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## **The Role of Social and Political Action in Advancing Women's Rights, Empowerment, and Accountability to Women**

Andrea Cornwall

June 2017



## **Action for Empowerment and Accountability research programme**

In a world shaped by rapid change, the Action for Empowerment and Accountability research programme (A4EA) focuses on fragile, conflict and violence-affected settings to ask how social and political action for empowerment and accountability emerges in these contexts, what pathways it takes, and what impacts it has.

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# **The Role of Social and Political Action in Advancing Women's Rights, Empowerment, and Accountability to Women**

Andrea Cornwall

## **Summary**

Through the lens of four case studies focused on women's political participation (Palestine and Sierra Leone), and the passage of domestic violence law (Brazil and South Africa), this paper looks at the role of social and political action in advancing women's rights. In so doing, the paper assesses how research in fragile and conflict-affected settings might be framed to examine the ways in which social and political action can effect change for women in these contexts.

The paper explores change at multiple levels: within, below and beyond the state. It highlights the role of women's organisations within accountability: in both ensuring delivery on commitments, and tracking their subsequent effective implementation.

In conclusion, the paper underlines the importance of understanding the political landscape in which social and political actors operate as a constantly shifting field of action, both contextually and temporally, in which critical junctures aligning particular strategies, tactics, and actors can occur to produce politically meaningful gains. It is in the learning from these junctures on what worked and how, that research can contribute to making positive change in the future.

**Keywords:** fragility; social and political action; women's empowerment; political participation; domestic violence; accountability.

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## Acronyms

ANC	African National Congress
AWID	Association for Women's Rights in Development
CEDAW	Convention on All Forms of Discrimination Against Women
CEJIL	Centre for Justice and International Law
CFEMEA	Centro Feminista de Estudos e Assessoria
CLADEM	Latin American and Caribbean Committee for the Defence of Women's Rights
CSP	Civilian Secretariat for the Police
CSV	Centre for the Study of Violence and Reconciliation
DVA	South African Domestic Violence Act
ICD	Independent Complaints Directorate
IPID	Independent Police Investigative Directorate
NNVAW	National Network on Violence against Women
PFA	Platform for Action
POWA	People Opposed to Women Abuse (South Africa)
SAP	South African Police
SPM	Special Secretariat of Public Policies for Women
VAW	violence against women

# 1 Introduction

In this paper I seek to frame some of the questions that might be asked of research in fragile and conflict-affected contexts on the contribution that social and political action can make to women's rights, empowerment and accountability to women. I draw on case studies from diverse contexts: some classic 'fragile states' with all the caveats that accompany use of this term (Osague 2007), and some states considered to be notionally relatively well-developed democracies with a degree of state effectiveness that belies sectoral fragility and concomitant governance issues (Grindle 2007). In doing so, I move beyond the classificatory frame that assigns particular kinds of states to categories and opt instead for a focus on contexts of fragility within different political conjunctures, raising questions of governance that are more political than merely institutional in nature.

My interest in this paper is in how change happens at a number of levels, within, below and beyond the state. My focus is on how commitments to women's rights can be realised through empowerment and accountability, bringing the two together to explore the intersections between individual and collective agency in women's empowerment, and between citizen voice and the responsiveness of the state or other significant institutions in accountability. This is because such commitments are not only seen as a locus both for feminist and women's movement activism domestically, but also have a transnational and regional dimension in so far as legal instruments from the international arena and institutions at the regional and international levels come into play in advocacy strategies aimed at securing responsiveness and accountability on women's rights. It is also because in some states, capacity for delivery is so weak or fractured by conflict and a lack of resources, the promotion and protection of women's rights largely involves institutions that fall outside the ambit of the state.

I begin with a brief review of thinking about empowerment and accountability, drawing out some of the principal lines that will then be picked up through the two sets of case studies. Both sets of case studies focus on women's organisations and movements as social and political actors and each in turn takes a primary site for such action in relation to delivery on women's rights commitments. The first pair look at strategies and tactics pursued by women's movement social and political actors to increase the representation of women in political office. They draw on case study material from Palestine (Jad 2014) and Sierra Leone (Abdullah 2010, 2014), contexts marked by histories of conflict, state fragility and crisis. 'Political empowerment' is often reduced to the pursuit of women's substantive representation, a lens that, as Mariz Tadros (2014) has so eloquently observed, occludes other potentially more significant avenues for political empowerment, effectiveness and influence. The second set of cases focus on another interface with accountability and empowerment: the passing and implementation of legislation on domestic violence. These are drawn from two of the countries with the highest levels of interpersonal conflict and violence in the world, Brazil (de Aquino 2009; Sardenberg 2009, 2011) and South Africa (Rasool 2017; Vetten 2014).

## 2 Feminist perspective on empowerment and accountability

'Empowerment' and 'accountability' are terms that have gained particular resonance in international development since the 1990s. In this section, I do three things. First, I trace some of the elements associated with these terms, situating them in relation to shifting trends in international development thinking and different domains of development

discourse. This, I suggest, is not simply an exercise in semantics. These are powerful framing terms, and a brief analysis of the ways in which they have come to be used in international development sheds useful light on some of the core issues with which this paper is concerned. Second, I draw out from this initial analysis some of the key features of 'empowerment' and 'accountability'. Third, I examine how these might or might not apply to understanding the nature of social and political action in pursuit of empowerment and accountability in fragile and conflict-affected settings. I establish in this way a set of frames through which to analyse the case studies that are the principal focus for the second part of the paper.

## 2.1 Locating empowerment in global policy discourse

In the global policy spaces of international development, including in those in which there is substantial corporate engagement – such as the World Economic Forum in Davos and conferences such as 'Trust Women' and 'Women Deliver' – empowerment has come to be associated with women and girls in general, and with their economic potential in particular. It has become common in these contexts for empowerment to be seen as an individual process in which women and girls gain 'assets' (money, livestock and land) and through this, are able to exercise 'agency' by 'making choices'. These choices are assumed to be 'good': women are believed to choose to spend their resources on their children, thus reducing the intergenerational transmission of poverty, and contributing to social welfare as well as economic growth.

Empowerment is commonly reduced to a narrative of 'unleashing the potential' of women and girls by facilitating their entrepreneurialism. Entrepreneurship is assumed to be something all women are able to pursue and succeed in; there is rarely much consideration of the frequency with which small businesses fail, or of risk and hazard in micro-enterprise. Nor is it an explicit part of the narrative – although very much an implicit driver of enthusiasm for women's and girls' empowerment – that what is being facilitated in the process is consumption, rather than accumulation and investment. As I suggest elsewhere (Cornwall 2007), drawing on anthropological research with women small-scale entrepreneurs in southwest Nigeria, the assumptions that underlie this narrative are problematic on many levels. Poor women's incomes may offer them the spending power to purchase commodities, pay for their children's education and their family's healthcare, without providing sufficient resources for economic autonomy, or the means to exit from unhappy or abusive relationships. Individual economic gain may alleviate poverty, but may offer few resources for systemic change that can address the underlying conditions of structural disadvantage. And the push for women to become entrepreneurs and seek an independent income has as one of its perverse consequences, as research in India (Thekkudan and Tandon 2009) has shown, the diversion of energies away from collective work, including political engagement. Empowerment thus becomes a palliative.

Yet the term 'empowerment' has a history in international development that points to an altogether richer set of meanings and practices. Significantly for this paper, empowerment was very much part of the vocabulary of debates on alternatives to mainstream development in the 1970s and 1980s, in which social and political action was conceived as one of the most significant drivers of progressive social change. It was a term more closely associated with progressive social and political actors than the corporations, governments and banks who have come to adopt it in recent years. As used in popular education, community mobilisation and feminist consciousness-raising, the concept of empowerment has, since the 1970s, spoken to and about an agenda for social transformation (Batliwala 1994; Rowlands 1997). This involves a process of what the Brazilian social activist and radical educator Paulo Freire (1972) dubbed *conscientização*: the development of critical consciousness.

Critical consciousness arises out of a process of bringing into question aspects of our lives that we might up to that point have taken for granted, critically inspecting the ways in which inequalities are naturalised through ideologies that make it seem as if it is part of the order of things, for example, for women to be considered less able than men, or black people considered less human than white people. *Conscientização* is more than simply making people 'aware' or enabling people to acquire assets: it is about awakening a sense of indignation, denaturalising that which people might have taken as inevitable and laying bare the way power works to mask and maintain injustice. It involves making visible not just the psychological effects of privilege, but its material dimensions: the gender wage gap, the racial differences in incarceration and unemployment, and the differential health outcomes of religious and ethnic minorities. It involves unfolding layers of assumptions that have been sedimented over many years of school, work, social and associational life. Out of this process of *conscientização* comes an awareness of power. Empowerment, then, can be understood in terms of gaining a sense of power to shape the lives we want to be able to live ourselves, and the lives of others.

## 2.2 Empowerment as/and political action

The sense of power that is empowerment is as political as it is personal. Feminist perspectives on empowerment from the 1980s and 1990s highlighted the connections between the process of awakening people's critical consciousness, seeing the injustices that had previously been masked, and coming together to challenge and seek to change things (see, for example, Batliwala 1994; Kabeer 1994; Sen 1997). Rowlands (1997) usefully distinguishes four dimensions of power that capture the dynamics of empowerment: power-to, power-with, power-within, and power-over. Critical to these understandings of power, and to the transformative potential of empowerment, are the intersections between individual and collective agency.

Critical consciousness-raising promotes an understanding of ourselves as human beings with the right to have rights. This can rest on a process through which people come to know themselves as subjects in their own right, who are capable of becoming something other than they are at present. Coming to recognise apparently unique individual experiences as having a common pattern rests on doing this with others, drawing threads that connect the individual to the collective. Marilyn Strathern (1988) uses the concept of 'partibility' to evoke the interconnectedness people feel with others, especially spouses, children and kin, to the point where they may experience themselves as 'dividuals' rather than *individuals*. Empowerment may involve a process of coming away from as well as coming together; less one of *individualism* than *individuation*. In the shift from 'it's my fate' or 'it's my fault' to recognising that if others are experiencing similar issues there must be something wrong with the norms, values, institutions and practices that everyone else seems to take for granted, comes a sense of shared consciousness that comes from collective engagement with a common project (Melucci 1989).

Empowerment, then, is about much more than the individual exercise of agency. Individuals can acquire the psychological and material means to overcome obstacles that continue to affect others in similar situations. But those obstacles may remain very much in place. Over time, it might be argued, the sheer critical mass of individuals overcoming those obstacles will trample paths that others can then take much more easily. We see this, for example, in Bangladesh in the seismic shifts that have come about as more and more women have moved into paid work over the last few decades (Kabeer 2008). And yet, there are much more direct ways of removing those obstacles. Laws and policies that provide legal instruments and incentives to address discrimination on the basis of gender and create pathways into all kinds of work for women, including providing enabling conditions in the form of childcare provision, most obviously. If we look at where and why such laws and policies have been put in place, it is often – although not always – the case that they have



been contentious, and that change has required the use of ‘contentious politics’ (Tarrow 1998). This, in turn, calls for and strengthens power-with.

Reducing empowerment to making choices strips away some of its affective dimensions. A sense of power can extend to being able to imagine, collectively, as well as individually, new vistas opening up beyond current horizons (Cornwall and Edwards 2014). This can be exhilarating, giving people a sense of possibility as well as a sense of efficacy in being able to do what can be done in the here and now. The very capacity to see beyond what’s immediately in front of us calls for power-within, that combination of confidence, resilience and the ability to take risks that comes out of having some measure of power over our lives. To act on this may call, too, for the power-with of knowing that there are networks of support that can be drawn upon, that there are fall-back positions that can cushion against the risks of taking action (Sen 1990). Feminist and women’s organisations have a vital role to play in these processes of awakening indignation, mobilising for change and creating a sense of being ‘in movement’ (Tarrow 1998) together, and with it a safety in numbers.

Thinking in these terms shifts our attention away from the kind of essentialisms associated with accounts of what women *are* – that they’re closer to nature, less corrupt than men, more peace-loving and all those other gender myths that became so prominent in international development’s justifications for investing in women in the 2000s and 2010s (Cornwall, Harrison and Whitehead 2007). Instead, it refocuses our attention on being a woman as a *situation* (cf. de Beauvoir 1946) that is contingent. It also usefully knocks on the head the assumption that women *automatically* have something in common with each other and would identify more as ‘women’ than in terms of any other identification, which we know to be problematic (Jonasdottir and Jones 2009; Weldon 2002). As I’ve argued elsewhere, the myth of female solidarity is one that remains alluring to many feminists, myself included, but it is patently contradicted by the reality of women’s lives (Cornwall 2007). And as Deniz Kandiyoti (1988, 1998) has pointed out, women may in any case have good reasons for vesting their commitments in oppressive patriarchal practices that make the lives of other women difficult; these ‘patriarchal bargains’ can be the means of their own sustenance and security. We need to take all this much more seriously than is often the case in the wishful liberal feminist attachment to gender quotas and women’s political empowerment programmes.

It is worth reminding ourselves of this conceptual backdrop, as today’s development talk about empowerment seems to contain precious little appreciation of just how deep and difficult this process can be. Seeing empowerment as a social and political process focuses our attention on what works to address the very structural inequalities that produce and sustain those obstacles, and that can best help deal with the inevitable and ferocious backlash that comes from those who fear their own loss as women gain power. From this, in turn, comes an approach that seeks to understand and address those underlying structural conditions that produce such differential treatment, opportunities and outcomes for different kinds of people. In policy terms, it focuses our attention on what can be done, not to level the playing field but to rewrite the rules of the game.

In international development’s policy language, this relocates the emphasis from changing women’s capabilities to creating an ‘enabling environment’ by tackling *all forms of discrimination on the basis of gender* (Cornwall 2016). Rather than seeing this as a separate and separable area of engagement, feminist social and political actors have argued that inequalities and injustices associated with gender are intrinsic to *all* other inequalities and injustices. There can be no justice without gender justice, no human rights without human rights for all. The challenges of making this a reality in conflict-affected and fragile governance are considerable.

### 2.3 Accountability matters

What are the implications of all this for how we think about accountability? In work on accountability in international development, the focus has generally been on the state. The rise of accountability as a development buzzword came in the era of the promotion of 'good governance', with its focus on new public management, enhancing state capacity and creating effective states (Goetz and Jenkins 2005; Fox 2015). The World Bank's flagship *World Development Report* of 1997 focused on the state, and was a landmark in defining the new role of the developmental state as part of a broader skein of governance arrangements suturing together the state, private sector institutions and civil society. The fall of the Berlin Wall and the velvet revolutions in Eastern Europe presaged a new era for international development in which technocracy came to displace politics. With it came a rise of what came to be termed 'audit culture', manifesting in the last decade in the drive for results and the growing prevalence of accountancy firms in the implementation of bilateral aid programmes.

Arising out of a confluence of donor and lender enthusiasm for the promotion of decentralisation and civil society participation, one that rested on a series of captivating myths about the democratising potential of civil society (Chandhoke 2003) and the developmental benefits of localism (Mohan and Stokke 2000), the 2000s saw a wave of interest in citizen voice and citizen participation in governance (Gaventa 2004; Cornwall and Coelho 2007). Accountability came to be harnessed to the good governance agenda (Mkandawire 2007). Ensuring more efficient public administration was key to the second-generation governance reforms that sought to create more conducive environments for external investment. Of particular concern to donors, lenders and investors was what the then president of the World Bank, Jim Wolfensohn, called the 'cancer of development': corruption.

Evelina Dagnino's (2007) insightful analysis of the conjoined trajectories of neoliberal governmentality and the promotion of democratisation through citizen participation highlights some of its inherent contradictions. Meanwhile, an exciting wave of experimentation in participatory governance spread new ideas about how to engage citizens, from report cards in which citizen input could criticise public service delivery, to citizen participation in the work of public administration, from budgeting to sectoral policy setting (Gaventa and McGee 2010; Joshi and Houtzager 2012; Fox 2015). These came to be labelled as forms of social accountability, in distinction from more conventional forms of political accountability.

Social accountability is about improving the responsiveness of institutions both of the state and private or non-state institutions that affect people's lives in any given jurisdiction as well as extra-territorially. It is associated with citizen engagement, and is often described in terms of enhancing citizen voice in order to secure responsiveness from the state and other authorities (Goetz and Gaventa 2001; Fox 2015). It includes: citizen monitoring and oversight of the conduct of state and non-state actors, such as corporations; access to information, including through the right to information; means of recourse and grievance, including through a public ombudsmen such as the Brazilian *Ministerio Público*; and citizen engagement in the allocation of public resources, such as participatory budgeting (Joshi and Houtzager 2012; Fox 2015). Political accountability might include the accountability of elected representatives to their constituencies, of elected governments to their electorates and of public officials to the state, and it extends to forms of fiscal accountability that include degrees of transparency about the use of public funds, disclosure of conflicts of interest and registers of benefits received by elected officials, and so on.

Accountability is above all about answerability, in which institutions and those who represent or work for them are beholden to processes that call them to give an account of their actions

(Goetz and Jenkins 2005). This may be mandated by law from public or private institutions, although there is wide variation in the extent to which effective means of implementation exist to deliver on legal requirements for disclosure and redress. It may also consist in the voluntary adoption of norms, such as voluntary codes of conduct adopted by the corporate sector. The distinction between political and social accountability is useful in identifying who holds whom to account, and in delineating the role that citizens can play in exacting answerability from public and private institutions.

If being accountable involves being answerable for one's actions, the principle of accountability can be extended from formal to informal institutions and from collective to individual actors. This has been an especially powerful dimension of men's mobilisation to end violence against women (Greig, Jashnani and Maccani 2015; Edström, Das and Dolan 2014). Mobilising men to hold other men to account for their actions extends the concept of accountability beyond the realm of public goods and the public sphere into the domain of domestic and intimate lives, making private harms a matter for public concern. And it is here that empowerment and accountability intersect in interesting ways. Women's empowerment has been noted in some settings to be met with a male backlash that typically manifests in increased levels of domestic violence as men seek to restrict women's mobility and react to their resentment of women's exercise of new-found economic agency and voice. This backlash is also reported in other spaces, from the physical and sexual harassment experienced by women politicians and electoral candidates, to sexual harassment and gender-related bullying in the workplace, to increasing levels of sexual assault on women in public places.

Accountability is also about addressing the ways in which in many contexts the state acts to systematically discriminate against women, and to reinforce societal discriminations. Tom Carothers (2016) reminds us that what he calls the 'gender rebalancing of states' involves far more than simply adjusting the number of women in the state. It is, he argues, about 'gender sensitive or gender balanced forms of state functioning' (2016: 8), which might include gender-responsive budgets or making systems of accountability responsive to the specific experiences of poor women, or ensuring through legislation that there is adequate investigation and action on violence against women. Looking at efforts not only to secure commitments from the state to women, but also at how mechanisms of accountability can be and have been hardwired into state functioning is a critical site for learning about what works to promote greater accountability to women.

In what follows, I look at a series of examples from contexts in which violence and conflict is endemic or has been a pervasive feature of the social and political landscape. As explained at the outset, rather than focus on kinds of states my focus is on contexts of fragile governance and settings in which there is a high level of conflict and violence, even in states considered effective and indeed stable.

### 3 Changing politics?

With few women in politics, it's the women who change. With many women in politics, politics changes.

(Argentinian women's movement slogan, cited by Costa 2010: 21)

Women's political representation has risen up the development agenda in the last 20 years, spurred by the Platform for Action (PFA) adopted at the Beijing Fourth International Women's Conference in 1995 in which commitments were made by states to increase the levels of women's political representation in parliaments and other kinds of national legislative structures to 30 per cent. Political quotas have become a widely used and well-documented

mechanism for fast-track increases in women's political representation, and take a variety of forms depending on electoral systems (Dahlerup 2006; Ballington 2010). A range of other measures have been deployed to increase numbers of women running for office, and to seek to improve their electoral success.

Tom Carothers observes how the idea that 'women's political equality is central to the quality and integrity of democratic practice and governance' (2016: 4) has gained broad-based acceptance in recent years. He also points to a similarly broad recognition that the inclusion of women in political institutions is not something that will happen in democratising contexts without interventions that secure them a place, going on to note, 'work on women's political empowerment has come to represent a crucial evolutionary element of democracy support and development assistance more generally' (2016: 4). I will return to the insights from his analysis of the challenges for women's political empowerment in fragile and conflict-affected contexts later in this paper.

We find in the domain of women's political empowerment some of the most entrenched essentialisms in international development, with the narrow assumption prevailing that getting women into politics is a good thing in itself irrespective of the political platforms that these women represent or indeed the nature of their political constituencies (Goetz 2003; Tadros 2014). As we have come to see, women political leaders are not always, or even often, particularly keen to champion women's rights. And those who claim to speak for women, in the broadest sense of the notion of representation (Pitkin 1967), may use their voice to advocate deeply reactionary sentiments. One of the key issues for research in this area, therefore, is to get beyond essentialism to look at the ways in which women's presence in the political arena can contribute to the empowerment of other women and to the accountability of state and non-state institutions to women. As Laurel Weldon (2002) has pointed out, numbers of women in the legislature is in itself a poor predictor of progressive policies in favour of gender equality. Her research on (Weldon 2006) and her collaborative work with Mala Htun (Weldon and Htun 2010; Htun and Weldon 2010), based on quantitative analysis of large datasets, suggests that it is where there are strong, autonomous women's movements that we see changes in favour of women's rights and empowerment.

How have feminist and women's movement social and political actors fared in getting more women into legislative institutions, and into government? The next section contrasts two cases from very different settings: a post-colonial context that is still slowly emerging from a brutal civil war, which ended in 2002, Sierra Leone; and one a country under occupation, Palestine, subject to regular acts of destruction by a settler colonial power, Israel. Both have different political histories and political systems. Sierra Leone has a presidential multi-party system, with legislative power vested in a parliament. The Palestinian Authority is a semi-presidential multi-party system with a legislative council, headed by a prime minister confirmed by its 132 elected representatives; 50 per cent of whom are elected through a proportional representation system, with the other 50 per cent elected through contests between individual candidates in multi-member districts.

One has quotas: the Palestinian Authority, whose quota law was introduced shortly before the last election, in 2005, after the women's movement organised to demand it. Sierra Leone does not (yet) have a quota law, but has a social movement, 50:50, who are mobilising to see a bill introduced in Sierra Leone's parliament that will secure a 30 per cent quota and play an active role in increasing the numbers of women in political office. Levels of female political representation in the political institutions of these two countries are below 20 per cent at present, the Palestinian Authority with 13 per cent (17) women in its Legislative Council and Sierra Leone with 12 per cent (15) in its Parliament. In Palestine, the quota law stipulates that political parties must have at least one woman amongst the first three candidates on the list, at least one woman among the next four, and at least one woman

among the next five for the rest of the list; the list applies to the proportional representation element of the election.

### **3.1 The ambivalent gains of electoral quotas: the Palestinian case**

After the establishment of the Palestinian Authority following the Oslo Agreement, Palestinian women's rights activists were, at first, sceptical about what a quota might offer them, Islah Jad (2014) observes. Their view, she suggests, was that their prominence in the national liberation struggle would ensure their electoral success. They were wrong. The first legislative elections took place in 1996 with no quota in place. Only 5 women out of 88 won seats, a mere 5.6 per cent of elected representatives. There began the lobby for a quota. Fuelled by a lack of faith in political parties to field women and support their candidature, a coalition came together around a national campaign. It was led by the General Union of Palestinian Women, and included a wide range of other women's organisations, including the Women's Affairs Technical Committee, The Palestinian Initiative for the Promotion of Global Dialogue and Democracy, Miftah, and the Working Women Society (Jad 2014).

Significantly, the woman who led the coalition had both political credibility and connections, as a senior and well-regarded member of Fateh, with a history in the Palestinian Liberation Organisation. Her role was crucial to the success of the coalition; through her, they were able to secure influence with high-level political leaders, and also access to the media. Hamas saw the quota as a way to field women candidates who could in turn help enhance their political influence. Jad (2014) reports that this provided women with a political opportunity, which they were able to take up to shift the political agenda. She gives as an example what had happened to the Women's Affairs Ministry in Gaza after the split between Gaza and the West Bank. Hamas retained the ministry; it was run successfully by women from Hamas. Jad suggests that they were able to use it to 'shift it towards an agenda to defend women's rights, using it to call for their "development"' (2010: 85).

Jad's analysis highlights the role of women's movements and NGOs in lending technical support in preparing women for political office, from training in electoral campaigning, to fundraising, to mobilising a constituency and dealing with the media, to leadership and assertiveness. These organisations also offered women a map of the landscape of governance institutions, including the electoral and quota laws. Yet, as is commonly the case, once women were elected they could call on little support in preparing themselves for the work of government. With all the emphasis in international development on achieving numerical targets for women in political institutions, attention comes to be diverted from what these women are actually able to do once in office. Here questions of context are crucial. The case of Palestine is an especially poignant one. Jad observes:

The quota was enacted in a very disabling, fragmented and disempowering context. The election process proved to be highly divisive, and external intervention did not help. The deep polarisation between the PLO and Hamas had an impact on women's ability to overcome political and ideological differences and work towards a common agenda. The divisions in political and civil society have continued to undermine, making public office functional, for both men and women. Furthermore, the Occupation and Siege have meant that in some contexts, there is no system of governance in place. Hence, we are left with an ironic situation in which the quota has brought women into a political office that is in effect dissolved of any real political power to implement policies and lead change. In such a context, the question becomes: What kind of political leadership can women exercise and how, if the mechanisms of enforcing decisions or initiating policies is stalled? (Jad 2010: 87)

In a situation of conflict and in a context of state fragility, efforts to promote women's political participation in the formal electoral arena need to be framed against the kinds of questions that Jad raises. This is especially the case in contexts where national parliaments may play far less significant a part in affecting any area of social or economic life than other actors – including corporations, foreign governments and international finance agencies. This implies the need to sketch political empowerment initiatives onto a canvas that includes a map of the wider political and institutional environment. And in conflict-affected contexts, this is not a fixed terrain but one that is constantly changing. Capturing the elements of the conjuncture that impinge on women's political engagement becomes a critically important part of such an analysis.

### **3.2 Striving for political representation in Sierra Leone**

In Sierra Leone, the struggle to end the brutal and bloody civil war that raged in the country from 1991 to 2002 was one framed in terms of democratisation. Hussainatu Abdullah (2014) tells the story of the struggle within that for women's political representation. As the war reached its final stages, a national conversation began to take place on gender equality. The women's movement came together as a national Women's Forum and placed demands on the table for equal representation at peace talks: one ignored by both sides. The fallout from this period produced fissures within the movement, with one part of the movement continuing to press for women's inclusion in the newly forming democracy after the 1996 elections. The 1997 coup produced a further wave of conflict.

Abdullah identifies a series of phases of women's social and political action in pursuit of political equality. The first, from 2000–08, consisted of the emergence of a platform for the demand for women's political representation with the formation of the 50:50 Group. Together with other women's groups, including the Women's Forum and the National Organisation of Women, the 50:50 Group drafted the Sierra Leone Women's Manifesto, which set out a broad-based legislative agenda on women's issues. It advocated for at least a 30 per cent quota for women of all political and public positions, whether by election or appointment. The coalition failed to secure electoral quotas, but did register a success in forcing the government to institute a quota for Local Government Commissioners and local Ward Committees. The 50:50 Group turned to other tactics. A new electoral system had been introduced in the post-conflict political landscape, the form of electoral arrangement that is generally seen as the most conducive to efforts to increase women's representation (Ballington 2010): proportional representation.

Abdullah reports how the 50:50 Group began to lobby political parties to use what is known as the zipper system (alternating women and men on party lists), to place women higher up the party list. They also sought to engage the electorate, both through raising awareness of the importance of women's participation in politics and also supporting women who came forward as potential candidates for office, training them in the skills needed to contest elections.

The coalition of women parliamentarians, women NGOs and women activists in sustaining concerted efforts to support women's access to political office has provided opportunities for political empowerment, where conventional pathways such as political parties have been inhibitive.  
(Abdullah 2010: 69)

The 2002 election, the first parliamentary election for 34 years, and also the first post-war, saw larger than ever numbers of women contest. The 50:50 Group had established a cadre of experienced trainers, and set up branches throughout the country's 14 districts. All parties placed women on their electoral lists. Abdullah reports a substantial rise from 65 contestants in 1996 to 156 in 2002, more than tripling the number of women in elected office from five

(6.2 per cent) to 18 (14.5 per cent); the number of available seats had also increased by 50 per cent between these elections, but this still represents an appreciable improvement. Local government elections in 2004 brought 54 (13.7 per cent) women into positions as councillors, with 5.3 per cent elected as mayors or chairpersons, and 10.5 per cent as deputies (Abdullah 2010); many had been trained by the 50:50 Group.

The struggle for a quota for women continued. Social and political actors associated with the 50:50 Group and others in the women's movement used every opportunity to press for the adoption of a quota. One such opportunity came with the Constitutional Review process. Carothers (2016) and others highlight the scope that post-war constitutional processes offer for the negotiation of new electoral arrangements: a number of post-conflict countries – including Iraq and Rwanda – owe part of the reason for their exceptional rates of women's political participation to this. Activists sought to make use of the Constitutional Review to argue that increasing women's political representation had been one of the recommendations of the Truth and Reconciliation Commission. This was rejected, on the grounds that those women who were calling for quotas were elites, and represented only the educated urban minority. What did change as a result of the review was the enabling electoral system, which was returned to the traditional first-past-the-post system.

Sierra Leone's political parties largely ignored advocacy for a gender-sensitive selection process for the next round of post-war elections in 2007 and 2008, as Abdullah recounts. Instead, the country was plunged into the kind of political violence that had not been seen for more than a decade. Women were intimidated, both as voters and as candidates. Abdullah reports how the women's movement once again shifted their tactics, moving to seeking to ensure women's safety, and generating financial support for women candidates who were running as independents after failing to win the nominations of political parties. The net result of the political conjuncture and the changes to the electoral system were a net drop in women's representation and their participation rate as candidates, with some 16 (13.5 per cent) candidates being elected. At the local level, however, there was a marked increase in women's candidacy, but the number elected fell well below 30 per cent at 18.9 per cent.

In 2009, the Sierra Leonean 'Campaign for Good Governance' invited renowned international expert on quotas for women in politics, Drude Dahlerup, to produce a report on options for the introduction of quotas in Sierra Leone. Interviews with parliamentarians, political leaders, the Law Reform Commission, the National Human Rights Commission and other key national actors, along with women's organisations convened at the national conference on a 30 per cent quota for women in political decision-making positions in Sierra Leone in December 2009, led to a set of recommendations for the design and implementation of a quota (Dahlerup 2010). In its preamble, the report cites the recommendation of the Truth and Reconciliation Commission that a 30 per cent quota be established for elected assemblies, cabinets and other political posts. The report goes on to invoke CEDAW, the Beijing PFA and the African Charter, drawing down on the government's commitment in international intergovernmental spaces, before specifying what might be done in practice.

By 2010, pressure was mounting for a bill advocating a 30 per cent gender quota to be put to Parliament. President Koroma made a public commitment to put forward such a bill in International Women's Day speeches in 2010 and 2011, and the women's movement began drafting the bill. Donor funding was secured to hold a national validation workshop, and the UN financed the establishment of the All Political Party Women's Association, as a cross-party alliance geared at securing the adoption of the electoral quota. This led to four of the main parties adopting a Gender Policy, which women were able to use as a means to secure a gender quota in candidates nominated for the 2012 elections (Abdullah 2014).

Sierra Leone still does not have a legislated or formal quota. The draft Gender Equality Bill was not passed. The lack of support shown by parliament's men was in some respects understandable, Abdullah reflects, as some were set to lose their seats. There was reluctance to support the bill amongst female parliamentarians too, which extended to a lack of engagement with the women's movement in either drafting or lobbying for the bill. Abdullah suggests that 'deeply entrenched political party loyalty and power struggle by female political operatives took precedence over their collective gender interest' (2014: 233). It has fallen to the government to put the Gender Equality Bill back on the table. It was originally a private members' bill: it has now become a government-sponsored bill, and Abdullah reports that the Minister of Social Welfare, Gender and Children's Affairs 'has hinged his success on the passage of the bill' (Abdullah pers comm), an endorsement and political risk that will lend it a greater chance of succeeding. To this end, he established the 'M30 Task Force', named after the idea of securing a 30 per cent proportion of women in Parliament. The task force brought together women's organisations, members of the All Political Party Women's Association and women parliamentarians. A new female Minister is in place and the latest word is a presidential commitment to action, in the words of President Koroma who declared, 'I promise to enact the legislation on the 30 per cent quota for women in politics', at the African Women's Leadership Conference held in Sierra Leone in May 2016.

### 3.3 Getting traction

A thread that runs through the experience of these very different contexts is the battle that women's organisations have had to wage to get any traction on institutional measures to increase women's political representation. Despite the emphasis on women's political representation in a range of international instruments, agreements, goals and platforms of action, including CEDAW, the Beijing PFA and the Sustainable Development Goals, there has been staunch resistance from political parties and their political masters in both Palestine and Sierra Leone. Feminist and women's movement activists have made much strategic use of political opportunities and alliance-building and yet have seen limited gains.

Quotas for women are a clear example of a zero-sum game: for women to gain access to political power, some men need to cede their seats in political bodies. Achieving this through willing retreat is wishful at best. The struggle over the institutionalisation of a gender quota is therefore a struggle over a host of other things, including access to influence and resources, power and political space. It is also an example in which apparently technocratic and technical matters become of paramount political importance: the difference between an electoral system that is designed in such a way that women can more readily gain access to office to one that makes it extremely difficult for women to be allocated or to gain winnable seats has substantial implications.

Context matters. Tom Carothers notes that the conventional repertoire of types of post-conflict transitions is inadequate to capture the complexities of contextual differences. But, he goes on, there are a common set of blockages to women's political empowerment that can be identified across different conflict-affected settings. The very existence of conflict in such settings lends itself, he notes, to 'an overweighting of security and intelligence forces that are traditionally dominated by men and an underweighting of other political institutions that may have a higher level of representation of women'. While this is still ultimately about numbers, it is also an indication of some of the likely gendered dynamics in 'state functioning', especially given the prevailing culture within much if not all of the security sector. He goes on to point to the levels of violence directed at women, which act as a direct disincentive to political participation, citing a study by Pilar Domingo and Clare Cummings:

Stories of women and gender activists suffering from violence aimed at discouraging their political participation are rife both at local and national levels... Patriarchal norms



within state bodies or security providers result in a failure to protect women and reflects high levels of complicity with perpetrators of violence or harassment against women.  
(Domingo and Cummings 2015: 22)

Constitutional processes and the design of democratic institutions in countries emerging from conflict in transition to democracy can provide an entry point for reform that is simply not available in more settled democracies. But for this to work to support gender equality, the women's movement need to be engaged in these processes and at the negotiating table, including in peacebuilding discussions.

### **3.4 Beyond essentialism?**

I opened this section with a caution against the essentialisms inherent in the framing of women's political representation. As Goetz and Jenkins (2016) point out, experience has undermined the assumption that getting more women into politics is what it takes to make politics more accountable to women's rights; indeed, one only need look at countries like Rwanda where having a majority of women in parliament has produced regressive legislation. One insight emerging from these case studies is precisely the extent to which commonalities of interest between women cannot be taken for granted. Indeed, as Goetz and Jenkins (2016) point out, we see today significant mobilisation by and of women against gender equality. They cite Molyneux, who reflects: 'are fascist mobilisations of women, or Islamist women's movements not women's movements in any sense?' (2001: 45). Even if questions of representation are ultimately questions of equity, as Phillips (1991) has argued, this raises some interesting issues in relation to the role of social and political actors in women's rights, empowerment and accountability to women.

In these and other contexts, the kinds of alliances that might be expected between women's and feminist movements and women's civil society organisations and female parliamentarians are much more complex than simple questions of alignment. As we will see in the following example from South Africa, it may matter less how many women are in political office than which kinds of women in which kinds of locations in political institutions. This raises the important point made by Claire Annesley (2010) from her work on women in politics in the UK that for all the emphasis that feminists have placed on getting more women into power, it is access to power in the right places that drives changes in women's rights. Annesley argues that increasing women's representation in parliament may do less for women's rights than increasing women's representation in government, noting that in the literature, the focus has been 'on where women have gained representation rather than where they actually wield political power and resources' (2010: 51).

Refocusing attention on feminist actors with political power resources and looking at how differently positioned actors work together to bring about change, Annesley suggests, can bring new insights to feminist analysis of policy and legal reform. A key finding from Annesley's work is the significance of female strategic actors located in places of political power with access to resources, and those she calls 'gate openers'. One question for research in the contexts with which this paper is concerned is the presence or absence of 'gate openers'; their own narratives on strategies and entry points for change are going to be an important source of insight.

In addition, Laurel Weldon's analysis of the impact of different modes of women's representation on policies addressing violence against women in 36 democratic countries in 1994 finds that women's engagement in movements and in policy agencies gives women stronger avenues for voice in the policy process than their presence in legislatures. Indeed, Goetz and Jenkins (2016) point out, there has been increasing attention paid to the processes through which women's groups create or join social movements and influence the

platforms of political parties and their legislative projects. This refocuses attention on the framing and influencing strategies adopted by social and political actors seeking to engage state accountability for women's rights and the political opportunity structures within which those efforts take place (cf. McAdam, McCarthy and Zald 1996).

Turning to the final set of cases in this paper, I explore some of the dynamics of women's movement efforts to put domestic violence laws into place and to hold the state to account for implementation in the two countries with the highest global levels of violence against women and girls, Brazil and South Africa. Strategically positioned feminist allies inside government, 'gate openers' with political power resources and budgets, were critical in both cases. As the cases show, it is in the interplay between differently located feminist movement actors and institutional structures that we need to look at to better understand social and political action that can support women's empowerment and strengthen accountability.

## 4 Accountability: monitoring and mobilisation – two case studies on domestic violence legislation

### 4.1 Civil society implementation monitoring in Brazil

Accountability is, as argued earlier, about answerability: about being able to hold those who have obligations to what they said they would do, and for them to be answerable for shortcomings, neglect and failure. It is also about ensuring the delivery of commitments that are made by governments as part of electoral platforms or in response to internal or external demands. This goes beyond the announcement of policies or the enactment of laws, although both are vital responses to citizen demand. It extends into implementation. Civil society engagement in the monitoring of implementation can be an important tool for accountability. My third case, from Brazil, illustrates the role that social and political action can play in getting laws on the statute books and ensuring that they are implemented.

Social and political action leading to the adoption and implementation of the Brazilian 2006 domestic violence act, Lei Maria da Penha offers a number of useful lessons for work in fragile and conflict-affected states. These include:

- The scope offered by international conventions and international and regional human rights mechanisms as a means of leveraging a response from the state
- The value of building capacity in jurisprudence and advocacy skills amongst social and political actors
- The benefits of facilitating and supporting alliances and partnerships amongst those working within the state and social and political actors in civil society
- The usefulness of transparency and communications in ensuring that the monitoring of implementation feeds a process of learning and improvement
- The need to ensure sufficient resources are committed to implementation and to the process of monitoring implementation.

The story of advocacy for and the monitoring of the implementation of Lei Maria da Penha formed part of the research output from the Pathways of Women's Empowerment project, as documented by Silvia de Aquino (2014) and Cecilia Sardenberg (2009, 2011). For the purposes of this paper, I draw on elements from this story that offer lessons for other contexts.

The backdrop to the story of what remains arguably one of the most comprehensive pieces of domestic violence legislation in the world, is a situation in which violent conflict is part of the daily lives of millions of Brazilian women, and some Brazilian men. There is violence on the streets and especially in the poorer neighbourhoods of Brazil's sprawling cities. And there is violence in many homes. Brazil has the highest incidence of female homicide through intimate partner violence of any country in the world. The 2013 Mapa da Violencia project showed a rate of 4.8 homicides per 100,000 people, some 48 times higher than the United States and amounting to more than 5,000 women murdered every year. Recent years have seen a fall in the female homicide rate in large cities, which is widely attributed to the policies and legislation put in place by the Brazilian government. The reporting of domestic violence has improved, initially accounting for a rise in reported incidence due to women's greater awareness and ability to come forward to make a complaint.

A bi-yearly survey has been carried out on family and domestic violence against women by the Brazilian government agency DataSenado for the last 11 years. In the most recent published survey of 1,102 Brazilian women, carried out in 2015, one in every five women reported having been beaten or abused by their current or ex-husband, partner or lover, and 26 per cent of those women still live with their abuser. Almost 100 per cent of those surveyed were aware of the 2006 domestic violence law. The survey also found a perceived increase in violence: some 63 per cent of respondents thought that family and domestic violence was on the increase, 23 per cent felt it had stayed the same and 13 per cent that it had diminished. Physical violence constituted the majority of reported incidents, but there was an increase in psychological violence from 2013 to 2015 of ten percentage points to 48 per cent of incidents, along with a slight reduction in bullying, from 39 per cent in 2013 to 31 per cent in 2015. It is interesting to note that almost 30 per cent of those who had suffered at least one incident of violence reported it to the police, either to a general police station (27 per cent) or to a dedicated women's police station (11 per cent).

What has the role of social and political action been in securing the improvements that are slowly being seen as the Lei Maria da Penha takes effect? And what can be learnt for work in fragile and conflict-affected contexts? Advocacy for improvements to Brazil's legislation so as to address the widespread incidence of family and domestic violence goes back more than three decades. Feminist social and political actors have mobilised and sought responsiveness from the state through demonstrations, petitions and other forms of social and political action since the 1970s to protest rulings that judged in favour of men charged with femicide who claimed 'legitimate defence of honour' (Sardenberg 2011). It was not until the early 2000s, however, that they were able to gain any traction. It took recourse to a regional human rights body for the Brazilian government to act (cf. Keck and Sikkink 1998).

In the mid-1980s, Brazil's feminist and women's movements pressed for and secured the creation of women's police stations – *Delegacias Especializadas de Atendimento a Mulher*, commonly known as *delegacias da mulher* – that would serve the policing of violence against women. Since then, women's police stations or other specialised units have been set up in 447 cities across Brazil. Sardenberg (2011) notes considerable variation between these units. Some are solely police units. Others offer mediation and other more preventive services. Some work only on domestic or family violence, others on all gender-related crime against women.

What helped to spur the government into action was not domestic protest and petition, but being held to account by the regional human rights body, the Inter-American Court of Human Rights, to whom a claim had been taken by a group of Brazilian feminist lawyers representing a woman, Maria da Penha Fernandes, whose husband had beaten her so severely in a homicide attempt in 1983, that she was left paraplegic. Maria da Penha took him to court, but it took seven years to find him guilty. He was sentenced to 15 years, but an

appeal saw the conviction quashed. In 1996, he was tried again, and given ten years in prison. But he remained free. In 1998, Maria da Penha took the case to the Inter-American Court of Human Rights. Two feminist legal institutions prepared her case, the Centre for Justice and International Law (CEJIL) and the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM).

The petition addressed Brazil's obligations under the Convention of Belém do Pará, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which had been ratified by Brazil in November 1995. With similar provision to CEDAW, the Belém do Pará Convention includes a definition of violence against women and holds the state responsible for protecting women from violence, including the translation of this responsibility into concrete preventative actions and guaranteeing adequate resources for punitive action against aggressors and compensation of victims (de Aquino 2014). In 2001, Brazil was found responsible for violating the right to a fair trial and judicial protection, under Articles 8 and 25 of the American Convention on Human Rights, together with a failure to observe rights set out in Article 1, on account of the time it had taken to address the case of domestic violence. Brazil was also found negligent under Article 7 of the Convention of Belém do Pará, in particular the right to live a life free of violence, and for the state's failure to adequately address violence against women in general, and in particular for the failure of the police and judiciary to take action. The Commission noted:

The violation against Maria da Penha is part of a general pattern of negligence and lack of efficiency on the part of the state in terms of processing and sentencing aggressors... [T]his lack of general judicial efficiency in combination with discriminatory practice help create the very environment that allows the existence of domestic violence, as there is no socially perceived evidence of the will and effectiveness on the part of the state, as a representative of society, to punish acts of this type.

(Organizaçao dos Estados Americanos 2001: 13, cited in de Aquino 2014: 179)

Recommendations were set out in some detail. They included changes to the ways in which investigations were to be carried out, training of specialist judicial and police officers, symbolic and material redress for the victim, reformulating judicial procedures to make them simpler, promoting alternative dispute resolution mechanisms for family conflicts, increasing the number of women's police stations and promoting pedagogic interventions and curricula that would enhance respect for women's rights, and enhance women's awareness of the rights they had under the Convention of Belém do Pará. It was the first time that the Belém do Pará Convention had been applied and that a country had been found to be responsible for domestic violence under its provisions. It took a further five years for the Lei Maria da Penha to become law.

From 2002 to 2004, a consortium of feminist advocacy organisations came together to draft legislation that would address domestic violence and violence against women. They included some of Brazil's leading feminist civil society organisations with considerable advocacy experience and expertise in the legal domain, such as Themis, CLADEM, Cepia and CFEMEA. In 2003, the Workers' Party administration of Lula da Silva took power, and put in place a Special Secretariat of Public Policies for Women (SPM). The SPM played a role in coordinating a working group that brought the consortium and a range of ministries together, and in facilitating public audiences all over the country at which the draft legislation was discussed. In late 2004, the outcome of this process was presented to Congress; it took two more years of lobbying by feminist and women's movements for the law to be passed (Sardenberg 2011).

The next struggle was for implementation. Brazil is a huge country. The SPM is spread thin, operating in the more populous areas, with limited reach in some parts of the country and

especially in the rural areas. Making the law operational was a huge challenge, not least because of the resistance that the law generated. The SPM sought to strengthen the implementation process by putting out a tender for a consortium of civil society organisations who could monitor the implementation of the law throughout the country's 26 states, feeding back to the SPM and providing a source of pressure – and potentially accountability – at the local level. The Observatory for Monitoring the Implementation of Lei Maria da Penha (OBSERVE) was formed in 2009. It set about designing a methodology that could be used for monitoring the law. The consortium carried out surveys at police stations and special courts for domestic and family violence, and produced case studies that document good practice in cross-agency coordination (Sardenberg 2011).

Much of the challenge of implementation lies in raising awareness of the provisions of the law, amongst service providers and amongst women. The findings of the recent DataSenado survey suggest that the promotional campaigns and awareness-raising activities that have been carried out by state and civil society organisations alike have been very successful. Yet challenges still remain in relation to those administering the law, especially in the judiciary. And, Sardenberg (2011) observes, shortcomings continue to exist in the provision of services by the agencies concerned, noting their lack of a 'culture of accountability'.

The Brazilian experience has elements that may not translate to other countries: it is, for example, a context where the state is better resourced and more extensive in its provision of services, and where citizens may have more confidence in the capacity of the police to take their claims seriously and assist them in pursuing them. These are core features of governance quality in Brazil that distinguish it from a fragile or conflict-affected situation. Yet, if we include in our consideration of governance quality the state of hostility and conflict between women and men, and systemic failures of state responsiveness to women, there are insights here for other countries. Indeed, there are elements here that are not so dissimilar to other countries. In practice, for example, in Brazil as in many countries, civil society organisations may find themselves carrying much of the responsibility for service provision in areas such as violence against women and reproductive health. This also needs to be seen as a governance failure, and as evidence of weak or fragile governance.

What the Brazilian experience offers that is also useful to other contexts is an example of partnership working across state and civil society to pursue common ends, and the role that can be played by the state in facilitating efforts to enhance accountability as part of that process. Domestic and family violence legislation exists in most countries, even if the formulation of laws is not as sophisticated or comprehensive as in Brazil. Civil society monitoring can be a way in which social and political action can continue beyond popular pressure to put laws in place to insisting on adherence to the provisions made within them, holding the police and judiciary to account. This illustrates how much can and should be done to push for state accountability through the systematic collection of data at the frontline of service delivery, in order to make visible some of the shortcomings of practice. Where states lack capacity and where there is expertise and experience in civil society, or indeed also reach that is beyond the capacity of the state, partnership working of this kind to enhance monitoring of implementation and strengthen accountability can provide the basis for states to be more responsive (Cornwall, Pasteur and Lucas 2000).

## **4.2 Accountability through mobilisation in South Africa**

South Africa is another state in which there is endemic violence against women and horrific levels of rape and other forms of sexual assault. As such, it is also a context in which conflict is part of the fabric of everyday life for many South Africans, especially those who live in low-income neighbourhoods. Against this backdrop, South African domestic violence legislation has been developed to contend not only with high prevalence of violence, but also with the patriarchal attitudes of the police and judiciary. As Shahana Rasool (forthcoming) observes,

domestic violence legislation also needs to be understood in the context of South Africa's history of racism and oppression by the state.

The South African Domestic Violence Act (DVA) was an outcome of feminist and women's movement organising to put domestic violence on the public policy agenda, transforming what was widely thought to be a 'private' matter into an issue of public concern. Rasool (forthcoming) highlights the role women's organising played in getting the DVA on the statute books. She explores within this two themes with wider relevance to states in which efforts are being made to expand the political representation of women, as in the examples earlier in this paper. The first is influence over the shaping of policy, and the second is over the influence that women are able to have in the legislative process as a result of increased representation of women as elected representatives.

As in other countries, an important part of this influence came to be exerted through a coalition of women's and other organisations that came together to advocate for reform, the National Network on Violence against Women (NNVAW). This was an outcome of a process that began with a joint conference between government and NGOs held once the ANC assumed power in 1994. This resulted in the establishment of an Interim Desk on Violence Against Women, and the formation of the NNVAW (Rasool, forthcoming; Meintjes 2003). It brought together many of the main NGOs working on VAW, including POWA, NISAA, WAWA, ADAPT, CSVN and representatives of government. The NNVAW mobilised research to influence the policy process, and played an active role in lobbying government to put into place legislation on domestic violence.

As Meintjes (2003) observes, civil society organisations had been putting pressure on government for more than two decades prior to the passing of the DVA. It took the enactment of a new constitution for South Africa to create the policy space for VAW to be placed on the agenda, first via the contested 1993 Prevention of Family Violence Act – in which there was little civil society participation – and subsequently in the substantive measures that came with the passing of the 1998 DVA (Rasool, forthcoming; Meintjes 2003). Advocates within the legislative arena played an important part in advancing the argument. They included the Deputy Justice Minister, Dr Manto Tashabalala-Msimang, who went on to champion a high-level public awareness campaign aimed at Department of Justice staff, and MPs such as Pregs Govender, who organised public hearings on VAW, engaged the ANC women's caucus and liaised with key male allies to ensure parliamentary debate for the Bill (Rasool, forthcoming). Rasool observes that what made the difference was women in strategic places within the bureaucracy – what Clare Annesley (2010) has referred to as 'gate openers' – and strategic partnerships with supportive male allies.

The South African women's movement were also able to make use of an international instrument, reporting obligations under the Convention on All Forms of Discrimination Against Women (CEDAW), via the practice of shadow reports written by NGOs. It was pressure brought by a shadow report exposing the deep failures of the South African Government to address violence against women that had been one of the spurs behind the 1993 Family Violence Act, and that came to pave the way for the more extensive legislation that followed in 1998 (Rasool, forthcoming; Meintjes 2003).

Putting a law on the statute books is a different kind of struggle to that of making it effective, and in the South African case, a whole new set of challenges arose when it came to securing the resources and institutional commitment to implementation. In a telling excerpt from a 1994 submission to the Police Board, Lisa Vetten (2014: 1) reveals the scale of the challenge:

It is a world-wide belief that the police should not interfere or get involved in household disputes. The rationale behind this relates to law enforcement as the primary function

of the police – and law can only be enforced when someone lodges a criminal complaint with the police. Once they get involved in household disputes, the police are blamed for interfering in private matters. The priorities of policing are determined by the community. Figures of other serious crimes reported to the SAP [South African Police] confirm this fact. More attention has to be devoted to those serious crimes, which are more frequently reported.<sup>1</sup>

Legislators' response in the DVA was, Vetten notes, to prescribe duties for the policing of domestic violence and the establishment of an accountability structure that would make visible and punish non-compliance. For all that this sought to create mechanisms that could drive police compliance, Vetten details a litany of shortcomings and outlines the widespread failure to comply with the requirements of the Act. She goes on to look at the effect that political accountability had on the implementation of the DVA. As in Brazil, feminist and women's organisations played a key role in this. What emerges from the South African case is, again, a story of working in alliances and partnership that sought to bring to bear pressure on the police to hold them to account. What's especially interesting about this story is the way in which gender interests cut across vertical and horizontal accountability structures to create opportunities for diagonal accountability, and the lessons it offers about the engagement of women's movements in sustaining legislative or policy gains.

Part of the accountability structures put in place by the DVA involved monitoring implementation, through the collection of data on compliance with statutory obligations from police stations and analysis of complaints against the police for non-compliance with their obligations in relation to dealing with perpetrators and victims. The scale of non-compliance, and the rising tide of complaints against police that began to surface spurred civil society to press for accountability. Vetten describes how the Tshwaranang Legal Advocacy Centre took action in 2006, serving papers announcing their intention to ask the court for an order that would compel the police to fulfil their obligations to report. The threat of legal action worked and it was held over the police service as pending should they not submit reports within a given period. Within a couple of years, further pressure was being brought to bear on the South African Police Service. In the meanwhile, legislative changes undermined the DVA; critically removing a section that required the police to comply with instructions and the obligation for the police to account in public for non-compliance. This generated protest from civil society organisations, expressed in the form of a petition signed by 17 organisations, and submitted to the Police Portfolio Committee. The South African Human Rights Commission also prepared a submission, expressing similar concerns.

The Bill was redrafted. Vetten (2014) reports that a workshop took place in which the Civilian Secretariat for the Police (CSP) and women's organisations discussed how mechanisms for oversight might best be drawn up, which led to the creation of a civil society reference group that would meet quarterly with the CSP to discuss issues relating to women and children. But the new Act, Vetten points out, failed to address two important avenues for accountability: the loss of an avenue of complaint and the lack of means to enforce recommendations. The Independent Complaints Directorate (ICD) set up in 1995 was modified with the 2011 changes to a weaker body, the Independent Police Investigative Directorate (IPID); this involved shifting the DVA-related aspects of the ICD to the IPID, which, as Vetten points out, 'did away with an avenue of complaint' (2014: 3). Other means needed to be sought to enforce recommendations.

Women's organisations intervened again in September 2011, when three organisations – the Gender, Health and Justice Research Unit, TLAC and the Limpopo Legal Advice Centre – were asked to address the Police Portfolio Committee on the topic of policing domestic violence. The police sustained severe criticism, Vetten narrates, in these proceedings.

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<sup>1</sup> Vetten (2014: 1) cites Olckers (1997: 131) as the source.

But, she suggests, it was this public humiliation that spurred senior police management to take action. Instructions were circulated to all police stations, performance indicators were put in place for Provincial Commissioners, training targets were set and by 2012, a national strategy had begun to be developed around the DVA. Vetten cites the South African Police Service's Annual Performance Plan for 2013/14, in which evidence can be found of a greater focus on training on the policing of violence against women: it was the fifth largest programme, with some 460 courses planned and a target audience of 6,500 police officers. As Vetten notes, political accountability – through parliament and vocal civil society organisations – worked to embarrass the police into action. She goes on to suggest:

... while legislating accountability may [set] the minimum condition for its practice, it is not sufficient. Nor do institutions, by the mere fact of their existence, compel accountability either... it was the increasing practice of political accountability between 2007 and 2013 that eventually converted a set of oversight mechanisms into an accountability structure. As SAPS was increasingly compelled to answer for the implementation of the DVA, a more substantive notion of accountability came into being, one which resulted in greater responsiveness, transparency and liability. (Vetten 2014: 8)

Women's organisations played what Vetten describes as a 'catalytic' role in this process. And yet much came to depend on factors such as the responsiveness of the Police Portfolio Committee, which in turn depended on its leadership. Vetten describes how between 2004 and 2009, the Committee failed to invite any representations from civil society. With the appointment of subsequent committee chairs, in 2009 and 2014 respectively, this position shifted. That both chairs were women may have had something to do with this. Vetten speaks of 'diagonal accountability at work' (2014: 8), where organisations were given an opportunity to present accounts of the policing of the DVA that departed from those given by the police themselves, and thus be given a space by the committee to hold the police to account. Vetten draws from this the important point that to influence parliamentary structures it is not just access to decision-making bodies that matters, women's organisations also need to understand what kind of information parliamentarians need and how to best provide them with it.

Laurel Weldon and Mala Htun's (2010) quantitative analysis of domestic violence legislation highlights the key role played by women's movements internationally in putting domestic violence on the policy agenda, lobbying for legislation and holding states to account for non-compliance and sluggish or lacklustre implementation. One of their key findings is that for women's movements to be effective, they need to be as autonomous as possible from the state: only then are they able to hold the state to account without fear of reprisal or financial sanctions. Htun and Weldon (2010) also say that women's movements need to be autonomous from other types of civil society organisations that might co-opt women's movements and postpone their goals. The period around and shortly after South Africa's independence in 1994 was a high point in the history of the South African women's movement. Women's organisations gained a voice in the Constitutional process, ensuring key provisions were put in place to support gender equality, and played a part in the establishment of an institutional structure within the state charged with delivery of commitments to gender equality (Fester 2014). Goetz and Hassim's (2003) *No Shortcuts to Power* captures the intensity of the struggle for change, and the tenacity of the women's movement.

Fast forward 20 years and the women's movement is a shadow of its earlier self, fast losing ground. This is in part due to chronic underfunding. It is also due to co-optation into government, and clashes with the ANC which is shrinking civil society space for critical social movements. This weakening of women's organised engagement in social and political



action raises a number of challenges in relation to addressing violence that are echoed in many other contexts, including fragile and conflict-affected settings. Rasool observes:

In South Africa, the ability of individuals and groups to be critical of the government is already in jeopardy because of political, legal and financial repercussions individuals or groups have faced when challenging key state policies. Non-government organisations, such as many of the organisations that constituted the NNVAW who historically were powerful lobbying tools of the state, are now compromised by their financial dependence on the State since international donor funding that used to go directly to NGOs now is directed via government. Hence the ability of the women's movement to transform gender relations in South Africa as well as their ability to develop meaningful policies to effect political, economic and social change for women... is increasingly being threatened with many becoming dependent on government funds because of the withdrawal of foreign donors.  
(Rasool, forthcoming)

The current conjuncture in South Africa is one in which earlier gains in progressive legislation and statutory mechanisms are being unwound, at the same time as levels of gender and all other forms of violence persist unabated. In South Africa, women's organisations are one arm of the women's movements; the other is the women's wing of the political parties, which has also found itself compromised in recent years, diminishing its capacity to hold the state to account for its commitments on violence against women. This illustrates the broader point that for all the laws, mechanisms and structures that can be put in place in a period of reform, it is nigh impossible to insulate the apparatus of the state from the influence of the executive. The very fact that progress has been made on violence against women in this political context is testament to the much longer back-story of mobilisation over many years, and the long hard struggle to get violence against women onto the agenda.

## 5 Studying women's empowerment and accountability for women's rights in fragile and conflict-affected settings: some methodological considerations

The challenges of studying women's empowerment and accountability to women's rights in fragile and conflict-affected settings are not just logistical or methodological. They include the challenge of framing questions in such a way that assumptions that accompany representations of women in these settings do not occlude the researchers' capacity to make sense of the complex realities of women's lives and their interactions with the various authorities, statutory and non-statutory, that constitute the institutions significant to them in their everyday lives.

A host of gender myths and essentialisms are invoked to describe women's lives and issues in these settings, including that women are inherently more peaceful than men and are 'natural' peacemakers (El-Bushra 2007). That women may gain opportunities from situations of conflict, especially where they have the capacity to trade across opposing sides or gain economic advantage from shortage and uncertainty, is often not part of the story of women in situations of conflict. And we just need to look at the post-conflict settlements brokered in countries like Iraq and Rwanda to see how, formally at least, women can gain opportunities for accelerated access to political office. Conflict and fragility may be seen as disruptions in

gender regimes that create openings for women to seek and gain power. Being open to recognising and understanding where opportunities for influence emerge is therefore important. This includes an openness to exploring forms of social and political action that come out of, and work within, unorthodox sites and spaces.

Understanding the complex landscape of social and political action also calls for approaches that can situate actors, networks and spaces on a larger canvas that spans beyond particular country sites. These maps of entry points for social and political action need to include multiple locales, within, beyond, and beneath that of the nation-state. It also needs to include a host of non-formal institutions, from the plurality of informal institutions that play such an important part in mediating women's experiences, to private sector actors of various kinds, to the myriad development actors that exist in each of the case study contexts, to the complex and differentiated institutions of the local and national state, to external actors as diverse as UN agencies, foreign NGOs and external investors. In the cases considered here, a key factor that is common to them all is the significance of global policy frameworks, regional mechanisms and international agreements. Perceptual maps of institutions, entry points and tactics drawn by different kinds of social and political actors might be an interesting way to explore the interplay between global and local forces, and the gathering of stories of change that illustrate this dynamic might be very fruitful as a mode of enquiry.

Emerging from these cases, and especially from the second set of cases from Brazil and South Africa, is the significance of well-qualified, skilled legal advocates who can make and mobilise claims, as well as of mature organisations that have the institutional capacity to provide effective advocacy as well as to offer front-line support. Mapping opportunities for the education and training of female lawyers and gaining a sense, through institutional biographies of key women's movements and organisations, of their organisational development, can provide important insights into avenues for future support.

As noted earlier, a key insight is the critical role that is played by gate openers and other allies within the executive branch of government, even where the legislative and the judiciary remains a hostile space for women's rights and accountability to women (Annesley 2010). Narrative biographies of key gate openers would be a fascinating way to explore the political dynamics of what's worked and what obstacles have been placed in the paths of social and political actors – and how they have overcome them. This mode of enquiry, one that begins with individual actors' own experiences and invites them into an extended autobiographical narrative in which the researcher acts as facilitator of story-telling rather than question-asker, can be an excellent way to navigate sensitivities, creating a reflective space for the interviewee that is often a valuable pause for thought that can be richly productive. Biographies of processes of change can also provide a focus for open-ended interviews that begin, again, with a story of change rather than with a set of questions. Done visually or through verbal story-telling, this can reveal key moments, uncover key junctures, and make visible key actors. Sequencing biographical narratives with institutional maps can be a way to get a better understanding of actor-networks, and of the complexity of dynamics of processes of social and political action.

One of the most powerfully evident insights from the cases considered here, which resonates with a wider literature – including that generated by the largest international association of women's organisations and movements, the Association for Women's Rights in Development (AWID) ([www.awid.org](http://www.awid.org)), the findings from the Pathways project ([www.pathways-of-empowerment.org](http://www.pathways-of-empowerment.org)), and many other sources, including the large-scale studies of Htun and Weldon – is that the strength of feminist and women's movements is a vital factor in women's empowerment and accountability to women. Shifts in funding and the rise of NGOisation (Alvarez 2009; Jad 2004) have weakened movements. Critical to understanding women's empowerment and accountability to women in conflict-affected and

fragile settings is an understanding of what has assisted and what has detracted from the effectiveness of women's and feminist movements and organisations in these settings.

There are many participatory methods that can be used very productively in this kind of enquiry, from time trends diagrams to interactive timelines to force-field analysis. One of the attractions of participatory methods is that they offer the possibility of collective analysis, bringing a number of social and political actors together to analyse the field of action in which they have been engaged. This can generate a rich picture from which to draw insights about what works and what has served as obstacles to realising women's rights and advancing accountability to women.

## 6 Conclusion

What wider lessons do these cases offer for the analysis of social and political action for empowerment and accountability? One is the importance of paying close attention not only to context, but to temporality: to understanding the political landscape in which social and political actors operate not as a static field of action, but to capture the dynamism of the interplay between those social political actors as situated spatially and temporally, in a particular place and as products of a particular historical moment. This is especially important in conflict-affected contexts, where interactions and alignments between actors and institutions can shift rapidly and unexpectedly, with sometimes dramatic effects.

What remains outside the frame for this paper, but is in some ways the most significant arena for women's empowerment is women's economic empowerment. One of the arenas of contradiction in the current conjuncture is precisely that of the economic, and the intersections between economic power and empowerment and political mobilisation and voice is an area that is rich for future exploration. One unresolved question is whether economic empowerment strategies in fragile and conflict-affected settings facilitate or undermine women's social and political action. There is as yet insufficient evidence to know, for example, whether by introducing initiatives such as entrepreneurship programmes, external actors are stimulating or defusing such action. These are fruitful areas for future research, especially research that traces women's agency across spaces and sites of engagement in a way that can foreground some of the intersectional dimensions of power and constraint.

In this paper, I've sought to apply a version of conjunctural analysis to understanding the trajectories of change in the four case study settings. In conclusion, I'd like to draw out some of the elements of this form of analysis. Conjunctural analysis can aid the analysis of social and political action for empowerment and accountability, by teasing apart the constellation of actors and discourses that constitute the current moment, and their diverse temporalities, as well as the critical frictions and fissions that offer the cracks in hegemony with which social and political actors can fruitfully work. It provides a lens that allows us to explore critical junctures where the alignment of particular strategies and tactics and particular actors was able to produce politically meaningful gains. Understanding the dynamics of change in the terms offered by conjunctural analysis provides not only a closer reading of dynamics between different kinds of social and political actors. It also allows us to identify opportunities captured in what Gramsci (1976) called 'strategic horizons of action'. Hall, Massey and Rustin posit that the concept of conjuncture can,

expand the capacity to act politically by helping to examine the conditions of a political intervention in their complexity, that is, to trade the displacements and condensations of different sorts of contradictions, and thus open up possibilities for action.

(Hall *et al.* 2013)

Understanding the 'conditions of a (social and) political intervention in their complexity' can, as Hall *et al.* suggest, provide us with insights into how change happens, as well as what needs to change.

Women's political representation and violence against women and girls are amongst the top priorities for international development actors internationally, and figure significantly in the Sustainable Development Goals. In fragile and conflict-affected settings both offer important entry points to address the realisation of women's rights. By seeking to ask questions not only about what has happened but also what has worked and what can work in future to support positive change in favour of women's empowerment and accountability to women, and grounding these questions in the conjuncture paying close attention to the contingencies of women's identities and struggles, such research can make a positive contribution to making change happen.

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