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COMPARATIVE EVIDENCE PAPER

Women's Political Representation as Key to Implementing Domestic Violence Laws: An Analysis of Ghana and Mexico



CEGENSA (Centre for Gender Studies and Advocacy), University of Ghana
Ghana

Fundar, Centre of Analysis and Research
Mexico

COMPARATIVE EVIDENCE PAPERS

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EXECUTIVE SUMMARY

Since the 1990s, over one hundred countries have passed domestic violence legislation in response to calls from the international community to that effect. Mexico and Ghana are two such countries. Having passed these laws, however, Mexico and Ghana have taken quite divergent paths during implementation. Mexico's protective services for survivors of domestic violence are far more comprehensive than those in Ghana. 72 shelters have been established where survivors can access coordinated legal, medical, psychological, training and financial support. In addition, both state and non-state actors work together to deliver these services with funding from the government and international sources. Ghana, on the other hand, has only set up two shelters and while some support services are provided, they are not always available. Furthermore, Ghana relies very heavily on international donor agencies for funding to execute its domestic violence programmes. This presents a challenge because donor agencies focus more heavily on advocacy work than on service provision. With a focus on the delivery of protection services, this paper explores the factors that shaped the contrasting outcomes of the implementation of domestic violence legislation in Ghana and Mexico.

We argue that differing levels of gender institutionalisation in the two countries explain these divergent outcomes. We explain gender institutionalisation as the ability of female politicians to fully operationalise women's human rights. Countries that have high levels of gender institutionalisation go beyond passing bills to ensure implementation. Such governments demonstrate the political commitment required to put in place the institutional and financial frameworks that make the implementation of social legislation possible. Mexico, we argue, has higher levels of gender institutionalisation than Ghana. The Mexican government has set up a number of institutions with a specific focus on addressing domestic violence issues from a human rights perspective. Ghana, on the other hand, has established fewer institutions. Mexico also has the added advantage of providing state funds to these institutions which enables them implement the national law on domestic violence.

Levels of gender institutionalisation, we argue, depend primarily on the proportion of female parliamentary representatives in each country; with Mexico demonstrating a much higher level of symbolic and substantive female representation in parliament than Ghana. In 2007, when the domestic violence law was passed, 23.2% of parliamentarians in Mexico were women. Beyond this symbolic representation, female parliamentarians have also ensured substantive representation of women's interests in legislative processes.

This is evident in two ways. First, these women entered into a pact in which they agreed to vote in favour of laws that benefited women, regardless of their personal political persuasions. Secondly, they worked in collaboration with the Gender Equality Commission to push for gender budgeting to be introduced into government systems. This led to the allocation of state funds to the various institutions that had been put in charge of implementing the domestic violence law. Ghana, on the other hand, has far fewer female representatives in parliament. In percentage terms, the number has hovered around 10% since the return to democratic rule in 1992. These women have been unable to translate their presence in parliament into substantive gains for Ghanaian women so far as domestic violence issues are concerned.

Based on our findings about the Mexican experience, we make three recommendations for Ghana and other countries interested in implementing domestic violence laws. First, we argue for the development of policies and programmes to ensure increased representation of women in parliament. Second, we advocate for civil society organisations to work with female parliamentarians to improve the substantive representation of women's issues in parliament. Finally, we recommend gender budgeting be integrated into government systems at national and regional levels.

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LIST OF ACRONYMS

CAVI	Centro de Apoyo a la Violencia Intrafamiliar (Support Centre for Victims of Intrafamily Violence)
CEAMEG	Centro de Estudios para el Adelanto de las Mujeres y la Equidad de Género (Research Centre for the Advancement of Women and Gender Equity)
CEDAW	Convention on the Elimination of Discrimination Against Women
CID	Criminal Investigations Department
CONAVIM	Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres (National Commission for the Prevention and Eradication of Violence Against Women)
CONMUJER	Comisión Nacional de la Mujer (National Commission for Women)
CORDAID	Catholic Organisation for Relief and Development Aid
CSO	Civil Society Organisation
CPP	Convention People's Party
DANIDA	Danish International Development Agency
DEVAW	Declaration on the Elimination of Violence Against Women
DOVVSU	Domestic Violence Victims Support Unit
FIDA	International Federation of Women Lawyers
GVSSN	Gender Violence Survivors Support Network
INMUJERES	Instituto Nacional de las Mujeres (National Women's Institute)
LAWA	Leadership and Advocacy for Women in Africa
MOWAC	Ministry of Women and Children's Affairs
NAFTA	North American Free Trade Agreement
NETRIGHT	Network for Women's Rights in Ghana
NCGW	National Council of Ghana Women
NCWD	National Council on Women and Development
NGO	Non-governmental Organisation
PNDC	Provisional National Defence Council
POWA	People Opposing Women Abuse
PRI	Partido Revolucionario Institucional (Institutional Revolutionary Party)
PRONAM	Programma Nacional de la Mujer (National Programme for Women)

SNV	Netherlands Development Organisation
UNICEF	United Nations International Children's Emergency Fund
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
UNFPA	United Nations Family Planning Agency
USAID	United States Agency for International Development
USIS	United States Information Services
WILDAF	Women in Law and Development in Africa
WCW	World Congress on Women



Photo 1: Artistic portrayal of an African Woman

INTRODUCTION

The 1990s saw a rising interest in human rights issues on the world stage, as well as increasing recognition that women's rights constitute human rights, a perspective embodied in the 1993 Vienna Declaration. The Vienna Declaration was influential in that it highlighted the need for a global effort to redress the mistreatment of women. In drawing attention to this critical matter, the Declaration urged countries to take concrete steps to address the different forms of abuse that women face, chief among which is domestic violence. The impact of the Vienna Declaration is evident in the sheer number of countries that have passed domestic violence legislation over the last two decades. Before 1993, only 10 countries in the world had domestic violence legislation. This has since grown to over a hundred countries, many of which are newly emerging democracies with growing regard for the human rights of their citizens. However, there is a lot of variation in the degree to which these laws have been implemented even among new democratic countries. Mexico and Ghana are two such examples. Both countries emerged from periods of authoritarian rule in the early part of this century. Mexico elected Vicente Fox in early 2000 after seven decades of rule under the Institutional Revolutionary Party (Partido Revolucionario Institucional - PRI). Ghana elected John Agyekum Kufuor in late 2000 after almost two decades under the leadership of Jerry John Rawlings. Both countries had experienced the negative effects of neo-liberalism in previous decades; Ghana reeling under the structural adjustment reforms of the 1980s and Mexico, the North American Free Trade Agreement (NAFTA) of the 1990s. In response, civil society groupings advocating for the interests of citizens emerged and at the same time the new democratic governments began to pay closer attention to the rights of their citizens. Against this backdrop, social legislation grew in importance resulting in the passing of domestic violence laws. The implementation of these laws has, however, been very different in both countries. Mexico, for

example, has 72 shelters compared to just two in Ghana and individuals who visit Mexican shelters obtain services from a range of professionals in a more holistic manner than the Ghanaians do (CEGENSA 2015; Fundar 2015).

In this paper, we investigate why there is such variation in the manner in which the two countries have implemented their domestic violence laws. We argue that the international context, specifically the human rights discourse of the United Nations and other international bodies, was crucial for legitimising civil society and state efforts at addressing domestic violence in both countries. Furthermore, our research finds that the level of gender institutionalisation influenced the course of implementation in both countries. Our main argument is that the success of domestic violence legislation is dependent on the presence of women working in government to defend human rights and take advantage of decision-making spaces. For instance, female parliamentarians who rise above partisan politics and work together to ensure that women's issues are addressed head on by governments. About a quarter of the members of the Mexican Parliament were female at the time the domestic violence law was adopted in 2007. These women entered into a pact to join together to address issues of concern to women. A major feat they accomplished was to push for gender budgeting which ensures that the state allocates resources to address the concerns of women. In the Ghanaian Parliament, on the other hand, only 10% of members are women. These women have been less successful at translating their symbolic representation into substantive representation. As such, state and civil society organisations responding to the needs of women are starved of public funding which would otherwise enable them carry out their mandate more effectively.

We lay out our analysis and arguments more fully in the sections that follow. In the second section, we situate this study within the larger body of work on the implementation of domestic violence laws. In the third section, we discuss our methodology and in the fourth, the causal comparative framework underpinning the study. The fifth section describes the context of international human rights post-cold war and the manner in which this shaped thinking on issues of domestic violence in Mexico and Ghana. The sixth section provides a discussion of the ways in which civil society in both countries responded to the international human rights movement and in section seven we analyse how the new democratic governments of Ghana and Mexico responded to gender issues within this international context. In the eighth section, we provided an analysis of our intervening variable of symbolic and substantive female representation in order to illustrate how this factor set both countries on completely different paths with respect to implementing their domestic violence laws. In the penultimate section, we explain the differences between the levels of gender institutionalisation in both countries and how these have produced different outcomes with respect to the nature of protective services offered in Mexico and Ghana. Finally, in the concluding section, we highlight the differences between these two cases before drawing out lessons for domestic violence policy.



Photo 2: Domestic violence and child-marriage survivor from Ethiopia
Credit: [Jessica Lea/Department for International Development \(DFID\)](#)

UNDERSTANDING THE FACTORS THAT SHAPE THE MAKING AND IMPLEMENTATION OF DOMESTIC VIOLENCE LAW

There are two general strands of work in existing literature on domestic violence; one group of scholars looks at the factors that led to the passing of domestic violence laws around the world, while the second focuses on those factors that shape the implementation of these laws. In this section of the paper, we review these two bodies of work in order to provide the context for understanding the Mexican and Ghanaian cases. We are particularly interested in the extent to which the factors identified as influencing the passing of law also influenced implementation.

Scholars who explore the factors that lead to the passing of domestic violence law identify a range of crucial elements. Key among these is the role of international protocols in setting the stage for a global discussion on domestic violence. Meintjes (2004) highlights the importance of the 1993 Vienna Protocols in this regard. Prior to these Protocols, global understanding of discrimination against women was enshrined in the Convention on the Elimination of Discrimination Against Women (CEDAW). The Vienna Protocols expanded the scope of understanding regarding violence against women by establishing the fact that women's rights are human rights, and therefore violence against women constitutes a violation of women's human rights. The establishment of this Protocol was followed by the creation of a United Nations Special Rapporteur on Violence Against Women. These two actions had a ripple effect on nations across the globe, many of which began to discuss domestic violence in their respective contexts.

Other scholars such as Burrill et al. (2010) point to the nature of government regimes as a key factor in explaining the passing of domestic violence legislation, namely that democratic governments are much more likely to pass domestic violence legislation than non-democratic governments. This is because democratisation processes offer new opportunities for restructuring state institutions and policies. Viterna and Fallon (2008) explore this argument further by investigating why some democracies are able to produce more gender equity than others. They argue that countries which have transitioned completely into democracies such as South Africa and Argentina, as compared to incomplete transitions such as Ghana and El Salvador, are more likely to produce legislation that is supportive of women's human rights. This is because complete transitions allow for a complete break from past regimes and their political ideologies thereby opening up opportunities for change in ways that incomplete transitions cannot. We argue that Ghana's status as a democracy in transition has implications for the successful implementation of its domestic violence laws, which we shall discuss further in section 8.

A third key factor that has shaped the passing of domestic violence laws is the presence of women with gender consciousness in governments (Mansbridge 1999; Childs 2004; Franceschet and Piscopo 2008; Schwindt-Bayer 2010). These women recognised their shared histories of discrimination and absence in public spaces. With the emergence of democracy, which promoted political participation and inclusion, they were able to act on behalf of women. In the case of Mexico, feminist scholars such as Marcela Lagarde, who is both a politician and a social scientist, contributed to generating data on gender violence which added legitimacy to calls for a new law to address femicides in Ciudad Juárez (Alonso 2005).

A closely related factor is the role of feminist lawyers in ensuring the success of efforts to get domestic violence laws passed. As lawyers they understood both the processes involved in drafting laws and constitutions as well as the language required in the drafting of these laws. In this way, their skills benefitted the advocacy work of domestic civil society groups. In the case of Ghana, feminist lawyers produced the draft of the domestic violence law which was then passed on to the Attorney General's Office, modified and eventually passed on to parliament (Adomako Ampofo 2008; Hodzic 2009).

The work of skilled female lawyers and politicians interested in women's issues would not have carried as much weight had it not been for concerted efforts by civil society to get organised and campaign around domestic violence issues. The Ghanaian Domestic Violence Coalition (Adomako Ampofo 2008; Hodzic 2009) and organisations such as People Opposing Women Abuse (POWA) in South Africa (Meintjes 2004) were instrumental in these efforts, carrying out many activities that served to legitimise the efforts of the activists working on drafting the bills.

Linked to the work of these advocacy groups, it is worth highlighting the important role played by specific individuals whose actions moved the efforts of the groups in specific directions. Meintjes (2004) refers to such individuals as "champions", noting that male champions in particular were extremely useful to the campaign. In South Africa, for example, Dullah Omar, ex-Minister of Justice, worked with the campaigner Johnny de Lange and intervened to expedite the production of the draft domestic violence bill for discussion in parliament (Meintjes 2004). Similarly in Ghana, Justice V.C.R.A.C. Crabbe facilitated the removal of a clause in the Ghanaian criminal code, the existence of which would have undermined the full effectiveness of the Domestic Violence Act (Adomako Ampofo 2008).

With respect to implementation, a number of studies (Meintjes 2004; Vetten 2005; Franceschet 2010) point to the ways in which the political decisions made after a law is adopted serve as one of the crucial determinants of successful legislative outcomes. Drawing on the cases of Chile and Argentina, Franceschet (2010) argues that Chile implemented more substantial reforms than Argentina because Chile had an effective bureaucracy which was able to put mechanisms into place for promoting research, as well as the design, coordination and evaluation of programmes designed to tackle domestic violence.

Writing about the case of South Africa, Vetten (2005) summarises her perspective on the matter, *"Finally context and state capacity are significant in considering what is actually going to be possible and how 'good' one's practice is ultimately going to be. The political conditions prevalent at the time ... will also significantly inform what is possible in terms of practice."* Government commitment to implementation needs to translate into financial allocations for that purpose. As Suzanne Vos of the Inkatha Freedom Party queried after the passing of the South African Domestic Violence Act, the Maintenance Bill and the Customary Marriages Bill, *"show me the money that the Justice Department can use to really make a difference to the lives of millions of women and their children in this country"* (Meintjes 2004).

Literature on the politics of domestic violence is split between analyses of the factors that contribute to the passing of domestic violence law and other works focusing on the factors behind effective implementation. The international context and democratisation seem more important in the former than in the latter. And yet democratisation is not a one-off event rather it is a process that is on-going in both Mexico and Ghana. Over time, depending on the actions taken and policies implemented, democracy can either become consolidated or stalled. How this democratisation process influences the implementation of domestic violence law serves as the focus of our analysis.

METHODOLOGY

This study adopts a qualitative method. We conducted in-depth interviews with key actors working on domestic violence issues in both countries. In Ghana, we interviewed five key actors: the Leadership and Advocacy for Women in Africa (LAWA) association, which first drafted a domestic violence bill in Ghana; the Ark Foundation, the first organisation offering shelter services for women in Ghana; a former official of the Domestic Violence Victims Support Unit of the Ghana Police Service; an employee of the Domestic Violence Secretariat; and the Technical Advisor on Gender at the Ministry of Gender, Children and Social Protection. In Mexico, we conducted detailed interviews with key people who were involved in both the passing and the implementation of the law: a former worker at the National Institute for Women (INMUJERES); members of the National Shelter Network and the National Observatory of Femicides; and the Coordinator of the Shelter Espacio Mujeres (the latter three represent civil society organisations). The interviews were analysed using a thematic network analysis which allows for a systematic review of themes as well as patterns emerging from the data (Attride-Stirling 2001). Using a thematic network analysis approach allowed us to first identify broad themes, which are the key variables of interest identified in the causal framework, as well as various basic themes which we used to flesh out the variables of interest in the framework. In the next section, we elaborate on the causal comparative framework that serves as the basis for this paper.

CAUSAL COMPARATIVE FRAMEWORK

For the purposes of this paper, we developed a causal comparative framework based on existing literature and data (see Table 1). This framework describes the structures and variables that created the context in which support services were provided to survivors of domestic violence in Ghana and Mexico. Both countries were influenced by the post-cold war international human rights movement which is represented in our framework as the first antecedent condition. The second antecedent condition refers to the ways in which this movement provided support to domestic civil society organisations in both countries. This interaction between local and international actors and agendas facilitated and legitimised the creation of new public institutions addressing gender issues. In the framework, we refer to this as the intermediary outcome. In addition, as reflected in the intervening variable, the Mexican state put in place mechanisms to ensure symbolic representation of females in parliament as part of the democratisation process, reflecting a desire to show true commitment to international conventions on women's rights. These female parliamentarians converted their symbolic representation into substantive representation. In so doing, the Mexican government stands apart from the Ghanaian government in that it demonstrates a much higher level of gender institutionalisation, represented as the explanatory variable. We define gender institutionalisation as the ability of female parliamentarians to fully operationalise legislation supporting women's human rights (Guzman 2001).

We postulate that the different levels of gender institutionalisation in the two countries have influenced their ability to achieved outcomes, which in our framework is represented by the nature of survivor protection services in Mexico and Ghana. We elucidate further around the relationships indicated in Table 1 in the sections that follow.

Table 1. Causal Comparative Framework

Critical Antecedent Conditions		Intermediary Outcome	Intervening Variable	Explanatory Variable	Outcome					
International context	+	Nature of interactions between CSOs and international human rights movements	=	State responses to gender issues	+	Nature of female representation	=	Level of gender institutionalisation	▶	Protection services
<p>UN Declaration on the Elimination of Violence Against Women (DEVAW) 1993</p> <p>The appointment of a Special Rapporteur on Violence Against Women in 1994</p>	<p>Ghanaian CSOs working on domestic violence issues receive funding from international organisations</p>	<p>In Ghana, the following state institutions were established:</p> <p>The National Council on Women and Development (NCWD), created in response to the first World Congress on Women</p> <p>The Ministry of Women and Children's Affairs (MOWAC)</p> <p>The mandate of the MOWAC was subsequently expanded and its name changed to the Ministry of Gender, Children and Social Protection</p> <p>A Domestic Violence Secretariat is set up at the Ministry as required by the 2007 Domestic Violence Act</p>	<p>Ghana has low symbolic and substantive representation of women in parliament</p>	<p>Ghana has low levels of gender institutionalisation as evident in the lack of public funding to address domestic violence</p>	<p>The Ghanaian government does not adequately fund protective services. Thus, the 2 existing shelters are unable to provide comprehensive services on a consistent basis</p>					
		<p>Mexican CSOs working on domestic violence issues receive funding from international organisations</p>			<p>In Mexico, the following state institutions were set up:</p> <p>National Women's Institute (INMUJERES)</p> <p>The National Programme for Women (Programma Nacional de la Mujer - PRONAM) was established in response to the fourth World Congress on Women</p> <p>Support Centre for Victims of Intrafamily Violence (Centro de Apoyo a la Violencia Intrafamiliar - CAVI)</p> <p>A Special Attorney Office for Femicides</p> <p>A Special Parliamentary Commission on Femicide</p>	<p>Mexico has a high symbolic and substantive representation of women in parliament, as well as a substantive participation of women in the government</p>	<p>Mexico has high levels of gender institutionalisation as evident in the existence of public funding to address domestic violence</p>	<p>In Mexico, the state allocates funds for protective services. The 72 existing shelters are therefore able to provide comprehensive services on a consistent basis to victims of domestic violence</p>		



Photo 3: Women participating in a workshop in Ghana
Credit: [Taylor Spicer/CCAFS](#)

CRITICAL ANTECEDENT CONDITION I: THE INTERNATIONAL POST-COLD WAR HUMAN RIGHTS CONTEXT

In discussing the critical antecedent conditions outlined in the causal comparative framework, we first turn to the international women's movement to highlight the important role of international factors in shaping domestic violence laws in Ghana and Mexico. Scholars such as Goodman and Jinks (2004), as well as Meintjes (2004) and Giridhar (2012), have noted the important role of international actors in this regard. In the words of Giridhar (2012):

"International actors may also influence a government's decision. As women's rights have become an internationally pressing issue, more human rights treaties targeting women have been created. That the rise in treaties addressing women's rights has coincided with an increase in the number of nations with domestic violence legislation seemingly provides some evidence that the treaties have influenced states to adopt new behaviours."

The United Nations has been the most influential actor in this regard. Beginning in 1975, the UN organised the first of four World Congresses on Women (WCW), each dedicated to advancing the cause of women. These congresses served as an important space for cross-fertilisation of ideas about feminist strategies and best practices in other countries as well as for networking and coalition building. They also provided an opportunity for women's groups in the global South to contribute and borrow ideas from similarly minded groups in the global North (Anyidoho and Manuh 2010).

In addition to organising the WCW, in 1993 the UN made a definitive statement on violence against women at a meeting held in Vienna. The Declaration on the Elimination of Violence Against Women (DEVAW) affirmed and strengthened the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) that was adopted in 1979. In the DEVAW, three categories of violence are recognised: violence perpetrated by the state such as violence during warfare; violence in communities such as sexual harassment; and violence in the domestic sphere such as incest. In so doing, the UN affirmed that domestic violence needed to be addressed and that relevant legislation should be passed in order to do so. The following year, as a follow up to the DEVAW, the UN General Assembly adopted Resolution 1994/45 and appointed a UN Special Rapporteur on Violence Against Women. The Special Rapporteur's duties include collecting information on violence against women in different countries and developing recommendations on ways of eliminating violence against women. The Special Rapporteur's activities are documented in an annual report presented to the Human Rights Council. Five years later, in 1999, the UN General Assembly declared 25th November as the International Day for the Elimination of Violence Against Women, a day that marks the beginning of 16 days of activism against gender-based violence.

In both Ghana and Mexico, there are many undeniable links between happenings on the international scene and actions within the two countries. For example, Ghana's National Council on Women and Development (NCWD), the country's main public institution responsible for women's issues, was established soon after the First World Congress on Women in 1975 where states were entreated to institutionalise women's interests. In a similar vein, Mexico established the National Programme for Women (Programma Nacional de la Mujer - PRONAM) in response to the commitments the Mexican state made at the Fourth World Congress on Women in 1995. In addition, the participation of the Mexican government in these international conferences led to the creation of different commissions and committees with the objective of improving the social condition of women.

Similarly, the international congresses had an impact on civil society organisations. In the next section, as we discuss the second critical antecedent condition, we trace more closely the manner in which international actors such as the UN as well as bilateral/multilateral agencies and international non-governmental organisations (NGOs) helped shape CSO campaigns in both countries around the passing and implementation of domestic violence legislation.



Photo 4: Woman marching as part of the #NiUnaMenos movement in Argentina
Credit: [Colectivo La Luz](#)

CRITICAL ANTECEDENT CONDITION II: THE NATURE OF INTERACTIONS BETWEEN DOMESTIC CIVIL SOCIETY ORGANISATIONS AND THE INTERNATIONAL COMMUNITY

To fully understand the nature of the relationships between international actors and local activists campaigning around domestic violence and its implications for the passing and implementation of domestic violence law in Ghana and Mexico, it is necessary to understand the particular nature of feminist CSOs in both countries. Women's organisations in Ghanaian society predate independence (Tsikata 1989) and represented a strong force in the anti-colonial movement (Medie 2016). Ghana's first president Kwame Nkrumah was a strong supporter of women's organisation, however Prah (2004) argues that Nkrumah was pro-feminist in a benevolent manner in that he initiated actions on behalf of women such as the creation of the National Council of Ghana Women (NCGW) instead of encouraging the full-fledged development of women on their own terms. The NCGW collapsed when Nkrumah was overthrown in 1966. A series of five coup d'états between 1966 and 1981 did not help matters; indeed they provided little space for women's organisations of any sort at the national level. The few organisations that were formed during this period were local women's welfare and professional groups (Apusigah et al. 2011).

During the Provisional National Defence Council (PNDC) era, the military regime of Jerry John Rawlings (1982-1992), little changed. Rawlings' tenure was characterised by intimidation and harassment leading to a general culture of silence in which individuals refrained from publicly criticising the government (Fallon 2003). The

President's wife Nana Konadu Agyemang Rawlings mobilised a 2.5 million woman strong organisation known as the 31st December Women's Movement (Prah 2004). Although the organisation was supposed to promote the empowerment of Ghanaian women, it was criticised, as were other such movements in West Africa, for being short-sighted and over-reliant on the military regime for its sustenance (Mama 1995). Fallon (2003) also argues that, *"the group's ostensible purpose was to encourage women to become involved economically, socially, and politically in the state; however, it acted as an apparatus to mobilise women under the PNDC. It co-opted women's organisations receiving financial support from the government and women who supported it received more funding."*¹

Both Rawlings' leadership style and his wife's appropriation of the 31st December Women's Movement into the state apparatus left very little space for autonomous, grassroots women's organisations to develop and flourish. Fallon (2003) points out that this period severely hampered possibilities for the development of a thriving women's movement within the country.

In 1992, after years of pressure from the international community, the Rawlings' military government transitioned into a democratic regime that remained in power until 2000. During the latter years of Rawlings' constitutionally mandated term in office, fear of reprisals began to diminish and feminist organisations started to flourish (Viterna and Fallon 2008). Their efforts were bolstered by donor organisations that supported political advocacy and provided funding to ensure that this happened (Apusigah et al. 2011). Nowhere is this more evident than in the area of domestic violence policy. Both the collection of data to buttress the need for addressing domestic violence and initial efforts to draft the bill took place during this period with training and financial support provided by various international organisations.

The Gender Studies and Human Rights Documentation Centre was founded in 1995 by Dorcas Coker-Appiah who, having attended the United Nations Human Rights Conference held in Vienna in 1993, was motivated by the spirit of that meeting to dedicate herself entirely to domestic violence issues. As was the case for other women's rights organisations (Apusigah et al. 2011), the initial work of the Centre was self-financed. The following year, the Centre obtained institutional support from the Netherlands Development Organisation (SNV) and MamaCash, the first international women's fund to finance and support women's rights initiatives around the globe. In 1998, the Centre received grants from a variety of international organisations including the Royal Danish Embassy, the British Council, the United Nations Development Fund for Women (UNIFEM) and the Hanns Seidel Foundation. With these grants, the Centre conducted the first nationwide study on violence against women, which was published in 1999. An important point to note about the support the Centre received for its work is the extent to which it was international in scope. Home grown options were probably not available or not explored at the time.

Another significant event that played a major role in the passing of domestic violence law in Ghana and which highlights the role of the international community in domestic feminist organisations is the establishment of the Leadership and Advocacy for Women in Africa (LAWA) Fellowship Programme. Set up in 1993 by Georgetown University's Law Centre in Washington D. C. the programme was designed to train women's human rights lawyers from across Africa who were committed to returning to their home countries after the Fellowship. Over 80 students from the continent participated in the programme; six of whom were Ghanaian and whose access to the programme was facilitated by the United States Agency for International Development (USAID). Upon their return home, the first three Ghanaian graduates of the programme participated in an International Women's Human Rights Class run by Georgetown University's Law Centre with support from the United States

¹ Authors' emphasis

Information Services (USIS). Both the LAWA Fellowship Programme and the human rights class provided them with the opportunity to study background material for the development of the domestic violence bill in Ghana.²

Along with the three other Ghanaian women who graduated later on, these six human rights lawyers played a key role in the campaign to address domestic violence. In 1999, they were responsible for drafting the national domestic violence bill. That same year, with core funding from the Catholic Organisation for Relief and Development Aid (CORDAID) based in the Netherlands, one of the six alumnae set up the first shelter in the country, the Ark Foundation. Over the years, this shelter has also received support from local companies; however the shelter continues to rely quite heavily on foreign support. The passing of the Ghanaian Domestic Violence Law in 2007 marked a significant milestone after a decade of close relationships between international actors of various kinds, the state and domestic feminist civil society networks.

The history of domestic feminist organisations in Mexico, in particular their partnerships with international organisations, is similar to that of Ghana. As with Ghana, Mexico is characterised by a period of authoritarian rule with the military leading counterinsurgency campaigns against social movements and violating the human rights of Mexican citizens with impunity. Although Mexico's human rights record during this period was abysmal, the state's professed respect for international norms and practices managed to keep international pressure at bay until the 1990s (Keck and Sikkink 1998). Unlike the case of Ghana where democratisation processes opened up space for domestic CSOs, Mexico's civil society emerged during the period of authoritarianism with the support of international donors, including organisations that were devoted to women's rights (Rovira 1996; Marcos and Waller 2005). Opposition to neo-liberalism, exemplified by the NAFTA, served as another opportunity for domestic CSOs to emerge and join forces in Mexico (Keck and Sikkink 1998).

During the 1990s, international pressure on Mexico to become more liberal led to structural changes including trade agreements with different countries. International human rights discourse also became a new standard for monitoring the quality of democratisation. This monitoring contributed to global awareness of the nature of human rights in Mexico and revealed the gap between official discourse and reality on the ground (Keck and Sikkink 1998). The importance of international monitoring for keeping the Mexican state on its toes is evident in the fact that the National Human Rights Commission in Mexico was created just a few days before President Carlos Salinas met President George H. W. Bush in 1992 for discussions about the NAFTA (Keck and Sikkink 1998).

In the same vein, Mexican CSOs captured international interest with their demands for justice, reparation and truth and built alliances with like-minded global networks. Similar to Ghana, once these organisations emerged they relied on international funding support. Private donors such as the MacArthur Foundation, the Ford Foundation, the Hewlett Foundation and the Open Society were key sources of such funds for Mexico. For example, the Mexican Academy for Human Rights which was established in 1984 received the bulk of its funding from the Ford Foundation over a 5 year period (Keck and Sikkink 1998). Such funding enabled CSOs to offer training programmes on human rights and to build their capacities to use national courts, media and international organisations to advance human rights causes (Coral Díaz et al. 2010). These efforts helped CSOs move away from the traditional mechanism of using public complaints as a tool for demanding justice, reparation and truth (Coral Díaz et al. 2010). Furthermore, international support lent credence to the CSO movement. Over a ten-year period, CSOs in Mexico grew from just four organisations in 1984 to more than 200 in 1993 (Keck and Sikkink 1998). Another ten years later in 2013 the number of legally registered CSOs stood at more than 22,000 (Tapia Álvarez and Verduzco 2013). Although these organisations are diverse in nature, they share the common goal of demanding the transformation of the public institutions required to fulfil human rights.

² As one of them put it, "We got the students in the course of the semester to do online research to find out comparative studies, what other countries have done in this particular area...it was a class, we would have teleconferences every other week to discuss the material."

INTERMEDIARY OUTCOME: STATE RESPONSES TO GENDER ISSUES IN GHANA AND MEXICO

The dual factors of an international context attuned to the need for women's rights and campaigns by local CSOs created an environment in which both the Ghanaian and Mexican governments had little alternative but to begin to address women's issues at state level. Initial responses to gender issues in Ghana included the creation of the National Council on Women and Development (NCWD) in 1975, as an outcome of the first World Conference on Women. This public institution was responsible for addressing women's rights and eventually came under the aegis of Ministry of Women and Children's Affairs in 2001. As a Ministry with a Minister who was a member of Cabinet, this structural change was designed to ensure the interests of women were paid more serious attention among government. In 2008, soon after the Domestic Violence Act was passed, the Ministry was renamed the Ministry of Gender, Children and Social Protection and assigned a much larger mandate than previously, including the establishment of a Domestic Violence Secretariat, as required by the Domestic Violence Act.

The Mexican government began to implement its commitments more fully after the Fourth World Conference on Women held in Beijing in 1995, beginning with the creation of different commissions and committees with the objective of improving the social conditions of women. Prior to the Beijing conference, a National Committee had been set up to develop a National Programme for Equal Opportunities and Non-Discrimination Towards Women. This eventually led to the creation of the National Programme for Women (Programma Nacional de la Mujer – PRONAM) in 1995. The objective of PRONAM was to push for the formulation, organisation, coordination and implementation of actions to increase the participation of women in development processes. Over a two-year period, the General Coordinator of PRONAM oversaw the implementation and monitoring of central government actions of to guarantee women's rights. In 1998, the Ministry of Interior established the National Commission of Women (CONMUJER) responsible for the implementing the goals of PRONAM.

While Ghana addressed domestic violence issues by creating a Domestic Violence Secretariat in the Ministry of Gender, Children and Social Protection, Mexico created the Support Centre for Victims of Intrafamily Violence (Centro de Apoyo a la Violencia Intrafamiliar - CAVI), a special Attorney's Office where women could report domestic violence and receive support from social workers. In its first year of functioning, 84% of reports were of intimate partner violence (Guillé Tamayo 2011). As well as intimate partner violence, the Mexican state also had to deal with the femicides of women and girls working in the *maquila* industry (mainly foreign-owned assembly plants with exploitative working conditions, including low wages and long working hours) based in the Ciudad Juárez region. The new democratically elected government developed an Action Plan that included 40 strategic actions aimed at addressing this problem (Government of Mexico 2003). In 2004, the Commission for Preventing and Eradicating Violence Against Women in Ciudad Juárez (Comisión para Prevenir y Erradicar la Violencia contra las Mujeres en Ciudad Juarez) was created to investigate and prosecute femicides. The following year, the House of Representatives created a Special Commission led by Marcela Lagarde to follow up on the investigations of femicides, not just in the Juárez region but across the whole country.

Responses by the Ghanaian and Mexican governments to women's issues did not automatically translate into effective implementation of the laws that were passed. As we discuss in the next section, the extent to which these institutions effectively carried out their responsibilities essentially depended on the nature of female parliamentary representation in both countries.



Photo 5: African and Latin American Experts meet in Mexico as part of the ELLA Programme study tour to share knowledge on how to combat domestic violence
Credit: Eduardo Velasco/ELLA Programme archive

THE INTERVENING VARIABLE: SYMBOLIC AND SUBSTANTIVE REPRESENTATION IN THE GHANAIAN AND MEXICAN POLITICAL SPACE

The hold of authoritarian regimes on both countries began to wane in the 1990s. Opportunities were created for enhanced political participation, however the extent to which the authoritarian regime that silenced women in Ghana was broken is debatable. As Viterna and Fallon (2008) note, "*Ghana's transition to democracy was slow and relatively peaceful but initially left remnants of the previous authoritarian regime in place.*" Since the inauguration of the Fourth Republic in 1992, women's representation in the Ghanaian parliament has failed to rise above 11%. Civil society organisations have embarked on various programmes to improve this situation, such as the We Know Politics project led by four domestic CSOs which is designed to increase the number of women in decision-making positions at the national level through signature campaigns, capacity building workshops and high level meetings with political parties. Government efforts, on the other hand, have been largely non-existent.

Mexico, on the other hand, undertook major electoral reforms in order to democratise the political system with the objective of promoting the participation of political parties or associations, ensuring political representation of minority parties, strengthening legislative power and promoting citizen participation (Carpizo 1999).³ During

³ Reforms were made to the National Constitution in 1990 including the enactment of a Federal Code for Electoral Institutions and Processes (Código Federal de Instituciones y Procedimientos Electorales - COFIPE).

the 1990s, affirmative actions were implemented to overcome women's exclusion from the political arena as mandated in the international and regional treaties ratified by the Mexican government. For example, reforms implemented in 1993 prescribed that neither sex could account for more than 70% of candidates from any political party. As a result, when the election took place in 1994, women's parliamentary representation increased from 8% to 14% (CEAMEG 2008). In 1996 and 2002 subsequent legal reforms strengthened requirements for political parties to comply with gender equality (Medina Espino 2010) so that for the first time in its history, during the 59th government (2003-2006) when the issues of gender equity and addressing violence against women were on the public agenda, the percentage of women increased to 25% in the Chamber of Deputies and to 22% in the Senate.

These institutional transformations provided an opportunity for feminists to push for reform within public institutions and advocate for gender issues in line with recommendations made by international organisations, such as reducing the gender gap, strengthening the legal framework to eradicate violence against women and training civil servants in order to eliminate gender stereotypes and improve access to justice. These efforts led to the passing of new regulations, such as the Law for Equality between Women and Men (2006) and the Law for a Life Free From Violence (2007), as well as the allocation of public resources through a special annex on gender equality in the federal budget.

In addition, the Special Commission on Femicides was created in the Chamber of Representatives and Marcela Lagarde was called to lead it. At the end of the legislative term, Lagarde produced an evaluation of femicides nationwide, showing the extent of what she called "femicide violence" and translating this concept into legal terms. This kind of violence, along with the other types that have been defined by women's rights movements and the Inter-American Convention for the Prevention, Sanction and Elimination of Violence against Woman, was then included in the draft of the 2007 Law for a Life Free From Violence proposed by Lagarde.

In 2003, the Special Commission for Violence in Juárez was led by Guadalupe Morfín, a renowned human rights defender, member of the Mexican Academy of Human Rights, and former Human Rights Commissioner in Jalisco (1997-2001). A study carried out by the Commission highlighted the lack of reliable statistics on femicides and female disappearances available from the Prosecution Office and recommended a series of activities to enhance access to justice. During this time, the Commission also liaised with the Special Commission on Femicides and the Commission on Gender Equality, emphasising the need to establish shelters to provide women with safe refuge and access to support services.

The first woman in charge of INMUJERES was Patricia Espinosa Torres who took up her post in March 2001. Previously she had participated in the Fourth World Conference on Women in Beijing in 1995, was elected as a member of parliament (1997-2000) and was one of the women responsible for creating the Commission for Gender Equality in the House of Representatives. She possesses considerable experience working on gender issues, especially promoting women's participation in local politics and building leadership capacities. When Espinosa Torres assumed the presidency of INMUJERES she set about implementing a policy to mainstream gender into the federal administration and across public policy. INMUJERES also implemented the Pro-Equity Programme, including the first national survey to measure the levels and types of domestic violence. The institution also engaged with shelters and protection services to ensure they were operating with human rights and gender perspectives.

At the end of 2006, when the 59th government was coming to the end of its term, the Special Commission on Femicides presented the Law on Women's Access to a Life Free from Violence before parliament. However discussion around the law had to be deferred to the next government, making its destiny uncertain. This uncertainty was overcome thanks to a political pact between female parliamentarians who agreed, independent of their political parties, to adopt any law that would benefit women's causes. According to former Representative and Secretary of the Budget Commission Elsa Conde Rodríguez, *"the adoption of the law was the first concrete example of these political pacts between women"*⁴.

⁴ Interview with Elsa Conde Rodríguez carried out on 16th March 2016.

THE EXPLANATORY VARIABLE: LEVEL OF GENDER INSTITUTIONALISATION IN GHANA AND MEXICO

The key variable explaining the divergent paths Ghana and Mexico have taken is the level of gender institutionalisation in each country, by which we mean the ability of female parliamentarians to fully operationalise women's human rights. Overall, Ghana demonstrates low levels of gender institutionalisation. Although the Domestic Violence Act was passed in 2007, political commitment to ensure full implementation of its contents is weak, as evidenced by the general lack of public funding assigned to implement this and other related laws. Despite this scenario, Article 31 of the Domestic Violence Act calls for the creation of a Domestic Violence Fund, the sources of which should include:

- (a) voluntary contributions to the Fund from individuals, organisations and the private sector,
- (b) money approved by parliament for payment into the Fund, and
- (c) money from any other source approved by the Minister responsible for finance

The first source of funding is voluntary contributions from citizens. The state serves as the secondary source of funding and this is dependent on Parliamentary or Ministerial approval. Technically speaking, therefore, if parliament or the Ministry of Finance do not approve funds for these activities then none will be made available. Furthermore, given that Ghana has not integrated gender budgeting into its public finance systems, no systematic attempt has been made to provide resources to cater to the needs of Ghanaian women.

The Ghanaians interviewed for this research attested to the fact that much of the work that has been done so far to ensure the implementation of the law has been made possible thanks to non-state funding. As key actor in the domestic violence movement told us, *Action Aid did [fund] a few workshops because I remember I was a resource person at one or two of them.*⁵ UN agencies have also been very supportive of efforts to update the Domestic Violence Act. Interviewees specifically mentioned the support of the United Nations Development Programme (UNDP) and the United Nations Family Planning Agency (UNFPA). The Dutch government was also lauded for its active role in providing logistical support for the implementation of the domestic violence law, having given 2 million Euros to the Government of Ghana to set up the Domestic Violence Secretariat. Currently, this Secretariat runs two projects; one focused on eradicating sexual and gender-based violence and the other on reducing incidence of child marriage. These projects receive funding from the Danish International Development Agency (DANIDA) and the United Nations Children's Fund (UNICEF), respectively.

In Mexico, new laws related to issues of violence or equality led to the establishment of new institutions, like the CONAVIM, or to the strengthening of existing institutions such as INMUJERES. These institutions are in charge of coordinating federal government actions and institutions relating to gender equity (INMUJERES) and violence against women (CONAVIM). As a result, various issues related to gender and women's rights are now being taken forwards by inter-institutional groups. For example, CONAVIM works alongside the Ministry of Health, the Prosecution Office and shelters to implement the Protection Model (Fundar 2015); and INMUJERES leads the inter-institutional group that developed the internal rules for shelters, in order to guarantee the gender and human rights approach in the provision of services for women, and avoid an aid perspective that would undermine the transformation of women to live a life free from violence.

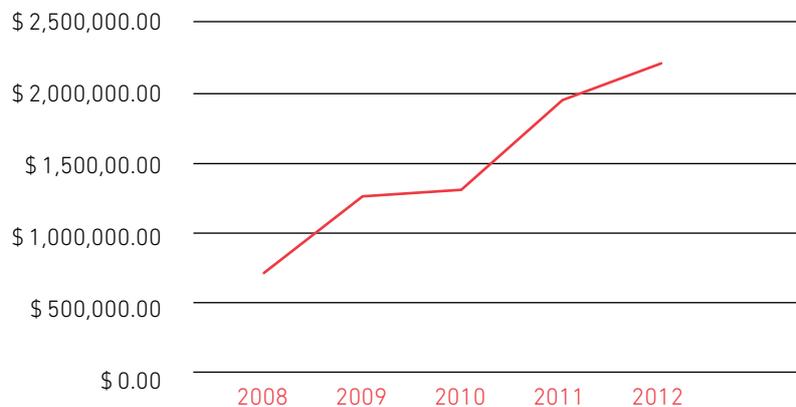
⁵ Dorothy, interviewed on 9th February 2016

Further evidence of gender institutionalisation in Mexico relates to budget allocations. This issue was the focus of the second political pact made between women in the House of Representatives and Representatives of the Commission for Gender Equality who were keen to ensure that gender was integrated into federal budgeting. On this occasion, congresswomen from a small party called *Alternativa* (Alternative) played an important role by passing information from other legislative commissions to the Commission for Gender Equality. The Commission for Gender Equality recommended 200 million Pesos (approximately 10.5 million US Dollars) be allocated to address domestic violence issues. However, the Commission was not present at the first allocation meeting held in 2006 and therefore this recommendation was not taken on board. In 2007, the Commission for Gender Equality held meetings with every Secretary of State and agreed on specific actions and programmes.⁶

The Commission also organised inter-institutional working groups which included participation from INMUJERES and all Secretaries of State. One important issue discussed by these working groups was the justification for placing the budget for shelters within health sector plans, in alignment demands from CSOs such as the National Shelter Network. A noteworthy achievement of the Commission was the creation of two new funds in 2008; one for promoting gender equality and non-violence and the other for mainstreaming gender into public institutions and policies.

Thus it is evident that the pacts made between female politicians facilitated the implementation of the domestic violence law by helping to ensure that the government established relevant institutions and assigned budget to the same effect. In doing so, female parliamentarians in Mexico have converted their symbolic representation into substantive representation, thereby bringing about higher levels of gender institutionalisation within the country. A concrete outcome of gender institutionalisation in Mexico is that state allocations for the provision of protection services tripled over a four-year period between 2008 and 2012, as shown in Figure 1 below.

Figure 1: Public Funding Allocated to Protection Services in Mexico (2008-2012)



Source: Prepared by the authors based on data obtained through a request made to the National Centre for Gender Equality and Reproductive Health (No. 0001200338915) to access public information.

Note: Amounts in US Dollars based on a budget in constant pesos baseline year = 2016

⁶ Dorothy, interviewed on 9th February 2016

OUTCOME: CONSISTENT AND COMPREHENSIVE PROTECTION SERVICES FOR WOMEN

Based on the Mexican experience it can be observed that transforming women's symbolic political representation into substantive representation – that is women taking on leadership roles to drive forward government action – offers an effective strategy for ensuring that violence against women is more fully addressed by the government. By joining forces and advocating for women's human rights, Mexican women were able to take on key responsibilities in relevant institutions where they succeeded in operationalising legal mandates related to the prevention of violence against women and the provision of protection services. While CONAVIM helped coordinate programmes and institutions responsible for eradicating violence against women, INMUJERES focused on mainstreaming gender into public institutions and training civil servants, as well as participating in designing the national model for shelter provision. Thanks to the work of various Commissions, this process of gender institutionalisation resulted in the allocation of over 2 million US Dollars for protection services in 2012. As a consequence, any woman in Mexico arriving at a shelter can expect to receive free, safe and secure lodging as well as food. Shelters also provide specialist services such as medical and psychological support and legal services, aimed at protecting the well-being of women and their children, supporting women to make official complaints and ensuring the aggressor is held to account. Shelters also offer a variety of workshops and activities focusing on improving women's self-esteem and development as individuals and helping women build lives free from violence.

In Ghana, the lack of state funding for protection services makes it difficult to deliver comprehensive services for victims of domestic violence on a consistent basis. The two existing shelters provide lodging and food, however more comprehensive services (legal, medical, psychological) are offered as and when funding from private and international sources is available. As a result, depending on when a survivor arrives at a shelter, she may or may not be able to access the services that would support her build a life free from violence.



Photo 6: Counsellor at Tonga National Centre for Women and Children talks with a woman who has been the victim of domestic violence
Credit: [Connor Ashleigh for AusAID](#)

CONCLUSION

We have argued that in both Ghana and Mexico the international human rights context provided impetus to national activism around domestic violence. This was significant because it raised general awareness of the issues and promoted the understanding that domestic violence represents a violation of women's rights. We have also discussed the relationship between the international donor community and civil society in both countries, highlighting the enormous support that foreign donors provided to domestic CSOs working on domestic violence and human rights issues in both countries. The Mexican and Ghanaian governments responded to local and international calls to address gender issues by setting up institutions to serve this purpose. In order for these institutions to work effectively and thus ensure the full implementation of the domestic violence laws, high levels of gender institutionalisation are required. This is not the case in Ghana where the government has failed to establish mechanisms to ensure that a steady stream of financing is made available to CSOs or state institutions, to enable them to effectively roll-out protective services. This disconnection between the willingness to pass bills and the unwillingness to finance the implementation of the bills lies primarily, we argue, in the low levels of female representation. Having hovered at around 10% since the return to democracy in 1992, the low symbolic representation of Ghanaian women in parliament makes it difficult to ensure substantive representation of Ghanaian women's interests.

The Mexican case, on the other hand, shows that when women with a feminist trajectory hold responsibilities in government, they can help to ensure that the government takes primary responsibility for addressing women's rights. One clear strategy for achieving this is introducing political reforms that facilitate women's political participation in relevant spaces and the creation of key institutions responsible for addressing gender issues in a coordinated and collaborative manner. Another important element to Mexico's success is that the legal mandates of the institutions were implemented because female politicians demonstrated a strong commitment to women's right issues. Finally, this commitment led to the allocation of state funds for the provision of comprehensive protection services.

LESSONS FOR DOMESTIC VIOLENCE POLICY

Comparing the experiences of Mexico and Ghana provides three key lessons, not just for these two countries but also for decision makers, practitioners and civil society in Latin America and Africa.

1. Substantive Political Representation

The adoption of affirmative action to facilitate the political participation of women is crucial to increase visibility and awareness of gender issues and to improve state responsiveness to women's needs. Affirmative action in the form of gender quotas appears to be a key component for the effective implementation of domestic violence law and for the provision of comprehensive protection services. Political parties across the globe should therefore be encouraged to introduce gender quotas. It is also important to note that gender quotas and parity rules should not merely aim to increase women's participation but also to improve access to public and political decision-making spaces.

2. Encouraging Feminist Leaders

It is important to foster leadership among feminists working on women's issues so that they can operationalise the interests of women once they occupy decision-making roles in public institutions. As female parliamentarians in Mexico have shown, building non-partisan pacts represents an effective strategy for transforming female leadership into concrete government action that can impact on the daily lives of women. A common challenge relates to maintaining strong and constant leadership from women over time so that they can assume key positions in relevant institutions and see through the implementation of specific actions.

3. Gender Budgeting

The Mexican experience shows that public funding for the implementation of domestic violence law can be secured by introducing gender budgeting into government systems. In contrast, Ghana's reliance on voluntary contributions from either local or foreign donors has been unsustainable. It is therefore recommended that the Ghanaian government explores a means of funding that is not donor-dependent, i.e. the Ghanaian government should allocate funds to ensure the implementation of its own domestic violence law. Adopting a strategy based on state funding through gender planning and budgeting, as has been done in Mexico, is likely to represent a more sustainable option.

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