When and Why Do States Respond to Women’s Claims?
Understanding Gender-Egalitarian Policy Change in Asia

September 2013

Concept Note
UNRISD was established in 1963 as an autonomous space within the UN system for the conduct of policy-relevant, cutting-edge research on social development that is pertinent to the work of the United Nations Secretariat; regional commissions and specialized agencies; and national institutions.

Our mission is to undertake multidisciplinary research and policy analysis on the social dimensions of contemporary development issues. Through our work we aim to ensure that social equity, inclusion and justice are central to development thinking, policy and practice.

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Overview

New UNRISD research seeks to understand how policy change to strengthen women’s rights occurs. When and why do states respond to women’s claims-making? What are the factors and conditions under which non-state actors can effectively trigger and influence policy change? What are the mechanisms necessary to ensure that issues get on the policy agenda?

It would be naive to limit the “politics of policy formulation” (Mazur, 2002: 13) to women’s movements and agencies, and to assume that they are always the main, or most important, agents of change. In fact, existing research suggests that in many instances there have been other key actors involved, including Left parties, the political elite, social movements and transnational forces. The national and transnational diffusion of ideas, norms and policy instruments can happen through different channels and modalities, including intergovernmental organizations (in particular those of the UN) and donor circuits (with their proclivity for “best practices”), as well as in more diffuse forms through “epistemic communities” and non-governmental organizations, to name a few. This research will therefore also examine which other actors — grassroots organisations, elites, donors, First Ladies, political parties — nationally or transnationally, may be the catalysts of policy change. What might be the factors that explain the variations in gender equality policies both within and across countries?

The project aims to contribute insights into:

1. the complex processes through which advocates for women’s rights articulate their demands, and strategize with other actors both within and outside the state realm, and transnationally, to bring about policy change;
2. the “blind spots”— issues on which there has been little advocacy, or where advocacy does not enter policy debates, despite their centrality to women’s lives and well-being; and
3. the proactive role of other actors, nationally and transnationally, in triggering policy change.

In order to address these questions, the project will focus on two distinct issue areas where previous research (Htun and Weldon 2010) has suggested different factors are at play in determining the effectiveness of claims-making processes. Countries may be leaders in some areas of gender equality, but laggards in others (Franceschet 2010). Some gender equality issues, such as abortion and family laws, are controversial because they challenge organized religion (for example, the Catholic Church) or codified cultural traditions backed by patriarchal institutions. In many countries, it has been easier to pass legislation establishing quotas for women-held seats in legislatures or local governments, than to challenge customary practices and laws governing marriage, divorce, property rights and inheritance (Tripp et al. 2009). Gender-equity concerns with a redistributive dimension, such as the rights of domestic workers or provision of public care services, invoke questions of socioeconomic inequality alongside gender inequality, and may be shaped by patterns of class politics (Htun and Weldon 2010).

To capture diversity in both governance systems and sociopolitical contexts across Asia, the research will be conducted in three of the largest and most diverse countries of the region: China, India and Indonesia. Their size, different political systems (central/federal), varying levels and degrees of democratization and decentralization/regional and local autonomy, and other forms of diversity (ethnic, religious, geographic, etc.) suggest that understanding what happens in these countries potentially has enormous significance for understanding gender equality policies and obstacles to change elsewhere.

The two broad issue areas which form the focus of this research are physical/bodily integrity (for example, violence against women), and economic and social rights (related, for example, to...
labour or property). The specific issues selected for in-depth comparative analysis across the three countries — violence against women and the rights of migrant women/domestic workers — are issues around which women’s rights advocates have mobilized in recent decades. Additionally, attention will be paid throughout the research to two sets of issues where advocacy and claims-making has been either less visible (care work), or more difficult (family law and inheritance).

While the last few decades have witnessed slow but significant policy change globally in respect of women’s rights, there is still a long way to go. Apart from problems of “policy evaporation”, policy change also needs to be understood as an incremental and iterative process, as small steps contributing towards the realization of a vision of social justice and gender equality. This recognition has, in recent years, fuelled a further round of mobilization pushing for policy responsiveness that doesn’t stop at legislation, but also includes mechanisms for effective implementation. While policy change may be effected at the national level, implementation may be more variable, influenced as it is by local/regional actors, interests and institutions, political ideologies and sociocultural norms (including, in some locations, the rise of fundamentalist religions). Moreover, engagement with wider development policies, rather than working in a silo, has potentially important consequences for gender equality policies, as it would help build alliances with a wider group of actors pushing for progressive change.

By contributing and deepening insights into the processes, factors and mechanisms that lie behind gender-egalitarian policy change, including the interface between the local, national and global, this research has the potential to inform policy debates at different levels. It should also help civil society groups, advocates of women’s rights and other actors better strategize and articulate their demands, both within and outside the state realm, including the framing of the post-2015 development agenda, to bring about progressive policy change.

Gender Equality Policy: Progress and Challenges

The past couple of decades have seen the rise of gender-equality policies in different issue areas and across multiple levels, from legislation on domestic violence at national and regional levels to quotas and reserved seats for women in national parliaments and local councils. These outcomes are frequently seen as part of a broader process of democratizing gender relations that has emerged out of the convergence of two sets of factors: the growth of women’s movements within countries, on the one hand, and transnational activism around gender issues, on the other. Global norms about gender equality have been diffused not only “vertically” across different levels of government and other national and international policy arenas, they have also spread “horizontally” into a wide array of class and racial/ethnic communities and social movement publics (Alvarez 2009).

Yet a number of issues and concerns remain.

First, progressive social change, and change in gender relations and structures more specifically, are the outcome of complex processes with diverse and multidirectional causal influences. For instance, direct policies to address violence against women may be effective only when accompanied by other, seemingly unrelated, changes, such as those that address women’s access to and control over income or assets.

Second, the positioning of different actors and their degree of autonomy/dependence on the state can influence the nature of issues that are included or excluded from the policy domain. In China, the All China Women’s Federation is de facto a state actor, and while this enhances its influence, it also carries the threat of co-optation and the silencing of grassroots voices. In India, a growing NGO-ization of the women’s movement, and its division along lines of social identity and associated priorities, has contributed to a multiplicity of voices around issues and priorities, leading perhaps to a loss of effectiveness in terms of policy influence. In Indonesia, women’s
organizations have been closely partnering with the state to consolidate the adoption of a pro-
women policy framework. There is, however, a clash between matrilineal traditions, processes of
democratization and orthodox Islam, leading to an avoidance of “sensitive” issues in some
regions. Clearly, gender-egalitarian policy change can have multiple meanings rather than
representing a set of singular or unitary changes.

Third, progress on gender equality policy has been uneven across issue areas, even within the
same country. Despite the breadth of advocacy on a wide range of gender issues that
culminated in the Beijing Platform for Action, post-Beijing the policy responses have tended to
focus on some specific issues (gender budgets and violence against women being two areas
with more active policy change). Other issues highlighted in the Beijing Platform for Action, such
as women’s labour rights and the demands of the unpaid care economy, have failed to achieve
serious policy traction. There was similar dilution moving from the Beijing Platform for Action to
the Millennium Development Goals. Not only have the MDGs been criticized for being “silent
about gender-based violence”, they have also been reproached for paring down the scope of
reproductive health and ignoring sexual rights (DAWN 2011: 12).

Fourth, policy action often fails to entail robust implementation, resulting in few meaningful
improvements in women’s status and ability to realize their rights. For example, even on a “hot
topic” like violence against women, where there has been significant debate and advocacy at
the national level, policy action tends to be limited to passing legislation that criminalizes
domestic violence (or rape, as in the case of India recently), but without the necessary follow-up
in terms of institutional change, resource allocation and policy coordination across different
sectors (judiciary, police, health/welfare services).

Fifth, the translation of global gender equality norms has been uneven across countries. In other
words, global trends are filtered through different domestic contexts to produce varying outcomes; we are thus likely to find considerable diversity across countries in terms of how
global norms are translated into national policies and legislation. This raises some important
questions about the role and impact of global (or transnational) processes (such as global
conferences, or global frameworks/agendas such as the MDGs) and global actors (both
intergovernmental and non-governmental) in facilitating gender equality at the national level,
and the relationship between transnational actors and domestic women’s movements. As a
result, do some issues (such as maternal health) get prioritized over others?

These concerns underline the importance of seeing gender-equality policy not as one policy
issue, but many. Different policy communities or “issue networks” operate across distinct issue
areas (Franceschet 2010, Htun and Weldon 2010, Kaufman 2012), interacting with other
actors of state (policy makers, bureaucrats, political elites) and society, with priorities shifting at
particular conjunctures of time and place. Moreover, while transnational activism by women’s
groups and movements (especially at the time of the global conferences and summits) and
states’ efforts to seek international legitimacy may mean that the latter sign on to international
conventions on women’s rights or pass legislation, but may lack the political will and pressure
from organized civil society groups to make women’s rights effective. Some analysts have even
argued that excessive preoccupation with global policy processes can come at the cost of
ignoring pressing national issues (Friedman 1999).
Questions, Framework for Analysis and Methodology

Research questions

Four sub-questions will guide the analysis.

**Question 1: Under what structural configurations and in response to what kinds of actors/coalitions are states more likely to respond positively to demands for gender-egalitarian policy change?**

**Structural configurations/context:** A number of structural conditions are likely to shape the effectiveness of feminist policy advocacy (see Figure 1). At least a modicum of democratic space, whether formal or informal, is a prerequisite for citizen engagement on national policy issues (Gaventa and McGee 2010, Htun and Weldon 2007). Some degree of state institutional capacity is also necessary and likely to be particularly decisive for policy implementation; where trust in the state’s capacity is very limited, women’s movements may even limit their demands to measures of formal equality (through legal changes, for example, though even this could be constrained by regional autonomy in some instances). Political parties sympathetic to women’s rights and demands constitute another useful structural feature. Last, but not least, the degree of policy space that governments have vis-à-vis global institutions, especially in low-income developing countries, is another structural feature with contradictory implications for feminist advocacy. While United Nations “soft” policy guidelines on gender equality can serve as important touchstones for national feminist policy coalitions and governments, the policy conditionalities that come with donor funding (on permissible levels of deficit spending or property rights institutions, for example) can reduce policy responsiveness to demands for gender-egalitarian policy change including strengthening public services, welfare entitlements and livelihoods.

**Actors/agency:** While the above-mentioned structural features are important in shaping women’s claims-making and its outcomes, agents involved in gender-equality policies and their potential allies and opponents are equally decisive. This includes women’s movements in all their diversity, as well as potential feminist allies in academia, the NGO community and professional associations. Feminist agents can be found in parliaments where they sometimes organize across party divides, and also inside the state, be it in national women’s policy machineries or other parts of the state apparatus. The presence of potential allies in political parties and civil society, such as trade unions and other rights-based coalitions (indigenous rights, rights to health), as well as potential opponents such as organized religion or other traditional bodies (for example, Islamic fundamentalism in Indonesia or the khap panchayats in India) with the capacity to veto or shape national debates and policies (especially with respect to issues such as family laws and reproductive/sexual rights) are likely to be other important factors.

The configuration of both actors and structures may vary at different times and at different levels — the centre, state or local. Policy frameworks and implementation too may vary across these levels. For example, certain states in India such as Kerala, Andhra Pradesh, Karnataka and Maharashtra, guaranteed inheritance rights to women over 20 years ago, while others have yet to take such action.
Question 2. How do structural configurations and actors/strategies differ across issue areas within the same country?

One of the central premises of the project is that the influence of women’s movements, opportunities for alliance-making and the strength of oppositional forces are all likely to vary significantly depending on the issue area concerned. As research from developed countries suggests, women’s movements, women-centred feminist policy coalitions and strategic partnerships may not even be the “decisive ingredient” in some contexts (Mazur 2002: 197). In other words, women’s activism may in some contexts and on some issues be more reactive than proactive, and the initiative for policy change may emerge from elsewhere (either the state itself, or external actors such as donors).

One hypothesis (Htun and Weldon 2010) is that gender equality issues that challenge religious doctrine (for example, abortion), codified cultural traditions (such as reform of family status laws) or class/ethnic inequalities that intersect with gender inequality (for example, domestic workers’ rights) are more difficult to organize around, more likely to face stronger opposition and less likely to be adopted than issues such as violence against women or equal representation of women in politics that may be (relatively) less divisive, more likely to mobilize a broad coalition, and good for state legitimacy-building purposes (Franceschet 2008).

An earlier study on women’s organizations in Asia, for example, found that the impacts of market-oriented reforms on the gender division of labour (which are pushing women increasingly into reproductive functions as a result of the decline in public service provisioning, the exclusion of migrants from social services and the feminization of agriculture) were not issues that evoked much policy advocacy, despite their centrality to women’s lives and well-being. Issues of discriminatory wages or poor working conditions were neither addressed by trade unions nor women’s organizations. Do these “blind spots” in terms of policy change tie in to the hypothesis suggested by Htun and Weldon (2010)?

Question 3. What role do transnational actors play in the process of policy change?

Transnational actors are a diverse group and exert a range of influences on local policy change processes (Friedman 1999). In both Indonesia and India, bilateral and multilateral agencies and INGOs fund local NGOs to work on their own agendas and issues, often diverging from local needs and priorities. In China, on the other hand, especially after 1995, engagement with transnational actors has brought new ideas and resources to larger organizations (with the capacity to engage with international processes). What remains important to explore are the power relations between the transnational and national actors. Do the former foster strong and vibrant domestic movements and genuine partnerships, or do they promote international agendas not necessarily linked to local needs? How far do they shape or influence the issues selected for policy advocacy and change in national contexts?

Question 4. Once policies or laws have been formulated or inscribed in constitutions, what determines the extent to which they are implemented?

While tracking policy implementation is not the purpose of this research, it remains a part of the iterative process of claims-making and policy change over a period of time, providing insights into how far claims have been accepted, legislated and implemented, as well as which claims remain outstanding and hence persist in feminist advocacy agendas. A further question therefore needs to be asked: does policy responsiveness include effective implementation at different levels (central, state, local), or has it stalled with legislation? Implementation here refers to the extent to which policies and programmes receive legitimacy in practice through the necessary budgetary

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1 Women’s Organizations in Asia and the Post-2015 Process, carried out in 2011-2012 by UNRISD with funding from the Ford Foundation Beijing Office. See www.unrisd.org for more information.
allocations, the setting-up of mechanisms to ensure their execution, and the building of channels for accountability and redress.

For example, evidence suggests that there has been a widespread response across countries in terms of legal reforms dealing with domestic violence and sexual assault. However, is government funding available for shelters for victims of domestic violence and rape crisis centres? Are there government-sponsored training programmes for service providers (including the police and legal experts)? Have government-sponsored public education initiatives been put in place? Is a central agency in place for coordinating national policies on violence (Weldon 2002)? Are the actors who were advocates for particular policies involved in the follow up on their implementation?

Given the complexity of the problem — the fact that violence against women cannot be addressed within a single department or ministry (Weldon 2002) and that it is an issue about which there are widely differing views on appropriate state responses (Macaulay 2005, Boesten 2006) — both clarity of legislation (and clear directives concerning jurisdiction of civil versus criminal courts) and policy coordination mechanisms are critical ingredients for effective policy response.

Conceptual and analytical framework

Figure 1: Analytical framework for understanding policy change

Figure 1 and the research questions described above offer a conceptual framework for analysing both intra- and inter-country variation in gender-egalitarian policy change, by exploring the specificities of interactions between agency and structure in relation to particular issues and at a particular historical conjuncture. Both time and place are crucial to this analysis of policy change.
At a more conceptual-theoretical level, exploring this interaction between structure and agency would imply an understanding of the wider discursive space, the terrain of social interaction or the “social arena” wherein multiple “publics” representing oppositional, status quoist and bureaucratic interests engage with each other to establish the legitimacy of particular issues/needs (Fraser 1989). Social movements here contest among themselves and with states and other public powers. This social-political space, however, by no means offers equal access, voice or influence to different social actors; it is deeply structured by all the familiar forms of inequality, dominance and hierarchy. Nevertheless, it does cut across the private-public divide; and discursive contestation here becomes crucial both for the framing of the issue at hand, be it affirmative or transformative (Fraser 2009), but also for how the issue is ultimately adopted/resolved and implemented in policy.

While the influence of women’s movements, opportunities for alliance-making and the strength of oppositional forces are all likely to vary significantly depending on the issue area concerned, contestation is central in shaping final outcomes — how far does a policy satisfactorily address the issues/needs raised, but equally how far can it be implemented and the policy makers held accountable? A good case in point of ambiguous implementation and accountability is the debate around the gang-rape of a 23 year old woman in Delhi in December 2012. The public discourse quickly shifted from one of punishing the culprits to addressing larger structural gender inequalities across a range of state and social institutions including attention to legal and police reform, educational systems, conservative community institutions and so on. While legislation has been passed, however, mechanisms for implementation and accountability remain unclear.

From a social justice perspective, the research will focus on three key interlinked dimensions of the agenda for gender-egalitarian policy change: redistribution, recognition and representation (Fraser 2009), their imperatives and the contradictions therein. While redistribution relates to economic injustice — the unequal distribution of resources resulting from the intersections of class and patriarchy, recognition corresponds to a cultural dimension — the problem with the status order, or issues of identity. It refers to injustices that affect women as women (though these do not necessarily affect all women in the same way: their particular experiences are shaped to an extent by their social position, [age, class, ethnicity, caste, etc.]).

Redistributinal policies can also be seen as class-based policies, which support equal opportunities for all citizens, and include maternity/parental leave, child care facilities, public health services and so on (Htun and Weldon 2010). They do not necessarily see women as a distinct status group, but are amenable to claims about universal interests and rights. When resources are scarce, and not sufficient to fulfil everyone’s needs adequately, however, there is a process of negotiation and contestation that follows, with some claims given more weight than others (Fraser 1989, 1997). People often choose to mobilize around particular identities; examples from indigenous movements across the world reveal that women often prioritize their indigenous identity rather than gender identity, given the marginality of the entire group from mainstream society (Deere and Leon 2001). “Status policies” (Htun and Weldon 2010:209), then, seek to give women recognition as equal citizens, and include policies around violence, abortion and other reproductive freedoms, family law (including inheritance) and gender quotas to promote their presence in decision-making.

Of interest in each of these policy domains is who sets and shapes the agenda, who participates in negotiations and takes on leadership roles, and the mechanisms through which different voices are heard or represented. Concerned with issues of membership and procedure, this third dimension of justice, the political, addresses the theme of representation, with issues of belonging and boundary-setting carefully unpacked (Fraser 2009:17). Such analysis will help deepen insights into the processes of gender-egalitarian policy change, highlighting the trade-offs between social protection (welfare), marketization and the erosion of solidarity, and emancipatory change.
Methodology and methods

The research will adopt a comparative approach, focusing on the complexity and particularity of claims-making around two specific issues in the three country contexts. The unit of analysis is the selected issue, and the process of claims-making behind it. The research will consider two issues in depth: violence against women (VAW) and the rights of migrant workers, especially domestic workers. These will serve as entry-points to deepen the understanding of processes of claims-making.

However, in line with Htun and Weldon’s hypothesis around different issue types, the research will address two further issues, though perhaps not at the same level of detail.

The first is the issue of land/property rights, which, despite international pressure, has remained controversial on the ground. Land ownership patterns have only marginally shifted over the past three decades, with women still controlling less than 10 per cent of total private land, despite evidence establishing women’s central role in land management and agricultural production (FAO 2011).

The second is claims-making around the issue of “care”, which was an important motivation for this project. It is proposed, therefore, that a few questions on care be included in all the interviews to be conducted with the different stakeholders to understand why this has remained relatively invisible on the policy agenda.

In order to do justice to the complexities of change processes, the research will use “process-tracing” (George and McKeown 1985) and “analytical narratives” (Bates et al. 1998) to reconstruct the unfolding/evolution of a particular set of claims over time, including key events and actors, their “preferences, their perceptions, their evaluation of alternatives, the information they possess, the expectations they form, the strategies they adopt, and the constraints that limit their actions” (Bates et al. 1998:11). They will also map critical moments in the process of gender-egalitarian policy change and explore the interface between particular configurations of actors and structures that either made such change possible or not, as well as the nature and content of the claims made. The analysis will try and unpack the reasons why certain claims gain acceptance in policy and may even be implemented, while others remain stubbornly intractable.

Further, within each of the countries, there are differences between the national and sub-national/provincial levels in terms of the governance and policy context, socioeconomic context including migration patterns and extent of feminist mobilization. Apart from analysis at the national level, therefore, two regions/provinces will be selected in each country — based on criteria such as differences in kinship patterns, religion, levels and history of (feminist) mobilization, prevalence of fundamentalist opposition, and evidence of gender-egalitarian policy change — in order to develop a fine-grained analysis of the factors that influence claims-making and policy change at different levels. The details of the methodological approach are being elaborated and finalized by the three country research teams, following a methodology workshop (organized to ensure comparability across issues and contexts) held on 22–24 August 2013 in New Delhi.

The research will primarily use qualitative methods including, but not limited to, archival research (parliamentary debates, policy documents, judicial reports, speeches, media coverage) and interviews with key informants (policy makers, movement actors, bureaucrats, etc.). If required, brief surveys may be conducted with women (and men) to elicit their views, interests and perceived barriers to change. The use of multiple methods will ensure internal validity and robustness of findings.
### Outputs and Timeframes

1. Three in-depth country reports tracing policy change around two selected issue areas: violence against women, and the rights of migrant women workers (with a focus on domestic workers).
2. Three country overview papers on women’s claims-making in relation to land and inheritance rights.
3. One cross-country comparative paper on claims-making around care issues.
4. One overview paper, comparing key findings across both issues and countries.
5. Policy briefs on research findings, as appropriate.

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<td>End-September 2013</td>
<td>Submission of final country research proposals including details of design and research teams</td>
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<td>15 October 2013</td>
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<td>End-December 2013</td>
<td>- Literature review and finalization of methods</td>
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<td>- Preliminary interviews and focus groups</td>
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<td>May – End-October 2014</td>
<td>- Data analysis and preliminary report on findings</td>
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<td>- Internal meeting (with advisors, experts)</td>
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<td>- Submission of draft research reports</td>
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<td>Research team workshop (sharing final country reports; comparative analysis across countries; planning publications and dissemination)</td>
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<td>End-January 2015</td>
<td>Submission of final reports to UNRISD</td>
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