UNRISD

United Nations Research Institute for Social Development

Working Paper 2016-14

Feminist Mobilization, Claims Making and Policy Change

Insights from Asia

Nitya Rao and Paola Cagna

prepared for the UNRISD project on
When and Why Do States Respond to Women's Claims?
Understanding Gender-Egalitarian Policy Change in Asia

September 2016

UNRISD Working Papers are posted online
to stimulate discussion and critical comment.

The United Nations Research Institute for Social Development (UNRISD) is an autonomous research institute within the UN system that undertakes 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.

UNRISD, Palais des Nations
1211 Geneva 10, Switzerland

Tel: +41 (0)22 9173020
Fax: +41 (0)22 9170650
info@unrisd.org
www.unrisd.org

Contents

Acronyms

ACWF	All China Women's Federation
CEDAW	Convention on the Elimination of Discrimination Against Women
ILO	International Labour Organization
JANKGA PKTP	Jaringan Advokasi Revisi UU No.39 tahun 2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (Indonesian Advocacy Network for the Revision of the Protection and Placement of Indonesian Workers Abroad Bill)
LBH APIK	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (Women's Association for Justice and Legal Aid)
LGBTI	Lesbian, Gay, Bisexual, Transgender and intersex
NGO	Non-governmental organization
NU	Nahdatul Ulama
UN	United Nations

Abstract

This paper aims to understand how policy change for women's rights occurs, and what factors and conditions facilitate non-state actors' influence over policy processes. It argues that policy change is a complex and iterative process, and explores the range of actors that mobilize for/against gender equality policy change, with a particular focus on women's movements. The paper provides insights on how women interact with other actors and how they articulate their claims to effectively influence the policy process. It also explores why certain domains of women's rights remain at the margins of political agendas, while others receive more attention. The analysis is based on a comparative research of women's claims making processes in three Asian countries (China, India and Indonesia) and on three different issues: violence against women, domestic workers' labour rights, and unpaid care work. The paper sets out the rationale, aims and theoretical framework of the research, and discusses the key insights.

Nitya Rao is Professor of Gender and Development at the University of East Anglia. She is also External Research Coordinator for the UNRISD project, When and Why Do States Respond to Women's Claims? Understanding Gender-Egalitarian Policy Change in Asia. At the time of writing, Paola Cagna was Research Analyst at UNRISD.

Keywords: policy change, China, India, Indonesia, women's movements, violence against women, domestic workers, unpaid care work

Introduction

The last three decades have witnessed slow but significant policy changes in women's rights globally, from legislation on domestic violence to quotas for women in national parliaments and local councils. Alongside the rise in democratic regimes, the dynamism of women's movements have played a crucial role in fostering such changes, critical for enabling women to claim their rights. However, it would be naive to limit the "politics of policy formulation" (Mazur, 2002: 13) to women's movements and assume that they are always the main, or most important, agents of change. In fact, existing research suggests that women's movements are crucial in making visible inequalities and injustices, and in challenging discriminatory norms and policies, but in the realm of policy change, they interact with and support other key actors, including the political elite, social movements and transnational forces. Once issues are placed on the political agenda, the initiative for policy change may indeed come from political elites, wanting to project a modern image of the state (Kandiyoti, 1991), strategically positioned women's machineries within the state, or individual "champions" of women's rights. Further, not all issues of public concern, debated in various social forums including the media, find their place within policy agendas; the conversion of a public issue into a policy agenda depends on institutional backing, but could also reflect political expediency and opportunity, such as forthcoming elections, international rankings, or other events with possible political fallouts (Beland, 2005).

Yet the processes of change in gender equality policies are not straightforward or linear. While the Chilean democracy legalized divorce, abortion remains criminalized; in post-conflict Uganda, women have held high positions in parliament and local government, yet discriminatory provisions continue to govern their rights to land and property. These anomalies underline the importance of seeing gender equality policy not in unitary terms, but as operating differently across issues, some more controversial than others. While one could assume male bias across institutions (Elson, 1991), this takes on different manifestations—forms of passivity or resistance—across different issues. What is needed is a more nuanced analysis of policy change not just as an iterative process, but as an arena where multiple interests, whose construction is mediated by cultural norms, values and beliefs, are negotiated between different institutions, agents and discourses—as small steps contributing towards the realization of a vision of social justice and gender equality.

Important questions then arise about the nature and diversity of actors who have raised and represented women's interests in the policy process, and the issues that get prioritized and debated by institutions of the state. In other words, when and why do states respond to women's claims? 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? This paper seeks to contribute some insights into 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; the proactive role of other actors, nationally and transnationally, in triggering policy change; and the "blind spots" or 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.

This paper is based on a research project coordinated by the United Nations Research Institute for Social Development,[1] which focused on unpacking the processes of gender-egalitarian policy change, the contestations and negotiations involved, the gains and losses, with a specific emphasis on Asia. The project combined regional analysis through country studies in China, India and Indonesia, with thematic studies on the overarching issues confronting women's movements—recognition of women's rights as workers, their rights to resources, to bodily integrity and the implications of democratization for women's voice. The three countries were selected to capture the diversity in both governance systems and socio-political contexts across the region. Their size, different political systems, with varying levels and degrees of democratization and decentralization, and other forms of diversity in terms of ethnicity, religious beliefs, agro-ecological and livelihood contexts, suggest that understanding what happens in these countries potentially has enormous significance for understanding gender equality policies and obstacles to change more broadly. Further, to capture potential contextual differences within each country, the research was conducted at national and subnational levels, with two or three states/provinces being selected in each country.

To explore why some issues get put on the policy agenda and others do not, the research focused on two broad issue areas: (i) physical/bodily integrity with a specific focus on violence against women; and (ii) economic rights with particular attention to domestic workers' labour rights, unpaid care work and rights to land and property. These two issue areas were selected not only because they address strategic dimensions of women's subordination, but also because women's rights advocates have in recent decades demanded policy change and innovation in these areas—against hegemonic understandings of the gender order that sees domestic violence as part of the "private sphere", and at the same time allows women little reproductive choice; and for equal wages, improved employment opportunities and inheritance rights. While violence against women has gained considerable policy traction and can be seen as a "successful" case in terms of feminist mobilization, the same cannot be said about the rights of domestic workers, the recognition of unpaid care work, or even the rights to land and property. Yet a lot can be learned from an analysis of these "less successful" cases too—in terms of the diversity of actors, the power struggles between them, the multiplicity of identities and interests, and their different understandings and framings of needs and rights in terms of both their legal and socio-cultural legitimacy (Bergqvist et al., 2013).

The research project adopted a comparative case study approach, focusing on the complexity and particularity of each issue and its context. The unit of analysis was the development of a particular policy, or policy debate. In order to do justice to the complexities of change processes, the individual case studies used "process-tracing" (George and McKeown, 1985) and "analytical narratives" (Bates et al., 1998) to reconstruct the unfolding of a particular set of policy decisions and ideas over time, including key events and actors, their framings and strategies, and the obstacles they faced. They also mapped critical moments in the process of policy change, when alternate worldviews were brought into the policy space, the ways in which framing facilitated the formation of new political coalitions (Padamsee, 2009: 428), and the interface between particular configurations of actors and structures that made change possible, or not. Interviews with key informants (policy makers, movement actors, bureaucrats, lawyers) provided most of the data, but this was supplemented by archival

---

research (parliamentary debates, policy documents, judicial reports, speeches, media coverage). This methodological approach is visible in the country reports from India and Indonesia (Chigateri et al., 2016; Eddyono et al. 2016). In the case of Indonesia, the research was partly auto-ethnographic, as the lead researchers had also played a central role in the advocacy around the domestic violence legislation in the country.

This conceptual paper seeks to contextualize the research findings emerging from the project within the current debate on gender equality policy change, highlight emergent themes and lessons, and point to the questions that remain unanswered. Having set out the overall rationale, aims and approach, the next section presents the theoretical framework that guided the research. Using some examples from the research, we then illustrate how the context and its peculiarities influence the processes of claims making across countries and issue areas, the different strategies adopted by women's movements and organizations and their effectiveness in influencing policy change. We conclude with a few observations on the possible explanations for the differences in progressive change in gender equality policies across countries and issue areas.

Deconstructing Gender-Egalitarian Policy Change: Theoretical Background

The policy issues

While acknowledging that progressive change will not occur without grassroots (feminist) mobilization, more so in the case of gender equality policies, it is equally important to interrogate the reasons for the uneven progress across different domains of women's rights. One explanation is that gender equality is not one policy issue, but many (Franceschet, 2010). It has different dimensions, but also different meanings and interpretations, depending on particular ideological standpoints or social locations (Padamsee, 2009). Gender equality may look very different for a poor, non-literate, rural woman compared to an educated, middle-class, professional woman.

Htun and Weldon (2010) unpack different dimensions of gender equality policy, categorizing and classifying them in terms of their contributions to the realization of women's rights in different domains. Focusing particularly on the cultural and the economic, they distinguish between:
i.   gender status policies, which seek to empower and give women recognition as equal citizens, addressing inequalities and injustices that affect women because they are women, such as family law, violence against women, abortion, reproductive rights, gender quotas; and
ii. class-based policies, which adopt a more redistributive approach to addressing the inequalities experienced by women due to their particular class position, including maternity leave, government-funded childcare, funding for abortion and contraception.

They further classify both the above categories in relation to how far they conflict with established practice and tradition. While doctrinal policies "contradict a doctrine, codified tradition, or sacred discourse of the dominant religion or cultural group" (Htun and Weldon, 2010: 210), non-doctrinal policies are those centred on issues that do not challenge religious doctrines or codified cultural traditions. They argue that an issue gets more or less attention from policy makers depending on the category in which it falls.

This classification has analytical value and highlights how strongly values and ideologies—especially those linked with religion—interact with institutional factors within the policy-making process. Nevertheless, it presents several limitations. First, and importantly, meanings and values attributed to issues vary across contexts, rather than being universal. The legality of abortion, for instance, is classified as a gender status policy, as it addresses issues of women's empowerment and bodily rights. This might be valid for most of the Asian countries, but it is not for those contexts where the Catholic Church is a powerful social and political force, and abortion is a doctrinal issue. Further, meanings and values are also embedded in nuances and details, which call into question the levels of aggregation or disaggregation of gender equality policies. For instance, violence against women, while a single issue at a normative level, includes different forms of violence (physical, psychological, sexual, economic), involving different actors, from intimate partners, to unknown individuals to an employer or person in a structurally powerful position. These varied contexts and nuances evoke different responses in terms of levels of acceptability/legitimacy and resistance. For instance, the rape of a woman by an unknown individual in a public space seems easier to condemn than rape perpetuated within marriage or indeed by institutions with special powers such as the police or army, in the case of India.

Second, since women's claims are mediated by class, race, ethnicity, caste and religious identity (Menon, 2000), a policy issue can actually be at the intersection of two or more categories. Domestic workers' labour rights, for instance, are usually seen as class-based, as it involves the employment of a lower class of workers, largely women, by upper-class households. The regulation of domestic work can then have a potentially redistributive effect between two classes of people. However, domestic work is also socially and economically undervalued as it is considered a women's "natural" occupation. Challenging the undervaluation of domestic work would contradict the culturally defined division of labour between women and men. In this sense, in asking the question why domestic work is only, or largely, performed by women, and why it is undervalued, gendered status is called into question Similarly, violence against women, while classified as a gender status policy, can equally be class-based. Rapes of low-caste, poor women are accepted as a reality of their everyday lives and normalized in India, for example, while the rape of a middle-class woman is seen as exceptional and evokes greater outrage, and hence more stringent sanctions. The same is true for Indonesia, where policy attention focused on sexual violence following some high-profile cases of rape, and their exposure in the media. High costs of justice alongside long and complex procedures further inhibit lower class women from seeking justice.

Third, from a social justice perspective, the categories of "class" and "status" miss the