are Rwanda and Uganda, respectively. Both of them have dominant party settlements, but since the mid-2000s, there has been a growing divergence between the trajectories of each country, with Rwanda's ruling coalition becoming both more dominant and committed to institution-building than the increasingly vulnerable and personalized type of settlement that has emerged in Uganda. There are also significant ideological differences between the ruling elites in each of these two countries in terms of the commitment of dominant leaders to women's rights, something we return to later. The fact that all three of our competitive settlements—Ghana, Bangladesh, and India—have achieved slow rates of progress at best—as has South Africa, where the ANC retains its dominance within a politically institutionalized system of multiparty competition—again raises questions as to whether multiparty democracies necessarily offer promising contexts for the achievement of gender equity.

However, the influence of a country's political settlement over the pace and extent of policy reforms on domestic violence cannot be understood purely in terms of its type. In Table 10.2, and in line with the power domains approach set out in Chapter 2, we identify the key dimensions of the political settlement and the domain of women's interests in each country, in order to enable an analysis of how each of these helped shape the pace, nature, and extent of progress made. In terms of the political settlement, we draw attention not only to the type of settlement, but also to political settlement dynamics (with regards to electoral processes and the shifting balance of power between contending social groups over time) and the ideological stance of ruling coalitions on gender equity. In terms of the domain of women's interests, we focus on the presence of women in the legislature, the strength of the policy coalition formed to promote policy reforms on domestic violence, and the extent and nature of the women's movement experience of previous struggles. Table 10.2 illustrates the cross-country comparison based on factors that relate to both political settlement dynamics and the domain of women's interests.

From the comparisons that Table 10.2 enables, we argue that the pace of adopting legislation against domestic violence in these countries, and the actors that mattered in the process, were influenced by the underlying configuration of power within specific political settlements and the ability of the policy coalition promoting gender equity to navigate this complex terrain from the domain of women's interests. Countries with a high proportion of female parliamentarians tended to move to adoption more swiftly, although whether this relationship was a causal one varies by case. How ruling elites were influenced to support or block the anti-domestic violence legislation was influenced by shifting political settlement dynamics involving changes in the balance of power and institutional developments, often through the holding of elections and the changing levels of holding power amongst groups resistant to gender equity. Paradigmatic ideas on gender also played a key

Table 10.2 A power domains comparison: the political settlement and domain of women's interests

Country/Political settlement type	Executive commitment to gender equity	Allies in different forums	Political settlement dynamics	Women's movement experience of promoting transformative policy agendas	Discursive framing strategies in relation to dominant ideas	Quotas in parliament; % of women in parliament at the time law was passed
Rwanda (dominant personal)	Strong; ideological and instrumental	Multiple	Normal	Extensive (positive)	Aligned (with progressive and protective ideas)	Yes; 56.3%
Uganda (dominant personal)	Medium; instrumental	Multiple	Elections	Extensive (negative)	Aligned; compromise	Yes; 36%
South Africa (dominant institutionalized)	Strong; ideological	Multiple	Post-transition	Extensive (positive)	Challenge initially; then compromise	Yes; 30%
Bangladesh (competitive personal)	Weak; instrumental	Limited	Election-hiatus, veto players sidelined	Extensive (mixed)	Aligned; compromise	Yes; 18%
Ghana (competitive personal)	Weak; instrumental	Limited	Elections	Limited	Challenge initially, then compromise	No; 14%
India (competitive institutionalized)	Medium; ideological	Multiple	Elections	Extensive (mixed)	Challenge	No; 8%

role here; ruling elites with an ideological, and not merely instrumental, commitment to gender equity moved faster and further to adopt and implement reforms, as the Rwanda-Uganda comparison illustrates. In most other cases, women's movement actors were forced to compromise their policy demands in the face of opposition from dominant constructs of gender. The strategies deployed by the policy coalitions promoting reform, both in terms of coalition-building and framing demands, were strongly influenced by previous episodes of mobilization and negotiation around gender equity within the domain of women's interests. In some cases, transnational ideas and events helped provide specific openings that shifted elite incentives in progressive directions. The next section explores these interactions in more depth.

Beyond inclusion to influence: how political settlements shape both women's inclusion and the negotiation of gender equity

At first glance, there seems to be a positive correlation between the level of women's political inclusion and the pace at which anti-domestic violence legislation was passed, as the countries with significant women's presence in the parliament (Rwanda, Uganda, South Africa) moved faster than countries with limited numbers of women in parliament (Bangladesh), particularly those with no gender quotas (Ghana and India). However, both our comparative findings and in-country process tracing suggest that the presence or absence of quotas does not in itself offer a compelling explanation for how politics shaped the adoption of anti-domestic violence legislation, but rather needs to be understood in relation to the nature of and interaction between the political settlement and domain of women's interests in specific contexts.

First, the differing levels of women's political inclusion in our countries are themselves directly shaped by the ways in which political settlements have been formed therein, as illustrated by the presence of quotas for women's inclusion in South Africa, Rwanda, Bangladesh, and Uganda, and their absence in Ghana and India. Our research shows that the history of how settlements evolved and changed in these countries closely shaped the adoption of gender quotas, particularly in terms of whether women's claims for inclusion were politicized during those critical junctures when settlements were negotiated. For Rwanda and Uganda, women were able to make stronger claims for political inclusion, based on their active participation during the armed struggles and their role in the revolutionary forces that contested earlier settlements and brought new ones into being. In South Africa, women's key role in sustaining the anti-apartheid struggle and strong presence with the African National Congress meant that they were able to renegotiate claims for inclusion during the transition period. In India, though women played a key role in the independence struggle, they were not perceived as a 'class' that required special measures for political representation. Women themselves did not make claims for affirmative action in the political realm at this point, arguably missing a critical window of opportunity. The growing dominance of a new politics of identity focused on caste and religion meant that in later years, women's claims for reservations in the parliament raised fears about

how these measures would be used to advance the interests of Hindu upper-caste groups, leading such demands to be ignored. Reservations were introduced only at the local government level, where such risks were perceived to be lower. In Bangladesh, women's participation in the anti-authoritarian movement legitimized their claim for greater political inclusion after the transition to democracy, when women's movement actors were formally consulted for the first time by the neutral caretaker government in 1991. Moreover, suffering endured by women in Bangladesh during the war with Pakistan in 1971, and also the conflict in Rwanda during the 1994 genocide, highlighted the key role played by women at major political junctures and legitimized their claims for inclusion in both cases. In Ghana, on the other hand, the gender quota established after independence was abolished during the dictatorship period. When the current settlement was negotiated in the early 1990s in a context of stability, women's claims for inclusion were not as strongly politicized as in the other countries, partly because female political agency had been largely co-opted by the wife of the then dominant leader.

The question of whether the level of women's political inclusion shaped the progress of gender equity reforms similarly needs to be firmly located within deeper patterns of power and politics, and also the particular nature of the domain of women's interests within each country. It certainly did not help that the proportion of female MPs was low in the three countries that were slowest to respond to demands for anti-domestic violence legislation—namely Bangladesh, Ghana, and India. However, in the other cases where there were sizeable numbers of female MPs, it is not clear from our process-tracing efforts that this was the most influential factor in shaping the passage of legislation. In Uganda, for example, female MPs were not the most significant actors in framing the agenda, determining the strategy, or maintaining the pressure on the executive and bureaucrats to ensure that the legislation was written and passed. The key role was played by the women's movement. Moreover, once the bill was tabled, some male MPs emerged as playing as important a role within parliament as the female MPs (see Chapter 4). Apart from Rwanda, where the anti-domestic violence legislation was enacted through normal parliamentary processes that involved a leading role for female parliamentarians, in all other settings women's movements had to engage in significant coalition-building activities and identify allies in multiple venues of political and civil society. Table 10.2 also reveals that ideational factors mattered here, particularly the strength of ideological commitment to women's rights amongst ruling elites and the ways in which policy coalitions framed their claims in relation to paradigmatic ideas within the political settlement.

Overall, then, our in-country process tracing and comparative analysis both strongly identify the type of political settlement as the most compelling explanation for the different speeds with which countries adopted anti-domestic violence legislation. The specific pathways through which this took place, however, were not only shaped by the type of political settlement, but also by the broader interactions between this domain of power and the domain of women's interests. From a power domains perspective, the main causal mechanisms at

play here that link political settlement type and dynamics to processes of policy reform on gender equity are as follows:

First, the presence of dominant ruling coalitions with very little prospect of being overturned presented women's movements with a clear target for their advocacy campaigns, unlike in competitive political settlements, where women's movements often found it difficult to register their concerns and to operate in open political market places dominated by political parties characterized less by programmatic agendas than by more instrumental concerns. According to political settlements theory (Khan 2017), the security that dominance offers to ruling coalitions may enable them to adopt a longer-term and more developmentalist vision.

Second, the democratic deficit that is apparent in some dominant settlements, such as Rwanda and Uganda, may help incentivize rulers to seek popular legitimacy through other means, whereby the relative absence of political and civic rights is compensated for through the delivery of social rights. Leaders in both countries cast themselves as 'developmentalists', and this trade-off between political and socioeconomic progress is typical within 'developmental states' (Leftwich 1995). These pressures do not pertain in competitive contexts, where citizens are—in theory at least—free to campaign effectively to secure their rights.

Third, in dominant settlements, women emerge as a more significant constituency in terms of helping ruling coalitions to maintain themselves in power than in our competitive settings. This is both because of the different challenges involved in building winning coalitions in dominant rather than competitive settings, and some specific aspects of our cases, whereby delivering on women's rights was more important to holding together a winning coalition in dominant settlements. In particular, the ruling coalitions in both Rwanda and Uganda are led by representatives of minority ethnic groups that have a strong sense of their vulnerability with regards to the social configuration of power in each country. The early efforts that both the Rwandan Patriotic Front and the National Resistance Movement undertook to include women as a key constituency within their movements arguably reflected the imperative to broaden their social base, as much as a commitment to women's rights. Maintaining a winning and dominant coalition in such contexts thus requires paying greater attention to building alliances with marginal groups than in competitive settings, where the opposition lines are often drawn around different forms of identity (e.g. ethno-regional in Ghana, caste/religion-based and regional in India, dynastic in Bangladesh). A similar dynamic was at play in South Africa, where the corporatist nature of the ruling ANC movement rested on its capacity to maintain all major social constituencies together within the same broad coalition, including the influential women's wing.

Fourth, once common ground had been found between the women's movement and the ruling coalition—a process that was more contested in ideological terms in some contexts than others, as discussed later—dominant settlements (except for Uganda, where the ruling coalition has become increasingly weak) were also able to deliver legislative change and move towards implementation more rapidly than their counterparts in competitive political settlements because of both the lack of parliamentary opposition and their stronger grip on the public bureaucracy.

As noted in Chapter 2, the vulnerability to overthrow that ruling elites experience in competitive settings tends to reduce their time horizons and increase their incentives to use the public bureaucracy primarily for maintaining party loyalties, as opposed to protecting rights and delivering public goods.

Fifth, the institutional axis of the political settlements typology deployed here was also influential. Where institutions function according to personalized rather than impersonal logics—as in the cases of Bangladesh, Ghana, and Uganda—informal networks and relationships were particularly critical to feminist activists. This was much less apparent in South Africa, where the relative strength of public institutions and the strong involvement of lawyers rendered this a largely formalized process, whilst in India a mixture of formal and informal institutions proved significant. In Rwanda, the apparent presence of a state-building project also enabled a largely formal process to take place through parliamentary consultation. We return to some of these strategic approaches later, when we discuss the capacity and nature of the policy coalitions in more depth.

Finally, in terms of implementation of the domestic violence law, Rwanda, with its dominant party settlement and developmental vision, was the most advanced compared with all other countries studied. The gender ministry, which was tasked with the main coordinating role, was given adequate resources, and the key delivery agencies (police, health centres) had their performance closely monitored. Countries such as India and South Africa, with higher levels of bureaucratic capacity, have also made strides in setting up the necessary operational architecture and developing a clear implementation plan. However, the performances of different states and provinces vary, and there are significant gaps in capacity, enforcement, and coordination at the national level. As for countries where bureaucracies have been politicized to a large extent—which was the case in the competitive clientelist countries of Ghana and Bangladesh and also dominant-personalized Uganda—implementation has occurred much more slowly. The weakness of the women's ministry as a coordinating body for implementing the domestic violence law within each country has also limited the extent to which implementation was undertaken.

These findings offer a salutary reminder that the formal presence of 'democratic' political institutions is not an automatic guarantor of faster progress towards gender equity, a finding some feminist scholarship has already highlighted (Waylen 2014). Elections certainly played a part in several of the processes identified here, particularly in competitive settings and also where dominant coalitions perceived themselves to be more vulnerable to overthrow (as in Uganda). However, this was not necessarily in the sense of political parties campaigning on a programmatic agenda or of greater political space enabling women's voices to be heard, but rather because elections helped reshape certain political settlement dynamics in directions that women's movements were able to capitalize on (as discussed later). In one notable case, it was actually the suspension of competitive party politics—in Bangladesh, whereby a technocratic caretaker government takes charge during election periods—that enabled the anti-domestic violence agenda to progress. The point here is not to challenge the legitimacy of democracy—something that we and most feminists

would hold to be of value in and of itself, because of its insistence on political equality amongst all citizens—but rather to point out that competitive electoral processes can have very different implications in this regard, depending on the configuration of power that they operate within and the strength and quality of institutions—that is, the political settlement. As discussed in the closing section of this chapter, this has strategic as well as academic significance and should alert activists both to the dangers of complacency within nominally democratic settings and also to the room for manoeuvre that may exist in less democratic contexts.

We now turn to some of the more specific ways in which our two domains of power interacted to produce particular outcomes in our cases. We focus in particular on the organizational and ideological power of different social groups in political settlements, the importance of political settlement dynamics, the nature and strength of the women's movements and the coalitions they built, and the influence of transnational ideas and actors.

Strength of the ruling coalition and the holding power of opposing forces

Political settlements shaped not only the pace at which anti-domestic violence legislation was adopted, and the extent to which this was implemented in our six countries, but also the routes through which this occurred. The strategies that the women's movements were able to deploy to promote anti-domestic violence legislation, including those used to counter resistance from other groups, were profoundly shaped by the configuration of power and the nature of institutions that characterized the political settlement in each case. As discussed in the final section of this chapter, this has important strategic implications for aligning the promotion of gender equity reforms with particular political contexts.

In the dominant-personalized settlements of Rwanda and (in particular) Uganda, the support of the president was essential, whereas in South Africa's more institutionalized version of a dominant settlement, the ruling party's support was the more critical factor. The relative lack of political space for mobilization beyond these dominant actors inevitably meant that alliances had to be built with and within dominant ruling coalitions. In contrast, activists operating within competitive clientelist settlements were confronted with a broader range of potential allies and also opponents, some of whom had considerable holding power and could act as veto players with regards to gender equity reforms. Given the difficulties that vulnerable ruling coalitions have in confronting powerful social groups, and with conservative religious groups wielding veto power due to their considerable organizational and ideological resources in Bangladesh, Ghana, and India, this closely shaped the ways in which advocates sought to generate support for the legislation and also how they framed their case. As discussed in the next section on ideas and discursive strategies, this involved a mixture of confrontation and reframing in pursuit of compromise and co-optation.

The shifting balance of power between different social groups was significant here. In Bangladesh, the main opponents of anti-domestic violence

legislation—namely conservative Islamist groups—were being confronted with a war crimes tribunal at a critical moment in the legislative process. This helped remove one powerful veto group from the fray and expedited the enactment of the law. The Catholic Church is a powerful force in both Ghana and Uganda and given its conservative sensibilities on women's rights, it had to be navigated carefully by women's movements in these countries; this stood in contrast to Rwanda, where the Church's complicity in the genocide had left it without the legitimacy to challenge the will of the ruling coalition. The struggle to pass legislation against domestic violence in India was the most protracted of our cases; this struggle was, to a significant extent, because of the unwillingness of the ruling party to antagonize groups on whose support they relied, particularly those promoting *Hindutava*, who held specific views about women's position, status, and rights within Indian society (see Chapter 9). This struggle between contending social groups within given political settlements was, of course, not defined simply in terms of the organizational power that each possessed, but also by competing ideas on gender equity and women's rights that each was capable of mobilizing.

Paradigmatic ideas and wars of position over gender equity

Political settlements are constituted by the ideas, as well as the interests, of the groups that contend with each other for power and influence. In Chapter 2 we argued that the gendered nature of the paradigmatic ideas that help maintain and legitimize political settlements in general, and specific ruling coalitions in particular, would influence the nature of elite commitment to the promotion of anti-domestic violence legislation. Our comparative analysis shows that, unsurprisingly, the legislation moved forward more rapidly where paradigmatic elite ideas were aligned with respect for women's rights and gender equity and where their commitment to enacting an anti-domestic violence law was predominantly ideological rather than instrumental in nature (see Table 10.2). As noted earlier, this is most apparent in our dominant settlements, where ruling coalitions have longer-term time horizons. However, there is also a direct link to political movements that took power with the ideological aim of transforming the basis of citizenship. In South Africa, for example, women's rights and gender equality were closely linked to the discourse on rights and full citizenship that provided legitimacy to the African National Congress (see Chapter 6), whilst citizenship rights for women had formed a key part of the post-conflict settlement in Rwanda. In contrast, in the competitive settlements of Bangladesh, Ghana, and India, as well as in weakly dominant Uganda, paradigmatic ideas on gender-transformative change were not central to the maintenance or legitimacy of the ruling coalitions in place when demands for legislation against domestic violence started to be raised.

   The contrast between Rwanda and Uganda is instructive here. The commitment to women's rights, particularly around bodily integrity, was central to the political settlement in Rwanda. It was perceived as one of the core ideas that provide legitimacy to the ruling coalition, which has its founding roots and rationale

in the problems created by the genocide in relation to which the current political settlement was forged (see Chapter 5). This commitment was both instrumental and ideological in nature: instrumental because the heavy loss of men during the genocide meant that women needed to be fully incorporated into the economy (which required according them ownership rights over land and protection of their bodily integrity) and also the polity. But also ideological because respect for women's rights fitted with the president's vision of Rwanda as a modern nation, within which the basis of citizenship was to be transformed, from one defined by race and ethnicity to one based on a shared (post-ethnic) national identity. The initial commitment to women's rights in Uganda shared similar origins in the ambitions of a political movement apparently dedicated to transforming state–citizen relations and empowering marginal groups. However, the apparent respect for women's rights in Uganda within this project soon emerged as a highly instrumental means through which a winning coalition could be maintained, with female MPs treated largely as a vote-bank within the wider patronage machine, as Ahikire (2003) and Goetz (2003) argued some time ago. The ideological respect for women amongst ruling elites in Bangladesh may have had a weaker effect because it lacked an instrumental counterpart (with women not seen as important to coalition-building here) and also because of the somewhat patrician and protective elite view of women as victims that has prevailed in Bangladesh since the (often sexual) violence visited on them during the war with West Pakistan, a key moment in the formation of Bangladesh's foundational settlement (Hossain 2017).

The nature of paradigmatic ideas around women's rights and gender equity had a powerful influence over the strategic approach of women's movements in our cases. In most cases, the anti-domestic violence policy coalition deliberately framed their case in terms of ideas that were in alignment with rather than disruptive of dominant ideas. For example, activists generally avoided framing their case in the contentious language of 'women's rights', opting instead to reframe the need to legislate against domestic violence within a largely religious discourse regarding the sanctity of 'family life' and in line with a concern for 'development', by demonstrating the anti-development impact of domestic violence (e.g. loss of labour, healthcare costs). This occurred from the outset in Uganda, Bangladesh, and India. In Rwanda, advocates in parliament were already largely assured of elite political support, as discussed earlier, but sought to further extend their constituency of support by framing men as protectors of women, drawing on the forms of masculinity associated with brotherhood and fatherhood, rather than husbandry. Women's activists in Ghana initially deployed a rights-based discourse, until slow progress encouraged them to switch frames to a more family-centred approach. These (re)framings enabled policy coalitions to overcome resistance and win the active support of certain key players—including the Catholic Church in Uganda, traditional leaders and the Church in Ghana, and male parliamentarians in Bangladesh and India—thus helping to expedite the passing of the legislation.

However, such compromises also affected the scope and content of the legislation that was passed, including the failure to include provisions against marital rape in Uganda, Ghana, and Bangladesh. Women's movements, wary of a

backlash from Islamist groups in Bangladesh, deliberately left this out, along with provisions to protect non-married cohabiting couples, fearing that opponents would accuse ruling elites of sanctioning promiscuity, or of challenging the rights of men over their wives. Such compromises are arguably understandable, given the level of ideological opposition to more radical change and given that addressing domestic violence was not central to the interests or the survival of the ruling coalition in most of our countries. In this way, potentially transformative policy reforms were recast into more ameliorative forms during the political process that secured legislative change, through the exclusion of more radical challenges to patriarchal control over women's bodies (Htun and Weldon 2010).[1]

Changes in political settlement dynamics

Shifts in political settlement dynamics help to explain how the anti-domestic violence policy agenda gained traction at specific points in time in the six case-study countries. These shifts particularly influenced the pace of policy adoption and the commitment of the ruling coalition to pursue the anti-domestic violence policy agenda. In Rwanda, the political settlement dynamics were relatively stable, although this needs to be seen in the context of the major earlier shift of the political settlement, which saw women's entitlements to political inclusion and other rights become embedded. South Africa is similar in this respect; the settlement reached between different groups during the post-democratic transition period, particularly in framing the new constitution and in recognition of women's significant role in the liberation struggle, meant that both women's political inclusion and concerns with gender equity were strongly entrenched. In these contexts, then, there was no need for a further shift to help enable advocates make the case for anti-domestic violence legislation from outside the ruling coalition.

In our competitive settlements, and also weakly dominant Uganda, where competitive pressures were increasing over the 2000s, the more finely balanced configurations of power left ruling coalitions more vulnerable to smaller shifts therein. Elections played significant roles here and emerged as enabling factors in Ghana, Bangladesh, India, and also increasingly competitive Uganda. This seemed to be driven less by programmatic political party campaigns than the sense of vulnerability that elections introduce for ruling elites and the incentives this creates to reach out to new constituencies or re-embed existing ones. In Bangladesh, as noted earlier, it was actually the suspension of the normal functioning of competitive clientelism in order for a caretaker government to hold the elections that allowed the anti-domestic violence policy coalition to gain traction within the government on this issue. Later, when Bangladesh reentered competitive politics, a reduction in the holding power of the Islamist parties, combined with the need for the ruling coalition to garner support from secular groups, including women's rights groups, influenced the ruling coalition to take up the anti-domestic violence legislation as a policy issue. This opportunistic approach generated a rather weak and instrumental form of policy commitment. In Ghana, violence against women was politicized around both the 2000 and 2008 elections, although the change

of government in Ghana in 2008, and the associated turnover of ministers and bureaucratic staff that is characteristic of competitive clientelism, slowed down the implementation process. In Uganda, the ruling party was shaken by the sight of grassroots women from rural areas, where it draws its main constituency, marching on parliament demanding an anti-domestic violence law in the run-up to the 2011 elections (see Chapter 4). In India, the 2004 elections swept to power the United Progressive Alliance (UPA), which was more sympathetic to women's rights than its predecessor; the inclusion of anti-domestic violence law as a part of the Common Minimum Programme by the Left within the UPA created pressure on the Congress to deliver.

Policy coalitions and the capacity to navigate shifting political settlements

The ability of women's movements to navigate dominant interests and ideas in their respective political settlements was shaped by their capacity to build effective policy coalitions. In Uganda, Ghana, Bangladesh, India, and South Africa—which, unlike Rwanda, lacked a political leader who had already signalled support for the reform agenda—women's movements had to mobilize widely and forge alliances across the different domains of the state, the bureaucracy, executive, and the parliament. The slower progress made in competitive settlements—Ghana, Bangladesh, and India (before 2004)—in adoption of the law reflected the low levels of female/feminist influence within several key domains, including the parliament and the relevant state and gender machinery, which undermined the coalition-building effort. In Ghana, the minister for women was opposed to the reforms in the early stages, and in India under NDA, some expansive provisions within the draft law were removed. In Ghana and Bangladesh, it was only after the women's ministry came to be led by a former women's movement activist that the agenda gained momentum. This underlines both the importance of individual agency within personalized settlements, but also the broader point that women's inclusion in the political sphere is insufficient unless women also maintain a presence in multiple other sites of power (Escobar-Lemmon and Taylor-Robinson 2014).

Coalition-building, by its nature, takes place along largely informal lines. Informal relations between women's activists and femocrats, parliamentarians, and political leaders proved vital in all of the countries. In South Africa, close personal relations between the women parliamentarians and women activists, as well as close links between femocrats in the gender machinery, were critical for moving the agenda forward. In Uganda, the policy coalition members were able to use the personal networks of women MPs to diffuse opposition from male parliamentarians. In Ghana and Bangladesh, the policy agenda moved ahead much faster once the women's ministry came to be led by former women's rights activists with strong personal relationships within the women's movement. In Bangladesh, the women's minister also used her close personal relations with the prime minister to influence the decisions in the Cabinet and to pass on relevant information to the anti-domestic violence policy coalition. In India, the policy coalition

benefited from having critical links with the women parliamentarians from the Left parties during the UPA regime (after 2004). They also used the influence of the members of the National Advisory Council set up by the UPA and with whom they had close links. These findings demonstrate that exploiting informal relationships can be a key strategy for policy coalitions seeking to promote gender equity within contexts where formal rule-based processes may not work to their advantage. Informal relationships can enable access to key parts of the state and help diffuse resistance. The extent to which informal networking was influential across all political settlements, including in those settlements where institutions had made greater progress towards operating along more impersonal lines, suggests that this is an important avenue through which women in the Global South are able to generate higher levels of agency than would be expected from their structural position within political contexts. As discussed later, this offers strong support for those seeking to forge a new research agenda around the role of informal institutions in promoting women's rights (Waylen 2017) and for extending this into the Global South (Nazneen 2017).

History matters: how policy legacies and earlier feminist struggles shape the contemporary negotiation of gender equity

The legacies of earlier policy reforms around gender equity, and of the struggles by women's movements to achieve them, mattered across all country cases. These histories helped shape the strategies deployed by coalitions in support of domestic violence law and shaped the scope of what was deemed possible. In Rwanda and South Africa, there was more space for policy coalitions to move faster and be more ambitious because contentious policy and legal reforms had already been passed. In Rwanda, more controversial legislation that secured co-ownership of land for women, and protected them from rape and sexual violence, had been established several years before legislation against domestic violence was proposed. In South Africa, the women's movement had already ensured the inclusion of the gender equality clause in the constitution, which undermined arguments from traditional leaders that customary law should take precedence. In contrast, the defeat experienced by the women's movement in Uganda around the co-ownership bill in the mid-2000s strongly informed their more ameliorative approach to claim-making around domestic violence, even whilst the experience also helped sharpen their strategic capabilities to navigate powerful interests and ideas. In Bangladesh and India, the policy coalitions had similarly learnt from their failures to reform personal laws, but also from successes in getting laws passed addressing violence against women; this had taught them the importance of having allies, both inside and outside the state, including the media, the importance of deploying personal relations, and of framing issues in a way that diffuses resistance from the religious right and male resistance in parliament. In Ghana, the women's movement arguably struggled because it lacked such experience. Most earlier gains for women's rights had been handed down as acts of patronage by a previous First Lady, including a little-known provision for

co-ownership delivered by presidential fiat under the dominant ruling coalition of President Rawlings in the 1980s, rather than fought for by activists. This mode of 'rights-through-patronage' deprived the women's movement of the opportunity to build its political capabilities and gain experiential learning about how to negotiate gender equity, and left the movement bereft of either protection or the means to mobilize effectively once that era closed.

Summary and strategic implications

This comparative analysis of the politics of negotiating gender equity in the Global South, with a focus on legislation against domestic violence, has sought to move beyond the inclusion-to-influence debate. By conceptualizing the politics of gender equity as the outcome of interactions between two power domains—the political settlement and the strategic domain of women's interests—we have sought to draw attention to the ways in which both deeper and broader patterns of power and politics shape women's inclusion and their influence in particular types of context. In this final section, we briefly summarize the main findings and address some of the implications that flow from this, both for future research on the politics of gender equity and for strategic responses to the problem of domestic violence, which continues to afflict the lives of one in three women in the Global South.

In relation to the inclusion-to-influence debate (e.g. Escobar-Lemmon and Taylor-Robinson 2014), the proportion of female MPs in parliament does not emerge from either our in-country process tracing or comparative analysis as having a defining influence over the passage of anti-domestic violence legislation. Rather, women's political inclusion and the influence that flows from it both need to be situated in relation to other features of both the political settlement and the domain of women's interests in given contexts. First, women's political inclusion is closely shaped by the ways in which political settlements are formed over time in particular contexts, often in relation to major political upheavals. Second, we find that the type of political settlement that prevailed when claims for anti-domestic violence legislation started to be made in particular contexts offered the most compelling explanation for the pace and extent to which the legislation was adopted across our six cases. The ability of the women's movement to forge a policy coalition capable of forming strategic alliances and compelling policy framings that aligned with the interests and ideas of the dominant actors within the settlement was critical. These coalitions included female parliamentarians, but they were seldom the most significant actors in processes that also involved critical roles for activists, lawyers, male politicians, femocrats (both male and female), religious leaders, and political leaders. We also found that the particular routes through which progressive policy change occurred in our cases was closely shaped by the type of political settlement, particularly with regards to the holding power of different social groups and the paradigmatic ideas of ruling elites.

Political settlements matter in several ways then. Above all, we found that the configuration of political power matters, whereby ruling coalitions with higher levels of dominance and elite cohesion were able to achieve legislative change

more rapidly and generally more effectively than their counterparts in competitive clientelist settings, where women's movements generally had to struggle longer and harder to effect change. This runs counter to the prevalent expectation that more democratic contexts will generally provide a more conducive context for the realization of women's rights. As stressed earlier, this does not imply a criticism of democracy, but rather acts as a salutary caution for those engaging in the politics of gender equity from an academic or strategic perspective. In academic terms, it involves moving beyond a focus on formal institutions, to examine how underlying forms of power and politics shape how they actually function in practice, particularly in terms of the incentives that confront ruling elites from the specific configurations of power that they confront. We come to the strategic implications later.

Our findings emphasize, however, that the interests of elites cannot be considered without an understanding of the paradigmatic ideas that help to bind certain sets of elites together. By borrowing from feminist discursive institutionalism, we were able to trace how the politics of ideas played a significant role at several levels. At the level of paradigmatic norms, passing legislation against domestic violence was taken to be an unwanted encroachment onto patriarchal notions of male autonomy and thus faced resistance—but not as a foundational attack on more fundamental male 'rights' over women's bodies and property. This meant that the campaigners for the legislation had to align their case with alternative paradigmatic ideas that had the support of powerful players, including beliefs around the family, the importance of economic development, and also of becoming a 'modern' nation within an international community with specific norms around gender equity. Ideas and evidence were important at lower levels of problem framing, particularly in terms of new evidence on the levels of domestic violence and campaign material built around high-profile cases, which helped to bring the issue to the political and public attention.

The insights generated here flow directly from the power domains framework that we deployed in our comparative case-study investigations. This framework, which integrates insights from recent advances in two related fields—the politics of development and feminist literature on politics and gender—enabled us to track how the interplay among interests, ideas, and institutions shaped progress towards gender equity in particular contexts. By insisting on locating actors and their ideas within wider and shifting relations of power, the framework was able to capture the interplay of agency and structure in ways that have often been treated separately in the literature on gender and politics. In methodological terms, the operationalization of a political settlements typology through comparative case study research acts as a complement to existing studies that rely on large-*n* survey-based work (Htun and Weldon 2012) or one-off case studies, and it arguably goes further in terms of identifying the causal pathways towards change within different types of political context (George and Bennett 2005). This focus on particular types of context also has important strategic implications, particularly for policy actors operating across multiple contexts, in that it helps move beyond the sense that each situation is entirely different towards a sense that some strategic responses

may be more effective in certain (specified) types of context. To be sure, the fact that we have only operationalized this approach in six countries, and with regards to one policy area, limits the extent to which wider claims can be made here. More work is required, both to extend the range of countries to include more examples of the different types of political settlement identified here and to test the framework in relation to other types of gender equity policy, ideally from across the spectrum of 'ameliorative' and 'transformative' types.

What do these findings mean for gender advocates and policymakers?

What do the preceding findings mean, particularly for gender advocates, women's movement actors, and national and international policymakers? In closing, we focus in particular on the importance of coalition-building and discursive framing and of ensuring that these are closely attuned to particular contexts through an iterative process of political analysis. Such efforts require not only greater support from international actors in terms of resources, but also different modes of operation. Finally, we stress the importance of moving beyond a focus on securing policy adoption towards a much stronger focus on implementation.

The primary implication of the analysis offered here is that efforts to promote gender equity reform need to be closely attuned to the type of political settlement in given contexts, with a particular focus on the dominant actors, incentives, and ideas that prevail therein, and their shifting nature over time. Elections and the changing fortunes of organized groups may provide openings that policy coalitions can capitalize on. Whereas gaining the support of the political leadership is likely to be critical in dominant settlements, women's movements operating within competitive clientelist settlements may have to look beyond the highly politicized realm of party politics and start by forging alliances within the bureaucracy.

Across all settlement types, the building of coherent and well-resourced policy coalitions is a first-order priority for promoting contentious policy agendas in generally unpromising contexts. This has relevance for both civil society actors regarding how they mobilize and also for international development actors, who are increasingly aware of the need to engage in supporting such coalitions to emerge and prosper (DLP 2012). The fact that such coalition-building can take a long time, is often highly political, and needs to respond rapidly to windows of opportunity as they arise, suggests that a much higher degree of flexibility is required from donors in terms of how they operate. It is notable that democratization in and of itself does not raise the likelihood of women being included in politics in larger numbers or of women being able to influence the policy agenda; this should alert activists both to the dangers of complacency in democratic settings and to the room for manoeuvre that may exist in less democratic contexts.

The fact that ideas play such an important role in struggles to promote gender equity opens up a considerable range of implications for political and policy actors. Our finding that gender equity policies are likely to be adopted and implemented more rapidly and fully when they are in line with the ideas of the ruling

coalition suggests the significance of aligning the policy frames and discursive strategies accordingly. However this 'going with the grain' approach (Levy 2014), which is increasingly popular amongst development agencies, is not without its drawbacks. This is particularly apparent where the compromises made in this process of alignment lead to diluted and potentially incoherent forms of legislation that are very difficult to implement and may undermine the overarching goal of transforming the power relations that underpin gender inequalities. Resolving this dilemma is no simple matter. It is possible that simply getting legislation passed will open up space for more radical measures down the line. Evidence from our country cases does not offer much scope for optimism on this front as yet, as with the failure of the women's movement in Uganda to gain traction for a bill on marital rights in the aftermath of is success on domestic violence. However, given the lengthy time periods over which new norms become established, it is too early to judge progress on this front.

What is imperative here is that national and transnational advocates need to undertake political economy analysis in an ongoing and iterative way to monitor windows of opportunity for advocacy work, to inform their policy engagement strategies, and to stay abreast of the trade-offs involved in this process. It is notable that this did take place at least to some extent in some of our cases, as with the women's movement in Uganda undertaking a political analysis to inform their highly astute campaign strategy of coalition-building and framing. However, it is also notable that this analysis focused only on the process of securing the legislative changes, rather than extending to the process of implementation. Neither the women's movements nor the international agencies that provided some of their funding seemed to take sufficient account of the fact that perhaps the biggest challenge would not be that of policy change, but of policy implementation. Steps that may have helped here would have been to include a stronger role for actors responsible for policy implementation within the process of policy adoption—to close the gap between rule-makers and rule-takers (Waylen 2014)—and to include a focus on securing implementation within the strategic plans of policy advocates.

The capacity to implement difficult policy agendas, such as anti-domestic violence legislation, varied when it came to different types of settlement. The capacity to implement seems to be stronger in dominant party settlements with hierarchical and increasingly institutionalized governance arrangements. In such contexts, donors and civil society actors would be advised to work within such structures, rather than to offer non-state alternatives. In more competitive clientelist settings, where political commitment is weaker and the public bureaucracy often more politicized, there is a stronger rationale for a multi-stakeholder approach to both provision and monitoring (Levy 2014). In all cases, there are strong grounds for building the capacity of gender machineries within government, including in terms of their capacities to coordinate across ministries.

Transnational support for gender equity mattered in each of our cases, in terms of donor funding and South–South learning and the rise of a global agenda of women's rights involving the international women's movement and United Nations. South–South learning, particularly at the regional level, is currently gaining ground as

a way for advancing a rights-based agenda. While South–South exchange is not a new area within the feminist movement, regional and cross-regional exchanges on women's rights (apart from Latin America) have been under-funded and under-researched, and this is an area that requires urgent attention (Nazneen 2018). Our analysis also reveals how donors should strategically engage in promoting contentious issues and gaps in their behaviour. It is important that transnational actors from beyond the region are in the background rather than foreground of such efforts, to avoid local policy coalitions being branded as 'Western' within countries increasingly keen to exercise sovereignty. However, the apparent reluctance of transnational actors to get involved in the longer-term work of ensuring that policy is implemented has created an oversight and capacity gap that needs to be overcome as a matter of urgency.

The politics of securing anti-domestic violence legislation in the Global South is determined by the complex interplay of interests, ideas, and institutions within overlapping domains of power. By setting these processes out in detailed comparative perspective, we hope to have contributed to a deeper understanding of how women's rights can become protected in law. The challenge now is to extend this understanding into other fields of gender equity and to move beyond a focus on the adoption of progressive policies towards a better understanding of how they can be implemented in ways that secure social justice for women, and the societies they live in.

Note

1. In this sense, it might be more useful to distinguish between laws on gender that touch on doctrinal, as opposed to nondoctrinal, issues, with the DVA being non-doctrinal, whereas issues pertaining to marriage, divorce, and inheritance can be considered to touch on doctrinal concerns (Htun and Weldon 2010).

References

Ahikire, J. 2003. 'Gender Equity and Local Democracy in Contemporary Uganda: Addressing the Challenge of Women's Political Effectiveness in Local Government'. In *No Shortcuts to Power: African Women in Politics and Policy Making*. Edited by Goetz, A. M. and S. Hassim, 213–39. London: Zed Books.

DLP. 2012. 'Coalitions in the Politics of Development: Findings, Insights and Guidance from the DLP Coalitions'. Research and Policy Workshop Report, Developmental Leadership Program.

Escobar-Lemmon, M. C. and M. M. Taylor-Robinson (eds). 2014. *Representation: The Case of Women*. New York: Oxford University Press.

George, A. and A. Bennett. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge, MA: MIT Press.

Goetz, A. M. 2003. 'The Problem with Patronage: Constraints on Women's Political Effectiveness in Uganda'. In *No Shortcuts to Power: African Women in Politics and Policy Making*. Edited by Goetz, A. M. and S. Hassim, 110–39. London: Zed Books.

Hossain, N. 2017. *The Aid Lab: Understanding Bangladesh's Unexpected Success*. Oxford: Oxford University Press.

Htun, M. and S. L. Weldon. 2010. 'When and Why do Governments Promote Sex Equality? Violence Against Women, Reproductive Rights, and Parental Leave in Cross-National Perspective'. *Perspectives on Politics*, 8(1): 206–17.

Htun, M. and S. L. Weldon. 2012. 'The Civic Origins of Progressive Policy Change: Combating Violence Against Women in Global Perspective, 1975–2005'. *American Political Science Review*, 106 (3): 548–69.

Khan, M. H. 2017. 'Introduction: Political Settlements and the Analysis of Institutions'. *African Affairs*, 5 December: 1–20.

Leftwich, A. 1995. 'Bringing Politics Back In: Towards a Model of Developmental State'. *Journal of Development Studies*, 37(3): 400–27.

Levy, B. 2014. *Working with the Grain: Integrating Governance and Growth in Development Strategies*. New York: Oxford University Press.

Nazneen, S. 2017. 'Negotiating Gender Equity in a Clientelist State: The Role of Informal Networks'. In *Gender and Informal Institutions*. Edited by Waylen, G., 161–82. Lanham, MD: Rowman & Littlefield International.

Nazneen, S. 2018. 'Struggles for Gender Justice: Regional Networks and Feminist Experiences of South–South Collaborations'. In *The Routledge Handbook of South-South Relations*. Edited by Fiddian-Qasmiyeh, E. and P. Daley. Oxford: Routledge.

Waylen, G. 2014. 'Informal Institutions, Institutional Change and Gender Equality'. *Political Research Quarterly*, 67(1): 212–23.

Waylen, G. (ed). 2017. *Gender and Informal Institutions*. Lanham, MD: Rowman & Littlefield International.

11 Researching the politics of gender equity

Next steps

Georgina Waylen

Introduction

The editors and contributors to this volume have set themselves an extremely ambitious and difficult task—analysing under what conditions governments in the Global South will introduce policies to reduce gendered inequalities—with the aim of developing a 'new conceptual framework for exploring the politics of gender equality in the Global South'. They have produced a fascinating and thought-provoking book that gives us some important new insights, particularly into the adoption of domestic violence policy and the roles played by different types of political settlement. But I will suggest in this commentary that, on their own, the results of this endeavour are not enough to develop the new framework they are advocating. However, I will also suggest ways to build on their very valuable insights that could get us nearer to the goal of developing the much needed, more nuanced, and contextual analyses of the politics of gender equality in the Global South, which may also open up new research agendas.

To elaborate these arguments, I adopt a slightly different emphasis to the one taken in the volume. Rather than highlighting what is new and different about the research presented here, as the editors have done in their chapters, I will fit this work into the latest systematic comparative research on state action on women's rights, as exemplified by Mala Htun and Laurel Weldon's (2018) new book that came out just as this volume was completed and does many of things that Nazneen and Hickey (see Chapter 1) are calling for. I will show how Htun and Weldon's (2018) findings and the work showcased here are complementary, so bringing them together and building on the insights of both can provide us with some potentially fruitful ways forward. Achieving this aim requires several things: first, placing domestic violence policy, as the subject of this volume, into its wider context—namely as only one type of gender equality policy among many—with inevitable limits, both to its generalizability to other gender equality policies, and to the possibility of developing a comparative framework based on those findings.

Second, I suggest moving away from the volume's starting point of a critique of what Nazneen and Hickey characterize as the 'inclusion-to-influence' and the politics of representation approach. The editors are right to critique the various positions that they include in the inclusion-to-influence debate and to question

their relevance to this endeavour. As they correctly conclude, many of the debates—such as around descriptive and substantive representation and particular notions of women's interests that are brought together under this umbrella—are not necessarily the most relevant or appropriate starting point to answer the questions the editors are posing, nor are they the ones used exclusively by gender and politics scholars within this field. Instead, using Htun and Weldon's framework as a starting point allows us to focus directly on the nature of gender equality policy, thus moving the analysis away from looking primarily at women actors. In particular, it necessitates differentiating between different types of gender equality policy.

Finally, I agree with Nazneen and Hickey that their findings help to reveal the micropolitics of negotiating gender equity by using insights into the roles of formal and informal institutions, as well as networks both inside and outside the state—including in the bureaucracy, legislature, and the executive. This focus, together with the important insights about different regime types derived from the political settlements approach, can provide some crucial missing dimensions to frameworks like Htun and Weldon's (2018). Extending Htun and Weldon's analysis by opening up the state's 'black box' can give more nuanced analyses of the roles of different types of state and political settlement in promoting gender equality policies.

I elaborate these arguments by examining the nature of domestic violence policy as a gender equality policy, locating it in the wider context of gender and politics research, and conclude by discussing how the research agenda featured in this book can help develop better answers to the fundamental question posed in it: under what conditions do governments in the Global South introduce policies aimed at reducing gendered inequalities? My short and inevitably partial commentary therefore focuses primarily on the volume's theoretical, conceptual, and methodological arguments, rather than an in-depth consideration of the fascinating empirical material presented in the case studies.

Domestic violence policy and the generalizability of gender equality issues

My starting point is that the assumptions that underpin many of the premises in this book about the generalizability of the insights gained from the analysis of domestic violence policy to other areas of gender equality policy need to be interrogated, rather than assumed to be justified. First, we need to consider whether one of the book's stated aims—generalizing the findings from the six case studies considered here to the Global South as a whole—is possible. Although the authors do not specify what they mean by the term *Global South*, the case selection is unlikely to represent that diversity. The six case studies are all located in Asia and Africa, and all, apart from Rwanda, share a British colonial past. In particular, there are no cases from Latin America, so the implications of their analysis for Latin America are left unaddressed. This matters, for several reasons: Latin America is an important region in the Global South, with a very different colonial history to the majority of Asia and Africa; there is now a huge

and sophisticated literature on the adoption of gender equality policy, including domestic violence policy, in various parts of Latin America (Htun 2003, Blofield 2006, Franceschet 2010, Haas 2010, Blofield and Haas 2013). Therefore, although the choice of cases analysed here was limited by the parameters of the particular research programme within which the work was undertaken, more discussion of the potential narrowness of the case selection might have been useful.

Second, and of central concern to the arguments in this volume, there are very significant limits to the generalizability of the findings about domestic violence as a policy area. Using Htun and Weldon's (2018) framework, developed from the primarily quantitative analysis of seven gender equality policy domains in 70 countries at four points in time (1975, 1985, 1995, and 2005) as our starting point, it is possible to divide gender equality policy into several distinct areas: status, class, and doctrinal policies, as well as policies that combine these three elements. Status policies advance women's rights primarily for women as a status group. These comprise doctrinal status-based policies, such as family law or abortion legality, that challenge religious doctrine, cultural traditions, and sacred discourse, or nondoctrinal status-based policies, such as quotas or legal equality in the workplace. In contrast, class-based policies advance women's rights primarily as a class group and include nondoctrinal class-based policies, such as parental leave or public funding for childcare, as well as doctrinal class-based policies, such as public funding for abortion and contraceptives. All class-based policies provide more equal access to resources among women of different social classes and, because they use state power to modify existing economic arrangements, class-based policies are more likely to be adopted by left wing parties. Status-based policies are less likely to challenge established state–market relations, and doctrinal issues, such as reproductive rights, are more likely to challenge core tenets of religious and cultural beliefs (Htun and Weldon 2018).

So, as Htun and Weldon (2018) are keen to emphasize, factors that are important for some issues will not be so salient for others. Therefore, for Htun and Weldon (2018, p. 16), each women's rights issue takes on a different constellation of institutions that together comprise gender, and each involves different actors, activates different cleavages, and motivates different kinds of conflict. Doctrinal issues such as abortion rights will engage church–state relations, whereas class issues such as the provision of childcare will animate the politics of redistribution and the responsibility of the state and market for social provision, often promulgated by left wing parties (Htun and Weldon 2018, p. 16). Therefore, Htun and Weldon's delineation of the varying factors involved in the adoption of different gender equality policies, including violence against women (VAW), highlights why it is not possible to generalize from one issue to another. As the typology makes clear, violence against women, of which domestic violence is a part, is an archetypal status issue that will often engender less resistance than other, often more controversial, doctrinal issues.

However, Htun and Weldon's analysis of VAW policy and Nazneen and Hickey's conclusions do share many common factors. In keeping with findings presented in the case studies in this volume, Htun and Weldon concur that the role of women's

movements and international factors are particularly salient in the case of VAW policy. But, in contrast to Nazneen and Hickey, Htun and Weldon do not judge the effectiveness of women's movements in terms of women's involvement in policy coalitions or their capacity to forge alliances, which is central to Nazneen and Hickey's emphasis on negotiation. For them, the strong women's movements that are particularly key to policy change around VAW are measured in terms of organizations, protest, and public opinion. But, as also highlighted in this volume (and by many other gender scholars), Htun and Weldon find that international factors, particularly international norms and the ratification of CEDAW, are highly significant. Nazneen and Hickey additionally draw our attention to the importance of South–South and regional links between women activists as an area that requires greater investigation (Waylen 2015). Perhaps unsurprisingly, given their typology, for Htun and Weldon (2018) left parties and religion—two elements that Nazneen and Hickey also explore in less detail (despite their emphasis on ideas)—do not play important roles in the adoption of domestic violence policy, in contrast to some other areas of gender equality policy.

Furthermore, in keeping with Nazneen and Hickey's conclusions about domestic violence policy, Htun and Weldon (2018, p. 240) find the role of women in parliament in getting gender equality policies adopted to be less significant than they had anticipated in their 70 cases. But they hypothesize that women MPs may be critical actors in preventing the rollback of gender equality measures already in existence. Women's policy agencies also do not appear to be the crucial actors that some scholars would argue. And although feminist movements have a strong and immediate impact for status issues like domestic violence, they matter less for some family issues like maternity leave. For Htun and Weldon (2018, p. 243), development and democratization figure less strongly than they had expected—again, a finding echoed in Nazneen and Hickey's conclusions. Htun and Weldon also argue that a colonial (and also communist) legacy is important because countries that have been subject to Western colonialism tend to have weaker states in the post-colonial period.

Many of the findings presented in this volume are therefore very much in tune with important recent work by gender scholars like Htun and Weldon (2018). But they can pertain only to domestic violence as a status issue. As a result, there are important limits to the generalizability from domestic violence policy adoption to other gender equality policies. Therefore, if we consider the two areas just discussed—the potential generalizability from the six case-study countries and the generalizability from domestic violence policy to other areas of gender equality—the analysis of domestic violence policy becomes only the starting point for the investigation of other areas of gender equality policy. To broaden the analysis to other gender equality issues, a range of other factors must be considered.

Ways forward?

If we recognize the important insights, and not just the limitations, of the analysis generated by Nazneen and Hickey's approach, we can start to use them to expand and carry on where Htun and Weldon's (2018) analysis ends (as it cannot,

for example, because of the large number of cases it examines, explore particular contexts in any depth). A core strength of Hickey and Nazneen's framework is its attention to the internal dynamics of individual polities. They move two areas that need to be considered in more detail to the foreground: (1) the implications of the different forms of state and political settlement for gender equality policies; and (2) opening the black box of the politics of negotiating gender equity, so that we can explore more effectively the formal and informal rules, norms, and networks that have an effect outside and inside the state—whether in the executive, bureaucracy, and legislature—and the links between them.

An important contribution made by the political settlements framework is its in-depth consideration of the dynamics of different types of polities (other gender scholars have only done this to a limited degree). The key elements of this analysis are found in Chapter 10, where Nazneen and Hickey flesh out the importance of political context through a comparative analysis of their six cases. They divide them into different types of political settlement: they are either competitive or dominant, depending on the level of challenge ruling elites face from those excluded from the ruling coalition, and are either personalized or institutionalized, depending on the extent to which institutions operate on personalized logics. For Nazneen and Hickey, Uganda and Rwanda are dominant personalized regimes, and Bangladesh and Ghana are competitive clientelist regimes. In contrast, South Africa is a dominant institutionalized polity, and India is a competitive institutionalized polity. A comparative analysis of the six cases finds that although all countries introduced domestic violence policies in the period under consideration, those with dominant party settlements (Rwanda, Uganda, and South Africa) adopted domestic violence policies more quickly than competitive clientelist countries (Ghana, Bangladesh, and India).[1]

Nazneen and Hickey's argument that the different speeds of domestic violence policy adoption in the six case-study countries can be explained by the type of political settlement is an important one. They show us how the support of the president is important in dominant personalized systems, such as Rwanda and Uganda, but that the role of the dominant party is critical in a dominant institutionalized setting, such as South Africa. They argue that there are multiple factors that contribute to the greater speed in dominant party settlements: adopting domestic violence policy can help make up for a democratic deficit; women are often a more significant constituency for ruling coalitions in dominant party settlements; dominant parties can deliver more than parties in a more competitive context; it is clearer who to pressure in a dominant party settlement; and women could use informal networks more effectively. One key implication of their analysis is the important role of policy coalitions—showing how coalitions are built with, and within, the ruling coalition. They also highlight how shifts in the political dynamics are also important in determining whether the issue of domestic violence gained traction. Additionally they point to the importance of the longer-term and deeper process of state building in many of these more institutionalized polities, such as South Africa and India. Focusing closely on the nature of the state and political settlement in each case can therefore enable

us to examine its impact on a range of other gender equality policies, such as reproductive rights and employment rights. This division of polities by the type of political settlement is an interesting dimension that should be explored in the analysis of other cases and policy areas. Indeed, this is one area where additional cases from other parts of the Global South, such as Latin America, would be very valuable, and it is certainly an aspect to develop in further research using this framework.

The second area for further research this volume points us to is the deeper analysis of the inner workings of state institutions and, in particular, their informal as well as formal dimensions. Any understanding of the adoption of gender equality policies is only partial without an understanding of the gendered rules, norms, and practices that help determine why and how certain policies get adopted, while others do not. Clearly, more knowledge of the informal networks and alliances—both within the state as well as those that link critical gender actors inside and outside the state—is crucial for furthering our understanding. Opening the black box of the executive and the bureaucracy to see exactly how their gendered processes play out is therefore an important, but as yet incomplete, task (Chappell and Waylen 2013, Waylen 2017). As part of this, a final dimension to be explored further is the resistance that can be so powerful in blocking gender equality policy reform. It is centrally important to determine for each type of gender equality reform exactly who the different opponents are, their strategies, how they form alliances with a range of other actors, and how these depend on the precise nature of the reform (Capoccia 2016). Research emerging from this book could, for example, compare different policy types (in Htun and Weldon's framing) in each of the six cases (namely in the different forms of political settlement). Widening the range of case-study countries could also yield important results. For example, a doctrinal status issue like family law or a class-based nondoctrinal issue like childcare provision or parental leave could be compared in different cases using concepts highlighted in this book, such as informal networks and norms, to give us more nuanced understandings of how gender equality policies are adopted in different contexts.

Conclusion

This book has much to offer students of gender and politics in furthering our understanding of how gender equality policies are adopted in the Global South. The comparative analysis of six carefully chosen cases gives us some fascinating mid-range findings that complement the already-existing single case and the large-*n* studies like Htun and Weldon's (2018) new analysis of gender equality policies in 70 countries. Nazneen and Hickey and all the other chapter authors have provided us with important details of the specifics of political context by using the concept of a political settlement and in-depth studies of how and why domestic violence policy adoption takes place in six cases, as well as a comparative analysis of how political settlements affect one gender equality policy. The volume therefore adds much to the gender and politics scholarship.

However, to avoid the danger of over-generalizing from the findings of one particular policy area examined in only six cases to all gender equity policies in the Global South, I have argued that it might be more productive to place the important research contained in this volume into a different context. In the spirit of Joni Lovenduski's (2016, p. 517) call for slow science, which values what has gone before without claiming to overturn it, the starting point could be the exciting recent systematic comparative research into the politics of gender equity (rather than a critique of the literature on inclusion to influence and the substantive and descriptive representation of women's interests). The research outlined in this volume could then be integrated fully into the developing of comparative research agendas on different gender equality policies in different polities. It would then make the significant contribution to the collective development of the larger-scale theoretical and conceptual understandings of the conditions under which governments in the Global South (and more broadly) introduce policies to reduce gendered inequalities that it aims for.

Note

1. Although they also have a slightly different way of breaking down their polities, in which India is characterized as institutionalized in one version but clientelist in another.

References

Blofield, M. 2006. *The Politics of Mortal Sin: Abortion and Divorce in Spain, Chile and Argentina*. New York: Routledge.

Blofield, M. and L. Haas. 2013. 'Policy Outputs'. In *The Oxford Handbook of Gender and Politics*. Edited by Waylen, G., K. Celis, J. Kantola and S. L. Weldon, 703–26. New York: Oxford University Press.

Capoccia, G. 2016. 'When Do Institutions "Bite"? Historical Institutionalism and the Politics of Institutional Change'. *Comparative Political Studies*, 49(8): 1095–1127.

Chappell, L. and G. Waylen. 2013. 'Gender and the Hidden Life of Institutions'. *Public Administration*, 91(3): 599–615.

Franceschet, S. 2010. 'Explaining Domestic Policy Outcomes in Chile and Argentina'. *Latin American Politics and Society*, 50(2): 67–100.

Haas, L. 2010. *Feminist Policymaking in Chile*. University Park, PA: Pennsylvania State University Press.

Htun, M. 2003. *Sex and the State: Abortion, Divorce and the Family under Latin American Dictatorships and Democracies*. New York: Cambridge University Press.

Htun, M. and S. L. Weldon. 2018. *The Logics of Gender Justice: State Action on Women's Rights Around the World*. Cambridge: Cambridge University Press.

Lovenduski, J. 2016. 'The Supply and Demand Model of Candidate Selection: Some Reflections'. *Government and Opposition*, 51(3): 513–28.

Waylen, G. 2015. 'Women Activists in Democratic Transitions'. In *Democratic Transitions: Conversations with World Leaders*. Edited by Bitar, S. and A. Lowenthal. Baltimore, MD: Johns Hopkins University Press.

Waylen, G. (ed). 2017. *Gender and Informal Institutions*. Lanham, MD: Rowman & Littlefield International.

12 From transformative policy to transforming political settlements

Anne Marie Goetz

Introduction

In this volume the editors and the contributors treat the challenge of advancing gender equality policy as what it is: a profoundly complex political struggle. Whether women's rights activists are able to build a broad constituency, forge alliances, negotiate effectively with opponents, and cement policy advances—let alone see them implemented effectively—depends on a bewilderingly complex set of conditions relating to history, culture, and the nature of the institutions—public and private, formal and informal—in which these struggles are located. Nazneen, Hickey, and Sifaki, the editors of this volume, propose that we organize our thinking about these conditions by exploring the 'power domains' within which feminists launch their equality demands, most notably the national political settlements and domains of women's interests within and across which feminists seek leverage. To build comparability across the six national contexts, one area of policy is focused upon in each case: the prevention of, and response to, domestic violence.

In this commentary I offer some reflections on some of the organizing concepts in this book and suggest ways of continuing to enrich the ongoing quest for what Molyneux calls the 'favourable political circumstances' that deliver a 'workable formula for the delivery of social justice within which women's interests, diverse though they be, are given recognition' (2001, p. 160).

No shortcuts to power: the seduction of expecting that inclusion will produce influence

'The forging of a common front among women is the *result* of politics, not the *premise* of politics' (Htun and Weldon 2018, p. 10, fn.6, emphasis added). With this compact sentence tucked into a footnote, Mala Htun and Laurel Weldon deftly explain what is wrong with assumptions that the inclusion of women in public decision-making will influence policy-making and implementation towards feminist outcomes. As with any other set of political interests advanced by any social group, the project of generating broad consensus as to the logic and justice of these interests is a long-term struggle against opposition, requiring negotiation,

creative framing to transform what had been private nonissues into matters for public action, tactical concessions at times, a good sense of timing and sequencing, and building alliances that go beyond the social group itself. Whether the social group—in this case, women, a huge and diverse collection in all societies—identifies itself as a group or collectivity at all, or perceives common interests at all, is also the outcome of politics. Unlike other social groups, women's rights advocates face a foundational obstacle in engaging with public authority: that public institutions and the stuff of politics are historically predicated on the exclusion of women and of gender equality issues.

Nazneen, Hickey, and Sifaki correctly point out that if we treat women's political inclusion (particularly when its measure is the limited indicator provided by the proportion of parliamentary seats held by women) as the sole or main independent variable determining the prospects for gender equality policies, we learn very little. This has been confirmed robustly by both quantitative and qualitative analyses by a range of feminist political scientists, perhaps most strikingly in the careful work, individually and jointly, of Htun and Weldon (Weldon 2002, Htun 2016, Htun and Weldon 2018), who distinguish between institutional conditions and policy characteristics shaping both the leverage of feminist policy activists and the strength of opposition, neither of which are much affected by relative numbers of women in public office. My own work, particularly the 2003 book with Shireen Hassim, *No Shortcuts to Power: African Women in Politics and Policy-Making*, and more recent work with Rob Jenkins (2018), has grappled with the determinants of women's 'political effectiveness' in policy-making. Having myself moved between academia and promoting women's rights in a competitive policy-making arena (the United Nations), I have direct experience of the limits of expecting that the feminization of policy-making will alter informal power dynamics in path-dependent institutions.

While I agree that the phenomenon of women's inclusion is neither the first nor the most important condition for progressive outcomes, I also think that the prevalence of the 'inclusion-to-influence' expectation is overplayed in this collection. Few feminist political analysts expect that more women in public office will automatically and necessarily make a difference to outcomes, recognizing that without political and economic conditions favouring policies that redistribute resources and power between women and men, women in public office are not a powerful presence for feminism but have simply increased their 'presence in power', experiencing 'inclusion without representation' (Htun 2016). In what follows, I will be referring to the considerations that can build the effectiveness of *feminists* in their policy engagements (inside or outside of public office).

That said, there are still reasons why women's inclusion in public decision-making remains a significant concern and may disrupt power domains. First, holding and exercising power—political, economic, and military—continues to be a profoundly masculine project. While numbers of women in representative politics have doubled since 1995, they are still not significant and not close to parity. This is not just a democratic justice issue. It suggests that the realm of contestation over what is desirable in social order and organization continues to be perceived

as a male prerogative. Disrupting that prerogative remains a vital project, with the potential to introduce changes in the culture and subjects of decision-making and the character of politics. Women's engagement in the domain of what Chantal Mouffe, cited in Chapter 2, calls 'the political'—the antagonistic dimension of struggles between social groups for power and resources—requires tactical and cultural innovation to introduce the politically unfamiliar issues that women, if they are feminists, tend to politicize—like reproductive rights, sexual and gender-based violence, and sexuality. The engagement by feminists in 'the political' requires migration within and between power domains—the domain of women's interests and broader 'political settlements'. Politicizing women's interests in democratic contexts inescapably requires recognition of the antagonism—or struggle over resources and power—between women and men. Converting this to what Mouffe calls 'agonistic pluralism' (1993)—deliberative democracy based on respectful debate between equals—is a recent and still extremely incomplete feminist achievement that resides in treating abuses of women's rights as public issues and women as humans and full citizens. The exclusion of women and of women's issues from the political has been a deliberate process; their inclusion continues to be a vital project.

Second, the performance of leadership, the tactics of alliance-building, the repertoire of short- and long-term strategies of policy insurgents, and the specific role that women in executive roles can play (Annesley and Gains 2010, Chappell and Waylen 2013) tend to get lost or underplayed when we dismiss or downplay the significance of women's inclusion and the ways in which that inclusion can promote feminist alliance-building. This element of agency cannot be captured in large-*n* studies or in efforts to identify specific enabling conditions and patterns and their workings across different contexts. Yet this is part of what the study of politics is about. Female politicians—and, in particular, both female and male feminist politicians—are still anomalies, and their tactical decisions in environments of significant constraint deserve close analysis.

The contributors to this volume would not disagree with these points, and indeed one of the delights of reading the country-specific chapters is the extent to which they do illuminate the vital role of individual women's leadership and tactics, as well as the significant roles played by spoilers on the anti-feminist side, for instance Museveni's personal intervention in Uganda to scupper the spousal co-ownership clause in the 1998 Uganda land law. The book's qualitative approach, the limited number of cases (though it might have been useful to include examples from Latin America), helps to draw out the impact of tactical decisions by women's rights activists, and their opponents.

A focus on women's inclusion can illuminate the role of agency and strategy. In relation to this, a point that emerges from all of the country studies, and which is perhaps under-celebrated by the editors, is the emerging significance of women and feminists amongst power elites. The crucial roles played in advancing new domestic violence policies—outside of state institutions, and over and above the pressure from the women's movement—by feminist lawyers, journalists, and human rights advocates, working in cautious partnership with political and

bureaucratic leaders, appears vital to the eventual success of most of the policy battles described by the contributors. This would not have been the case even 25 years ago, simply because there were fewer women and feminists in these positions, outside or inside the state. This is a secular development of enormous significance and surely will affect the shape of political settlements to come, as more women enter the power professions, or what Sklar calls the 'governing elites'—the bureaucratic, political, economic, and often military core policy circle surrounding the executive (Sklar 1987).

While the insulation of elected officials from bureaucrats is prized in Weberian visions of an effective administration and accountable politicians, analysts of informal institutional dynamics (c.f. Waylen 2017) show that this insulation is almost always a fiction. There is a high degree of 'fusion' between political and bureaucratic elites in developing countries (Schneider and Heredia, 2003, p. 19). That this fusion could work to advance gender equality policy, as opposed to obstructing it, is an under-examined possibility, yet this seems to have been an important dynamic in propelling the policy outcomes described in the case-study chapters, particularly in India, where for a time, the fusion included connections between the centre Left leaders of the 2004 United Progressive Alliance coalition and the prominent social justice activists in the newly formed National Advisory Council.

Feminist engagement in political settlements

This collection focuses attention on how women and feminists have engaged in the power settlements that tend to cement existing distributions of privilege, but that are always subject to contestation. The settlements analysed in the book are typologized as dominant personal (Uganda and Rwanda), competitive clientelist (Bangladesh and Ghana), dominant institutionalized (South Africa), and competitive institutionalized (India). This typology focuses on the degree of contestation faced by ruling elites and the extent to which the executive has been captured by specific individuals/families or is open to alternation in power-holding by institutionalized (not personalized) parties. Every one of these countries identifies as a democracy, but this typology helps to reveal how they vary in democratic depth and character. Each chapter offers fascinating insights into how feminist policy activists have identified entry points to advance their policy proposals and how they go on to negotiate within the political settlement. A crucial problem each national story addresses is the significant limit experienced by many women's movements in asserting their importance to ruling elites, or in exercising political leverage, given their relatively weak capacity to deliver bloc votes or rents or to substitute for the support provided by traditional elites. Most chapters reiterate how women are relatively marginal to political settlements, particularly as systems become more competitive and therefore more focused on short-term vote-winning strategies. In clientelist systems, where parties selectively dispense patronage rather than develop programmatic agendas, feminist long-term social change agendas tend not to be welcome.

The focus on political settlements is useful in exposing strategies of feminist policy advocates to create electoral and other incentives for ruling coalitions to take on their concerns. The chapters on Uganda, Rwanda, Ghana, and South Africa reveal the precarious balancing act between autonomy and co-optation that women's movements perform in seeking public support for their agendas. On the whole, this has not gone well. It turns out that facilitating women's political presence is a useful short-term legitimating tactic for leaders in dominant personal systems, providing a veneer of democratic inclusiveness. Public space (seats in parliament and the administration) is ceded to women in exchange for their support, converting autonomous movements into supplicants, creating what, in a chilling image, Ahikire and Mwiine in this volume call 'clients on their knees' (Chapter 4).

In a *World Development* article on rethinking power and institutions in the context of neoliberal development, Kashwan et al. (2018) argue that a drawback of the political settlements approach is an assumption that reform-minded policy entrepreneurs must adapt to existing settlements (Kelsall 2016), rather than attempt to alter them. This is particularly the case when political settlements are in equilibrium, when it has been a long time since any kind of institutional rupture (i.e. via conflict) or formal renegotiation (such as constitutional reform). This orients analysis to the types of incentives that reformers can offer (rents, voting blocs, international approval and legitimacy) to achieve incremental (ameliorative, not transformative) policy advances. The alternative is reform by stealth, significant policy advances disguised as tactical retreats or given an instrumental gloss with a promise they will serve other objectives besides advancing women's rights. This is indeed how many of the policy processes in this volume are described—as accommodation, not transformation. But political settlements can be renegotiated—these are never done deals, even though the winners in these arrangements always present them as such.

One pressing question for feminist activists—and a question deserving of more analysis in a volume like this—is why political actors who are explicitly against women's rights and for patriarchy appear, particularly lately, to be more effective than feminist coalitions at renegotiating political settlements. This is the case with chauvinistic nationalists whose atavistic interpretations of religious doctrine, often with a negative perspective on aspects of women's rights, generate social support and political leverage. This has happened with Hindu chauvinists in India and Christian evangelists in Uganda, and a persistent threat to women's rights has been mounted by Islamic groups in Bangladesh. In Chapter 7 on Bangladesh, Nazneen shows how this threat has been faced down, time and again, by secular forces. The women's movement in Bangladesh cleverly and constantly renews narratives of women's vital role in the independence struggle and of the connection between women's freedoms and Bangladeshi national identity, in contrast to the malingering collaborationist associations of hard-line Islamic groups. A comparison between India and Bangladesh on this matter might be illuminating to identify reasons why India's robust democracy has succumbed to an ethnic chauvinist ruling coalition, while Bangladesh's much weaker and chaotic version of democracy continues to resist fundamentalist forces.

Another feature of political settlements analysis is the identification of connections between power asymmetries and the distributive outcomes of economic policy. On the whole, this volume does not address this, perhaps because the focus is on domestic violence policy, which does not immediately appear to intersect with economic policy, nor does it necessarily imply massive public expenditure obligations in the way that, for instance, free contraception or gender-sensitive social protection, such as pensions for women who have not worked outside the home, do. Different policies invoke different types of resistance, a point I will address in the next section. In relation to the political settlements discussion, however, it is worth pointing out that the time period in which most of the domestic violence policy struggles in this volume occurred was also a period in which neoliberal economic policies, in most of the case countries, were creating new winners and losers in the economy, creating the possibility for new elites to attempt state capture and, in some cases, changing the composition of the social groups marginalized from economic opportunities (MacLean 2010). More discussion of how changing economic conditions can transform political settlements, and the extent to which these economic conditions have created opportunities (or closed them) for feminist activists, would have been valuable, particularly because, in times of fiscal constraint, many types of gender equality policies can come under attack (Annesley et al. 2014).

Finally, a major player in political settlements the world over is the military. The military (and connected security services) is a profoundly masculinized domain of power, and in no country have women yet achieved a significant institutional presence in the top military command. In countries that have relatively recently emerged from war, such as Uganda and Rwanda, or from experiences of military government (Ghana and Bangladesh), the military's role in political settlements is fresh in the popular memory, as is its de facto veto power over political settlements that it does not favour. Some reflection on the dynamic this introduces when it comes to gender equality policies would be valuable. The perspective of security forces may not be irrelevant to the success of the domestic violence policy in Rwanda, for instance, where a logic of protection is compatible with the self-perception of the social protection role of security forces in a context of heightened awareness of the pervasiveness of violence against women, thanks to extensive truth-telling and prosecutions regarding sexual violence in the 1994 genocide.

Power domains and policy domains

One of the most intriguing but least developed propositions in this book is that the prospects for gender equality (in this case, domestic violence) policy are shaped in part by overlapping 'power domains'. Three major domains are mentioned in Chapter 2: the 'political settlements domain', which is the broad arena of the polity; the 'domain of women's interests', which is an arena of political competition in its own right; and the 'domain of households/communities'. In each domain, incentives, institutions, and ideas interact at a number of levels (local to transnational) to determine what issues and approaches dominate.

The case-study chapters engage rather unevenly with this concept, and the editors acknowledge that the major focus of the entire book is primarily the first two domains. Fuller engagement with this concept might see each power domain broken down even further—for instance, within the political settlements domain, the power cultures of the military and of business leaders are significantly different to those of the bureaucracy, legislature, and executive. Within the domain of women's interests, there are elite versus grassroots power cultures and important dynamics of race, caste, disability, age, etc., that shape the design and prospects of gender justice campaigns.

A major dynamic shaping the way power domains react to feminist policy propositions regards the nature of the policy that is being proposed—the extent to which it challenges class differences between women, the assumed prerogatives of men to greater social and political power than women, or control over women's bodies. This is the crucial insight of the work of Htun and Weldon (2018), explained carefully in Georgina Waylen's commentary in this volume (Chapter 11). Htun and Weldon explore a very wide range of variables that determine whether states and societies are able to accept policies that raise women's status in relation to men or that raise poor women's status in relation to elite women. Some of their work is relevant to the political settlements focus—they note differences between states founded on principles of universal equality and identity-neutral citizens versus states that recognize group-specific interests and integrate group-based bargaining to public decision-making. The latter, which would include corporatist arrangements, such as are found in South Africa, are sometimes able to accommodate collective bargaining on the basis of gender interests. States with an official religion and formal or informal theocratic engagement in politics tend to be the least propitious for feminist challenges to class or status differentials because of the way 'doctrine' is permitted to trump the logic of human rights-based justice arguments.

As Waylen points, out, the significant differences in the type of opposition generated by feminist proposals for domestic violence policy versus, say, reproductive rights policies or gender-equal social protection systems means that there are limits to the extent to which the analysis of the policy fate of domestic violence policy can be read as an indicator of feminists' political effectiveness—or as a signpost to relevant conditions determining prospects for other types of gender equality policy. Domestic violence prevention and response (in ways that empower women) is an important way to change women's status in relationships. It does generate resistance because patriarchal legislators are loathe to challenge men's privileges in their private lives, and in every single case-study chapter, opponents expressed fears that it would destroy 'the family'. But no authority in a nominally democratic state can condone violence against women—and this, crucially, includes religious authorities. In addition, as mentioned earlier, policies to address violence against women can lend themselves to a logic of protection rather than women's empowerment, which fits with paternalistic interpretations of the role of (male) power-holders, thus eliminating some obstacles to policy adoption.

While it would significantly complicate the analytical framework, the addition of a focus on different policy types within the power domains framework might

show that different types of gender equality policies (according to whether they address class, status, or doctrine) ignite opposition from different actors within power domains. This would focus tactical action on the specific institution and actors most likely to resist or undermine policy advances.

Conclusion

Grounding the analysis of the fate of domestic violence policy in a power domains analysis provides a welcome approach to understanding the complex politics of pursuing feminist policies. It takes us a great distance from any assumption that gender determines political interests, which lies at the heart of the inclusion-to-influence trajectory. While I have suggested that the prevalence of the inclusion-to-influence focus has been exaggerated, it has to be admitted that there is one arena in which this focus is alive and well: in international gender and development policy, particularly in some approaches to democracy assistance. Bilateral and, particularly, international policymakers' allergy to engaging with the political (in Mouffe's sense of the word) has found in women a useful vehicle for supporting civil society diversification and (it is assumed) democratization. While this is hardly a major area of democratization support, and while noone (I hope) would begrudge efforts to deliver resources to women's organizations, or to building women's capacities to engage in local government planning processes, or to run for national office, questions do need to be asked about causal assumptions being made about women's numeric presence in public decision-making and democratization.

Nowhere is this mistake of assuming that women's inclusion adds up to social justice and gender equality influence more striking than in contemporary processes of explicit political settlement-making, which is to say, peace agreements. The significant paucity of women participants in these almost always nontransparent processes, which are limited to only a very few negotiators and make no pretence to democratic principles, has been a concern of the international community since the United Nations Security Council passed resolution 1325 in 2000. Some of the advocacy related to women's inclusion frames women's participation as instrumental for peace. Quantitative analysis by Paffenholz et al. (2016), for instance, suggests that women's civil society engagement in peace processes increases the chances that an agreement will last two years by 20 percent. Stone (2015) suggests that women participating as witnesses, signatories, or negotiators increase the chances of a five-or-more-years' lifespan for an accord by 35 percent. This big picture analysis, unfortunately, yields little detail about the brass tacks of negotiations and the tactics used by women to build inclusiveness—let alone gender-equality provisions—into peace agreements and their implementation. In these very specific and explicit moments of negotiating power, there are opportunities for women, feminist constituencies, and allies to leverage women's interests into the political settlement. Thinking about women's inclusion as a numbers project, ignoring the ways they seek to engage in and transform politics, will not help them find that leverage.

The urge to identify conditions under which the laws, policies, and practices of public authorities change to women's advantage is an imperative for feminist policymakers the world over. However, there are no clear or common pathways to policy advances. This is not just because of the tremendous complexity of each policy context and of each policy struggle, but also because of the surprising resilience of opponents, who can tolerate some advances in women's rights, but then can retaliate in unpredictable ways at unanticipated moments. For instance, a surge of backlash against what had been assumed to be givens in relation to women's rights (i.e. in relation to abortion), is taking place in some contexts, not necessarily in what are assumed to be more tradition-based societies of the Global South, but in the advanced economies of the developed world. The sustainability of feminist policy gains is in question the world over. In situating the analysis of the causes of progress in the antagonisms of politics and specifically in the deal-making, explicit or implicit, involved in power-sharing, this volume shows how hard—and how vital—it is to institutionalize gender equality leadership and ideas at the heart of political settlements. The ongoing challenge for feminists is to fundamentally alter the balance of power in these settlements, to transform them, so that women's participation and gender equality objectives are neither alien, nor easily reversed, nor contingent on the patronage of a single leader or dominant coalition.

References

Annesley, C. and F. Gains. 2010. 'The Core Executive: Gender Power and Change'. *Political Studies* 58(5): 909–29.

Annesley, C., I. Engeli, F. Gains and S. L. Resodihardjo. 2014. 'Policy Advocacy in Hard Times: The Impact of Economic Performance on Gendering Executive Attention'. *West European Politics* 37(5): 886–902.

Chappell, L. and G. Waylen. 2013. 'Gender and the Hidden Life of Institutions'. *Public Administration*, 91(3): 599–615.

Goetz, A. M. and R. Jenkins. 2018. 'Feminist Activism and the Politics of Reform: When and Why Do States Respond to Demands for Gender Equality Policies?' *Development and Change*, 49(3): 714–34.

Goetz, A. M. and Shireen Hassim (eds). 2003. *No Shortcuts to Power: African Women in Politics and Policy-Making*. London: Zed Books.

Htun, M. 2016. *Inclusion Without Representation in Latin America: Gender Quotas and Ethnic Reservations*. New York: Cambridge University Press.

Htun, M. and S. L. Weldon. 2018. *The Logics of Gender Justice: State Action on Women's Rights Around the World*. Cambridge: Cambridge University Press.

Kashwan, P., L. M. MacLean and G. García López. 2018. 'Rethinking Power and Institutions in the Shadows of Neoliberalism'. *World Development*. Article in Press.

Kelsall, T. 2016. 'Thinking and Working with Political Settlements'. ODI Briefing. London: Overseas Development Institute.

MacLean, L. M. 2010. 'State Retrenchment and the Exercise of Citizenship in Africa'. *Comparative Political Studies*. 44(9): 1238–66.

Molyneux, M. 2001. *Women's Movements in International Perspective: Latin America and Beyond*. London: Palgrave Macmillan.

Mouffe, C. 1993. *The Return of the Political*. London: Verso.

Paffenholz, T., N. Ross, S. Dixon, A-L. Schluchter and J. True. 2016. 'Making Women Count—Not Just Counting Women: Assessing Women's Inclusion and Influence on Peace Negotiations'. Geneva: UN Women.

Schneider, B. R. and B. Heredia (eds). 2003. *Reinventing Leviathan: The Politics of Administrative Reform in Developing Countries*. Miami, FL: University of Miami/North-South Press.

Sklar, R. 1987. 'Developmental Democracy'. *Comparative Studies in Sociology and History*, 29(4): 686–714.

Stone, L. 2015. 'Quantitative Analysis of Women's Participation in Peace Processes'. Annex II. In *Reimagining Peacemaking: Women's Roles in Peace Processes*. O'Reilly, M., A. O' Suilleabhain and T. Paffenholz. New York: International Peace Institute.

Waylen, G. (ed). 2017. *Gender and Informal Institutions*. Lanham, MD: Rowman & Littlefield International.

Weldon, S. L. 2002. 'Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policymaking'. *Journal of Politics*, 64(4): 1153–74.

Index