

**Gender Equality, the State and Civil Society:
A Comparative Case Study of Rwanda and
South Africa**

by

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Abstract

This paper examines the evolution of gender equality as manifested and protected by the state in both Rwanda and South Africa since 1994. As a liberal democracy, South Africa should, in theory, allow for the influence of citizens in policy making and be held accountable for its shortcomings regarding its commitment to gender equality and ending violence against women. Evidence reveals that the South African state falls far short of these ideals, particularly in its relationships with women's organizations in civil society. Conversely, the Rwandan state, under authoritarian leadership, demonstrates significantly greater commitment to gender equality, and civil society groups report positive relationships with the state. Four factors explain this disparity: the context of each country's political transition, the origins and ideology of the ruling party, the extent and type of state corruption and neopatrimonialism, and the role of civil society in a semi-authoritarian state versus a liberal democratic state.

Keywords: gender equality; the state; civil society; Rwanda; South Africa; violence against women

Dedication

This project is dedicated first and foremost to my parents, whose unwavering support and faith in me is the reason I have been able to pursue my academic passions as far as I have. I would also like to dedicate this project to the women and men of the world who are working to end violence against women and girls; your efforts are truly invaluable.

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Glossary of acronyms

ANC	African National Congress
ANCWL	African National Congress Women's League
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CPI	Corruption Perceptions Index
CSO	Civil society organization
CVL	Crystal Ventures Ltd.
DVA	Domestic Violence Act
FFRP	Forum for Rwandan Female Parliamentarians
GBV	Gender-based violence
GMO	Gender Monitoring Office
GNU	Government of National Unity
HRC	Human Rights Commission
JMC	Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women
MIGEPROF	Ministry of Gender and Family Promotion
MWCPD	Ministry for Women, Children and People with Disabilities
NAWOCO	National Women's Council
NGF	National Gender Forum
NGM	National gender machinery
NGO	Non-governmental organization
NRA	National Resistance Army
NRM	National Resistance Movement
OSW	Office on the Status of Women
RANU	Rwandan Alliance for National Unity
RDF	Rwandan Defence Forces
RNP	Rwandan National Police
RPA	Rwandan National Army
RPF	Rwandan Patriotic Front
RWAMREC	Rwandan Men's Resource Centre
SAPS	South African Police Force
SOA	Sexual Offences Act
SSA	Sub-Saharan Africa
TI	Transparency International
WNC	Women's National Coalition

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1. Introduction

1.1. Project overview

This paper examines the evolution of gender equality in Rwanda and South Africa since each country's respective political transition in 1994, with particular emphasis on the changes in structural and physical violence against women and the relationship between the state and civil society. Both Rwanda and South Africa experienced decades of civil conflict and unrest leading up to a major political reorientation in the early 1990s, ushering in new governments and new constitutions that strongly emphasized non-discrimination and a progressive agenda for gender equality. Multi-party democracy was to be the cornerstone of each country's new government (Waugh, 2004; Welsh & Spence, 2011); it should be noted, though, that the extent of Rwanda's true democratic nature remains the subject of much debate. The similarities between the two nations are significant with regard to state approaches to the institutionalization of gender equality and women's rights; however, as this paper will reveal, the experiences of women in Rwandan civil society differ greatly in many respects from those in South African civil society. This paper takes the extent and type of relationships between the state and gender-focused civil society organizations (CSOs) as a proxy for the state's commitment to its ongoing gender equality agenda, and analyzes the changes that have occurred since 1994 with regard to different forms of violence against women and the state's attempts to prevent and respond to such violence.

Gender-based violence (GBV) and gender inequality overall is a pervasive problem in sub-Saharan Africa (SSA) (Jacobs et al., 2000; Kevane, 2004). In the 1980s and 1990s, the international community witnessed a proliferation of theory and discourse on gender equality and development, which emphasized the importance of institutionalizing women's rights, effectively addressing GBV and incorporating women more equitably into development processes (Erlank, 2005; Rai, 2008). Running parallel to this discourse was a focus on the need for democratization in developing countries, with democracy promoted as the ideal form of government due to the fact that it would allow for civil society to freely and fairly elect its leaders and to hold them accountable.

For many women in the developing world, democratization held promise for advancing gender equality and presented an opportunity for the political participation of groups within civil society that had been historically marginalized, particularly women (Rai, 2003). Feminist theory largely embraced the idea of democratization as a process through which women's demands and interests could be taken into account at the state level.

Precisely because it is elected to represent the interests of the majority of the population, the democratic state is legitimized by its citizens, and as such has an obligation to guarantee basic rights and freedoms and to protect individuals should these rights or freedoms be violated (Jensen, 2011). Civil society can, at least in theory, hold the state accountable for its actions and policies, and as such, strong relationships between the state and civil society are arguably necessary to help combat and prevent different forms of violence against women, to protect women's basic human rights and freedoms, and to institutionalize gender equality. CSOs focusing on women's interests and concerns are understood as reflections and manifestations of the collective needs and desires of individual women within wider society. Thus, the mandate of gender-focused CSOs in South Africa and Rwanda serve as a useful proxy for assessing some of the most pressing challenges facing the female population of each country.

In this paper I argue that political will and commitment from the state are crucial for combating and preventing different forms of violence against women. The state's relationships with CSOs are a reflection of that political will and commitment, in this case with specific regard to gender equality. In addition, how the state prevents and responds to violence against women is also an indication of whether or not it prioritizes gender equality. As we will see, Rwanda's government demonstrates significantly better relationships with women's CSOs and appears genuinely more committed to securing women's rights and preventing violence against women. In my comparative analysis of the case study countries, I identify four primary reasons for this disparity, consisting of the nature of each country's political transition within the context of apartheid in South Africa and the genocide in Rwanda, the origins and ideology of the ruling party, the extent and type of state corruption and neopatrimonialism, and the role that civil society plays in a semi-authoritarian state versus a liberal democratic state.

I will begin by theorizing the relationship between gender and violence, and then survey the relevant literature regarding the state and civil society and its relevance to

gender and African politics. I will then review the case of Rwanda, detailing the historical context of gender, violence, the state and civil society within the country, and the changes that have occurred following the genocide and the subsequent political reorientation of the Rwandan state in 1994. I will repeat this exercise focusing on the case of South Africa, and then conclude with an extensive comparative analysis of the two countries.

1.2. Statement of the problem

The central problem under examination in this paper is whether or not, and how, democratic states that expound the importance of gender equality actualize these commitments to women in civil society. As citizens enjoying full legal rights, it stands to reason that within a democratic setting women should be able to better hold their governments accountable for shortcomings in legislation, policies and programs intended to advance women's rights and status, and to protect and prevent GBV. While women's legal rights have increased considerably in both Rwanda and South Africa since 1994, GBV in both countries remains a significant problem, one that the state in part should be responsible for combating, particularly within a democratic context. Securing gender equality, institutionalizing fundamental legal rights for women and eliminating GBV in the developing world is paramount to successful long-term social and economic development (Dollar & Gatti, 1999; Kevane, 2004; Rai, 2003; King & Mason, 2001). Thus, I contend that a democratic state with a declared commitment to gender equality and women's right to live free from violence is obligated to actualize that commitment beyond political rhetoric, through concrete actions such as policies and legislation and through direct engagement with women in civil society who make up the demographic which the state is attempting to target with such actions.

1.3. Nature and purpose of research and project

The goal of this study is to interrogate conventional assumptions about the role of democracy, the state and civil society in advancing gender equality and ending violence against women in all of its various forms. The purpose of my field research was to gather data directly from women in the state and women's CSOs to gauge the extent and effectiveness of the state's relationship with women in civil society. My findings

served to corroborate the existing literature regarding the nature of the state and the role of civil society groups in both South Africa and Rwanda. However, what this study highlights in particular is the need for an in-depth nuanced analysis of cases like Rwanda and South Africa, which appear highly similar in their initial approach to the institutionalization of gender equality, and yet which emerge contradictory in their outcomes. Though democracy is a form of governance that is conventionally expected to better facilitate citizen involvement in decision-making and the setting of state priorities, the case of South Africa clearly indicates otherwise, at least with regard to the limited success women in civil society have had with engaging the state in order to address their serious and immediate needs. Interestingly, though the Rwandan state has received considerable criticism from the international community with regard to its authoritarian leanings, the government's commitment to following through on its gender equality agenda is apparent, as evidenced both within its concrete actions and its relationships with women's CSOs.

In addition, although it was not the primary focus of my research, I also asked participants about their perceptions of women within the state as effective representatives for women in civil society, simply because they are women themselves. The responses to this question indicate a need for greater analysis of the role and public expectations of women in the state as "natural advocates" for gender equality, an inquiry unfortunately beyond the scope of this paper but certainly an area for future research.

Overall, it is my hope that this project contributes positively to the wider literature regarding both the power and the limits of democracy and of the state in institutionalizing gender equality, as well as that of CSOs in holding the state accountable for its failings in important areas of human rights and development.

2. Methodology

This study examines changes in gender-based structural and physical violence within Rwanda and South Africa since 1994, with particular regard to the relationship between civil society organizations and the state following democratization. This study takes a mixed methods approach, relying on both quantitative and qualitative resources. Secondary research is supplemented by primary research conducted over the course of two months in the fall of 2011, with time divided evenly between Rwanda and South Africa. Semi-structured interviews were the primary method utilized to collect data in the field on the relationships between civil society organizations (CSO) and the state, in both countries. The findings of this field research primarily serve to corroborate existing research on the topic and to strengthen the argument of this project.

2.1. Case selection

For the purposes of my specific area of examination, the countries of Rwanda and South Africa make ideal case studies. With regard to gender equality, the similarities between them are considerable. Both countries have been internationally acclaimed for the efforts of their respective governments to guarantee legal rights for women and to attempt to institutionalize gender equality. At the beginning of this project in early 2011, Rwanda was (and remains) first in the world for the most female parliamentarians, currently at 56% for the lower house and 38% for the upper house, while South Africa held fourth place at 44% for the lower house, and 29% for the upper house; South Africa now holds seventh place with 42% in the lower house and 32% in the upper house (Inter-Parliamentary Union, 2011). I chose to compare Rwanda to South Africa, rather than compare Rwanda to an industrialized Western country with a high number of women in parliament, as both Rwanda and South Africa are developing countries with more similar cultural and historical backgrounds. Both countries experienced significant civil strife for decades, which reached a particularly violent and heated climax in the years leading up to 1994. The Rwandan Patriotic Front (RPF) emphasized the importance of gender equality from the time of its inception in Uganda; similarly, the liberation movement led by the African National Congress (ANC) of South Africa was

bolstered by the women's movement of the country, and established the ANC Women's League to demonstrate its commitment to the empowerment of women.

During the establishment of the RPF and the ANC as the ruling state party, in Rwanda and South Africa respectively, the constitution of each country was rewritten, emphasizing non-discrimination and guaranteeing inalienable rights for women and girls. National gender machineries were also established, along with 30% quotas for female representation; the Rwandan state's 30% quota is mandatory for all women in government, regardless of party affiliation, whereas the 30% quota in South Africa is mandatory only for the ANC as a specific party policy. Furthermore, the RPF has been in power in Rwanda consistently since 1994, as has the ANC in South Africa. Given the significant similarities between the two countries, an assessment of how each nation has fared with regard to gender equality since the sweeping changes of the early 1990s provides an opportunity to review and perhaps challenge conventional assumptions about the potential for democratization and the institutionalization of gender equality to significantly benefit women in civil society.

Comparing the experiences of Rwanda and South Africa can help shed light on the different factors that may have an impact on whether or not, and how, gender equality is advanced within a country and what kind of relationships exist between the state and civil society to help facilitate this process. In my case study comparison, I employ Mill's method of difference. This method seeks to compare cases with a large number of similarities but whose outcomes on the study variable are significantly different (Van Evera, 1997). The study variable for the purposes of this project is the difference in the approach of each country's government and the nature of the relationships between the state and civil society, with specific regard to gender equality. The more similar the cases are, the easier it is to spot the true cause(s) of the study variable (Van Evera, 1997). Thus, comparing the trajectory of Rwanda and South Africa with regard to gender equality and state-civil society relationships is a useful exercise, as these case study countries present a high number of initial similarities, thus allowing for a more accurate identification of a few crucial variables that help to explain the different outcomes of each country with regard to the advancement of gender equality.

The comparative case study method has both strengths and weaknesses (Gerring, 2004). Case studies can produce causal inferences that may be applicable to only one specific case, thus limiting the ability for findings to be more broadly

generalized to other cases. However, one of the primary strengths of the case study method is that it allows for a deeper and more nuanced analysis of the factors and mechanisms involved in producing the outcomes under examination. Thus, for the purposes of this project, the comparative case study approach has been particularly useful in identifying those elements that differentiate Rwanda from South Africa with regard to gender equality and state-civil society relationships, despite the numerous characteristics otherwise shared by these countries.

2.2. Location and interview participants

Semi-structured interviews were the primary method of data collection utilized in my field research. I conducted interviews with a total of 57 individuals; 33 in Rwanda and 24 in South Africa. Interview subjects came from widely varied socio-economic backgrounds, and these included both men and women. I spoke with women in high-ranking government positions, local academics and researchers, local students, local grassroots organizations and international NGOs. All of the participants in Rwanda were interviewed in the capital city of Kigali and the surrounding area. In South Africa, participants were interviewed primarily in Johannesburg and Cape Town, as well as a small number in Stellenbosch.

2.3. Methodological restraints

In addition to the methodological limitations of the comparative case study method, research in Rwanda and South Africa presented some significant challenges. In Rwanda, the majority of participants spoke English, but in instances where they only spoke French or Kinyarwanda, I had to use a translator, which can affect both the response of the participant as well as the interpretation of the response by the translator, thus skewing the information. Fortunately, I only required a translator on two occasions in Rwanda. Meeting with government officials also presented the possibility that their responses would be misleading or ambiguous, as public figures are presumably more cautious about the image they present to the outer world. As a white woman from the West, I faced the possibility of being seen as an outsider and thus having participants tailor their responses to my questions in such a way as to create a certain appearance that may or may not be fully accurate or truthful. In addition, the government of Rwanda

has been accused in the past of having a strong hold over the public and repressing dissent, thus presenting the possibility that the responses of my participants may have consciously or unconsciously depicted the Rwandan state in a more favourable light so as to avoid any possible persecution for criticism of the regime.

In South Africa, language was not a barrier as all of my participants spoke English. However, arranging meetings in South Africa proved to be more difficult than in Rwanda. The organizations and individuals I contacted took much longer to correspond with and to confirm an interview, as compared to Rwanda, and thus I was unable to meet with as many participants as I had during my time in Kigali. Many of my interview participants also indicated that in recent years numerous civil society organizations had experienced a dramatic decrease in international funding; thus, many of the smaller grassroots organizations I tried to contact during my time in the country were no longer in operation. In addition, dividing up my time in South Africa evenly between Johannesburg and Cape Town added to the difficulty in arranging to meet with participants at a time and date that worked for their schedules. The same constraints noted above in Rwanda with regard to meeting with government officials, as well as my status as a white Western female, also applied to my interviews in South Africa.

Overall, the most significant challenge I faced was limited time and resources. As I personally funded this field research, my ability to extend my time in either country was restricted, despite the fact that my project may have benefited from a longer stay and a greater number of interviews in the field.

3. Literature review

3.1. Theorizing gender and violence

Any discussion of the relationship between gender and violence requires a clear definition of both terms at the outset. I will first outline how the concept of gender is understood in the context of my analysis here, and will follow with a detailed explanation of the different forms of violence experienced by women and girls as a result of gender discrimination.

In feminist theory, gender is defined as the social construction of the roles that men and women are expected to perform in society, in both public and private settings (Waylen, 1998). The category of sex is distinct from gender, as sex is determined by biology, whereas gender is constructed through social behaviours and expectations that are perpetuated over time. For example, a woman's ability to bear children is determined biologically, whereas the expectation that women are primarily responsible for childcare and household duties (a distinct female gender role) is a social construction supported by the ideology that defines male and female gender roles. In many African countries, culture often dictates that a woman is subordinate to her husband, and that the man is the head of the household, often in control of the family finances and responsible for all major decisions affecting the home and the family unit (Kevane, 2004). The power imbalances inherent in traditional gender roles leave women particularly vulnerable to various forms of direct personal violence and indirect structural violence (Winter & Leighton, 2001). I will discuss these concepts in greater detail below.

A formalized theory of the two different types of violence referred to here was first introduced by Johan Galtung in 1969. Galtung defines violence as any situation or structure wherein "human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations" (Galtung, 1969, p. 168). This concept of violence is then broken down into two distinct categories: direct personal violence and indirect structural violence. Direct personal violence is defined as violence that has a clear subject-object relationship, which can be manifested in either physical violence such as rape, abuse or murder, as well as psychological violence, such as emotional or psychological abuse. In contrast, structural violence is understood as

violence that occurs as a result of structures that discriminate against groups or individuals based on any number of factors. Discrimination that limits the rights and opportunities of women and girls in either the public or private realm, as a result of prescribed gender roles, is a distinct form of structural violence (Confortini, 2006). By the same token, gender-based physical violence against women is a manifestation of direct personal violence.

Structural violence often goes unnoticed, and may even be considered natural by those in the community; in some cases, even direct personal violence may be considered acceptable if social norms so dictate (Galtung, 1969). Gender roles that define women as inferior to their male counterparts often provide support to perpetrators for both structural and personal violence against women (Confortini, 2006). In fact, structural violence will often lead to physical violence. An example of this process in the African context is the custom of *lobola*, wherein the man makes payment in either money or cattle to the bride's family, as a way of "purchasing" the woman for marriage (Maitse, 2000). As such, she becomes his property, a clear form of structural violence, and is then completely subordinated to him, making acts of physical violence against her more acceptable and even justifiable to those who may witness or participate in such acts, including the husband himself and even the victim of the abuse.

Much has been written about the relationship between gender and violence, particularly with regard to the power imbalances inherent in patriarchal societies, which often leave women disempowered and vulnerable to various forms of GBV. For our purposes here, patriarchy is defined as both an ideology and an active system of gender roles and relations in which men typically dominate and women are subordinated, in both public and private arenas (Yodanis, 2004). Lisa Boucher argues that violence against women was long considered a "private" problem confined within the domestic realm, until the feminist movements of the 1960s and 1970s began to raise awareness about the issue and to "politicize the personal", as it were (Boucher, 2008). The conceptualization of gender as a social construction, which by its very nature serves to oppress women, has helped to alter how different societies understand violence against women and assists in deeper analysis of the systemic root causes of such violence. Carrie Yodanis tests this feminist theory of violence in a cross-national study, looking at levels of sexual violence against women in relation to their status within wider society (Yodanis, 2004). Yodanis finds that the higher the social status of women within a given

society, the lower the levels of violence against them; where women are more highly educated, have greater social equality with men, and are represented within political structures, they experience significantly fewer incidences of sexual violence.

With regard to gender, structural violence is often seen as the more pervasive of the two forms of violence that Galtung describes (Winter & Leighton, 2001). Deborah Winter and Dana Leighton argue that physical violence often grabs our attention and provokes a more concerted response; structural violence, by contrast, “is almost always invisible, embedded in ubiquitous social structures, normalized by stable institutions and regular experience” (Winter & Leighton, 2001, p. 2). Women in the developing world often suffer from severe structural violence, easily observable in the denial of significant rights and opportunities, including political participation, access to education, safe and effective health care, legal rights and access to resources (Winter & Leighton, 2001; Mazurana and McKay, 2001). Patriarchal gender roles effectively normalize both structural and personal violence against women, and serve to perpetuate these inequalities over time as each new generation is socialized into their respective gender role, complete with the power imbalances that continue to oppress women.

As both structural and personal violence against women cuts across other variables such as class, race, ethnicity, and sexual orientation, it follows that addressing this systemic problem should be considered an important issue of social justice; in fact, I argue that protecting women from different forms of violence and improving the rights and status of women in general is a task that, at least in part, can and should be taken on by the state. If this is the case, how do we define “the state” and how exactly should the state engage in such action? Additionally, what kind of influence can women in civil society have on the state with regard to addressing and eliminating various forms of violence against the female population, particularly within an African context? I will now review the literature regarding these questions.

3.2. The state and civil society

In Western political theory, the concept of civil society is certainly nothing new, and has been vigorously debated for centuries (Wiarda, 2003). Howard J. Wiarda traces the evolution of the idea of civil society back to the definition put forth by the ancient Greeks, where citizenship was constituted by one’s depth of “knowledge, discourse and participation” (Wiarda, 2003, p. 14). Through the years, political theorists have

demonstrated very different conceptions of civil society. Machiavelli, often perceived as a secular political scientist, supported the notion of a strong state and expounded the importance of national unity, leaving very little space for an autonomous civil society beyond control of the state. Conversely, Thomas Hobbes conceived of civil society as an “artificial creation of the state”, and defined society as a collection of self-interested individuals, often in competition with one another (Wiarda, 2003, p. 17). In the late 17th century, John Locke articulated the more conventional Western concept of civil society that we see in popular discourse today. For Locke, civil society was freely participatory, democratic, entirely voluntary and based on the individual, as opposed to the group. The three pillars of civil society, in Locke's definition, are democratic participation, private property and the rule of law.

According to Oscar Rojas, the term “civil society” began to fade away in political discourse after these earlier concepts were introduced, and was not revived again until the 19th century, initially by the German philosopher Georg Hegel. Alexis de Toqueville, and the economist John Stuart Mill, later elaborated on the concept of civil society, specifically as it should function within a democracy.

While the definition of civil society has not yet reached a clear consensus, there appears to be a core set of values that most definitions have in common and which make up the most widely understood conceptualization of civil society as it is used today (Jensen, 2011). These values include freedom of association, voluntary participation, democratic norms and the ability, if so desired, to critique and hold accountable state entities. By its nature, civil society is neither state nor market; it is beyond the household but not inclusive in government structures (Wiarda, 2003; Bratton, 1994). In particular, organizations within civil society are characterized as “those groups that lie between the individual and the state, that serve as transmission belts for conveying private interest concerns to government decision makers and back down again as implementers of public policy, that help to mediate between state and citizen, and that serve both as expressions of popular sentiment and as limits on arbitrary government” (Wiarda, 2003, p. 21). It should be noted here that civil society is not limited only to formalized groups but may also include individuals, such as singular social activists and academics, which may inform the critique of the state and may even align themselves with different CSOs at different points in time.

In opposition lies the state, a concept that appears to be rather less ambiguous than that of civil society. The state can generally be understood as synonymous with government (Jensen, 2011). Though there are different forms of government (authoritarian, democratic, socialist, etc.), all of these would still be considered the state. Franz Oppenheimer defines the state almost as a fearsome beast of power and domination, "a social institution... forced by a victorious group of men on a defeated group" (Oppenheimer, 2007, p. 8). Robert Post and Nancy Rosenblum provide an alternative characterization, defining government as "an inclusive sphere, which, when viewed from the perspective of civil society, is characterized by overarching public norms made and enforced by official institutions" (Post & Rosenblum, 2002, p. 3). Ezra Mbogori and Hope Chigudu argue that in the new millennium, the ideal democratic state should be fully participatory and engage in what they call "good governance", demonstrating inclusiveness, transparency and accountability (Mbogori & Chigudu, 1999). In such a state, civil society would in theory have much greater influence on state policies and legislation, an arrangement that could potentially serve to benefit the needs and interests of women in civil society in countries like Rwanda and South Africa.

Feminist theories of the state are numerous, and an examination of them here is useful for a gendered analysis of the relationship between the state and civil society in Rwanda and South Africa. Liberal feminists have historically seen the state as a potentially beneficial tool through which women stand to gain economically or politically, assuming they can make demands on the state and their interests can be represented politically (Waylen, 1998). Socialist feminists with Marxist foundations understand the state as a structure of the ruling class, which serves to reinforce gendered hierarchies, emphasizing women primarily as reproducers of the labour force in the interests of capitalism. Radical feminists view the state as an institution that is intensely patriarchal, run by and serving the interests of the male population, with little to no regard for the well-being or the interests of women (Waylen, 1998). Despite these different conceptions of the state and its intentions, there is a general consensus in feminist theory about the significance of the state as a powerful structure that can be used either to benefit women's interests or to greatly disadvantage them, sometimes simultaneously.

Feminist theory has not historically emphasized civil society as a category in itself, but rather has focused on the concept of the public/private divide, a divide which has served to suppress attention to the damage caused by hierarchical gender roles,

including domestic violence, a problem often seen as a private matter beyond the public responsibility of the state (Rosenblum, 2002). In addition, many feminists do not see the household or family unit as beyond the realm of civil society, as gendered structures of power and influence manifest themselves both within civil society groups and within the home. Not surprisingly, most feminist theorists see civil society as an open, public space in which concerns and grievances originating in the gender dynamics of the home can be shared, addressed and rectified (Rosenblum, 2002). The feminist movement itself has as its foundation the organization of different groups of women coming together in wider civil society to address such issues of gender discrimination and violence; as Rosenblum highlights, “association and networks of associations are *the* source of collective action for those without formal political power, economic resources or social prestige” (Rosenblum, 2002, p. 154, italics original).

Of particular relevance for the analysis I undertake in this paper is the concept of a liberal democratic framework supported by a liberal democratic political culture (Jensen, 2011). Mark Jensen argues that the ideal relationship between the democratic state and civil society takes the form of a “grand conversation”, in which civil society in all its manifestations nurtures a culture of liberal democracy based on inclusion and compromise, and in which state entities in turn support a flourishing civil society by “protecting individual and group rights, stabilizing economic markets, and securing public goods” (Jensen, 2011, p. 109). Jensen acknowledges the limits of civil society in achieving its vision of “the good life” via the state, while also emphasizing that the democratic state is, by its very nature, legitimized by its citizens and thus must secure and protect certain rights and freedoms for all of civil society.

The idea of a robust and liberal civil society that keeps the state in check is often seen as a Western export when applied to countries of the developing world (Wiarda, 2003; Ball & Knight, 1999). Wiarda argues that the liberal Western idea of civil society in many cases does not exist in the developing world, or looks very different from what we might expect. According to him, “it is the corporatist and statist conception of civil society that prevails”, in most developing countries of Latin America, the Middle East and Africa (Wiarda, 2003, p.15). Colin Ball and Barry Knight echo these sentiments, pointing out moments in history that reveal how inappropriate or challenging the Western model of civil society has proven to be in different cultural contexts, particularly with regard to the assumption that the presence of social infrastructure will automatically result in the

development of a vibrant civil society (Ball & Knight, 1999). Whether or not social infrastructure will always and automatically facilitate the formation of a robust civil society is unfortunately beyond the scope of this paper to effectively address. Nevertheless, it would be useful to consider what exactly civil society and the state look like and how they operate in the developing world. For the purposes of this paper, I will focus on civil society and the state in sub-Saharan Africa.

3.3. The state and civil society in sub-Saharan Africa

Much of the recent literature on civil society and the state in sub-Saharan Africa (SSA) focuses on the process of democratization and the new role for civil society in post-independence African states. Within political discourse, the concept of democratization became a significant focus and topic of debate in the 1990s, particularly with regard to the developing world (Orvis, 2001; Rai, 2008). Both African and Western scholars have criticized the conventional Western notion of civil society for being too narrowly defined and inappropriate for many African contexts (Orvis, 2001). Stephen Orvis makes a case for African civil society as uniquely distinct from Western civil society, arguing that the “rich, associational life of contemporary Africa” can only be accommodated if civil society is more loosely defined (Orvis, 2001, p. 20). Orvis suggests a definition of African civil society as “a public sphere of formal or informal, collective activity autonomous from but recognizing the legitimate existence of the state” (Orvis, 2001, p. 20). However, other scholars argue that what little civil society exists in Africa is largely weak and ineffectual, as it is not based on civic norms (Callaghy, 1994). Orvis contends that the concept of “norms” must be removed altogether from the criteria for a definition of civil society in SSA, and that areas of difference and even conflict, such as ethnicity, religion, class and gender, are crucial for understanding civil society in the region. Nevertheless, he also points out that liberal, democratic norms have in many instances been reflected in social demands and political behaviours in Africa, and have greatly influenced the democratic movement across the continent.

Alongside evidence of some liberal, democratic norms, the concept of moral ethnicity provides the groundwork for African civil society, establishing reciprocal community obligation as a fundamental feature of state-civil society relationships in SSA; those with wealth and influence are expected to contribute their gains to the betterment of the community as a whole (Lonsdale, 1994). Community obligation as a civic norm in

Africa is widely agreed upon in the literature, reflected in the consistent flow of remittances from urban to rural homesteads, and in systems like the *harambee* in Kenya. Importantly, groups not typically considered to be a part of civil society in Western conceptions are significant in an African context. Patron-client networks and traditional authorities play a central role; patron-client networks, while not entirely autonomous from either civil society or the state, can be understood as “informal groups that pursue their collective interests vis-à-vis the state”, which also allows them some degree of political participation and even accountability, however flawed it may be (Orvis, 2001, p. 27). In addition, many traditional authorities in SSA appear to have now become part of civil society, particularly within constitutionally democratic countries, and often act as mediating bodies between the state and other collective interests within civil society, even providing consultative services to the state with regard to policy formation, not unlike other CSOs. However, Mahmood Mamdani argues that there still exists a duality in the governance of African states; while the formalized central state tends to exercise authority over urban areas, rural communities are often still controlled by customary authorities (Mamdani, 1996). In essence, “civil power claim[s] to protect rights, customary power pledge[s] to enforce tradition”, thus creating a potential point of conflict between different groups wielding different levels of power and authority within African civil society (Mamdani, 1996, p. 18).

Michael Bratton lends further support to the idea of a unique African civil society, arguing that groups organized around clan, age-set and brotherhood can rightfully be considered associations expressing collective interests within a distinct African context (Bratton, 1994). Bratton argues that many Africans consider themselves politically active citizens, and cites the case of Zambia as an example of an African civil society in which a significant majority of citizens belong voluntarily to civil society groups and are particularly concerned with community affairs. However, in a more skeptical tone, Wiarda points out that widespread poverty and underdevelopment are the main reasons why civil society remains so weak in many parts of Africa (Wiarda, 2003). With particular regard to the relationship between civil society and the democratic state, Daryl Glaser asserts that observers both within Africa and abroad support the argument that a strong and autonomous civil society is “critical to the successful implantation of democracy in developing countries” (Glaser, 1997). As we shall see in this paper, some of the features of a unique African civil society as discussed above, including such elements as patron-

client networks, are arguably damaging to fully transparent and accountable democratic governance, and to advancing the interests of women in civil society more specifically. It seems both logical and reasonable that civil society groups which are fully autonomous from the state are more likely to support and advocate for democracy that is transparent and accountable, although it is crucial to note they are not necessarily more likely to have the state wish to engage with them or to consider their interests when drafting policies and legislation. CSOs in South Africa are a good example of this phenomenon, which I will elaborate on later in this paper. The reader should note that the CSOs under analysis here are not based on ethnic or family ties, but rather on a particular shared interest in women's rights, empowerment and gender equality.

What, then, of the African state? The majority of scholars on the topic recognize neopatrimonialism as a core feature of the contemporary African state (Orvis, 2001; Bratton and van der Walle, 1994). Post-independence, African politics have been characterized by a clamp down on civil society activities and an emphasis on national security and state sovereignty (Bratton, 1994). Countries like Nigeria, Zimbabwe and the Democratic Republic of the Congo are examples of an all too familiar scene of corrupt, authoritarian states in Africa. Even those leaders who are "democratically" elected, like Olusegun Obasanjo of Nigeria, continue to repeat the argument made by so many authoritarian regimes – that a country lacking a strong civil society and strong institutions necessarily requires "strong-man rule" (Wiarda, 2003, p. 50). The case of South Africa's democratic transition should provide some support to the idea that a strong civil society can make demands of the state and have their voices heard in meaningful ways that affect real change; however, in the years following the end of apartheid, civil society in South Africa, though still considerably active and vocal, has become fragmented, and the state has displayed a tremendous lack of transparency and accountability once again (Wiarda, 2003).

In a democracy, citizens and civil society are understood to legitimize state power, and as such, the state and civil society exist in a complementary relationship with one another (Jensen, 2011). Women, as citizens equal to their male counterparts, should be able to make demands of the democratic state regarding their rights and status, as well as their role in the political process. Women in SSA have made significant progress in this arena in recent decades, but as the literature indicates, considerable barriers remain.

3.4. Gender, the state and African politics

Feminist theory often describes the state as a gendered hierarchy, with greater levels of women involved at the bottom of the structure and far fewer women represented further upward along the hierarchical chain of command (Randell & Waylen, 1998). This conception is particularly interesting in the case of Rwanda and South Africa, as there are actually more women in governing roles at the national level than at the local level, although this tally of women in the state does not include women in positions of significantly less power and authority, such as administrators or assistants (FFRP, 2011; Parliamentary Monitoring Group, 2005). In spite of these obstacles, political scientist and feminist theorist Shirin Rai argues that a historical analysis of gender and politics in the developing world reveals that engagement with the state is an absolute must if women are to have their interests represented and their rights institutionalized (Rai, 2008). Linzi Manicom views the state in South Africa as a manifestation of, and a reinforcing mechanism for, existing gender inequalities that are so pervasive in South African society (Manicom, 1992). It should be noted that my discussion of gender and the state in an African context will focus primarily on women's experiences; this is not to imply that gender is synonymous with women, but for now I will focus predominantly on women's roles and experiences for the purposes of comparison in the case study countries under examination.

In sub-Saharan Africa, women have been historically marginalized and repressed by the state, through government policies and legislation that limited their political participation and severely restricted their legal rights (Gouws, 2008). However, since the 1980s, women in African states and African civil society have pursued what some political scientists have termed a "politics of institutionalization"; this strategy was adopted to help ensure women's political representation within state structures and the formalization of legal rights for the female population (Gouws, 2008, p. 538). What is commonly referred to as the national gender machinery (NGM) of a country entails a collective state-civil society effort aimed at advancing women's rights and status, involving some combination of state institutions, constitutionally-guaranteed rights, independent oversight commissions, women's ministries, gender desks at different levels of government, quota systems to ensure women's representation within legislative bodies, and consultation with civil society groups. However, NGMs in SSA have had variable degrees of success, and are often under-staffed and under-funded, making their

effectiveness extremely questionable in many cases. Rai highlights a number of specific elements necessary for NGMs to be even marginally effective, including the adequate provision of resources, direct links with civil society groups concerned with the advancement of women's rights and status, and the ability to hold NGMs accountable for their actions (Rai, 2008).

A number of countries in Africa have, at least on the surface, embraced the concept of NGMs and have implemented some or all of the elements listed above. Tanzania set a constitutional quota for women in parliament at 20%, Namibia established a Gender Desk in the Office of the President, and the opposition party in Botswana has a voluntary quota for women (Gouws, 2008). South Africa's experience is particularly interesting, as the NGM established there was a part of the negotiated settlement when apartheid was abolished in 1994, and is one of the most comprehensive and liberal NGMs on the continent. In Namibia's case, the Gender Desk in the president's office later evolved into a Department of Women's Affairs, although the lack of a strong and cohesive women's movement in civil society was named as a major obstacle for mobilizing women in the country.

With regard to democratization and ensuring women's rights in the new democratic state, the importance of a broadbased women's movement cannot be overstated (Viterna & Fallon, 2008). Jocelyn Viterna and Kathleen Fallon argue that four key elements largely determine the likelihood of a democratic state that is gender-equitable: a complete transition to democracy, strong coalitions within the women's movement, a transitional ideology that is easily aligned with feminist ideals, and a history of women's mobilization and activism during the transition that legitimizes their present demands. Countries analyzed in Viterna and Fallon's study include the test cases of South Africa and Ghana. Women from all classes and races were actively involved in the liberation movement to end apartheid in South Africa and the women's movement made its presence known in demands for gender equality from the new democratic state. On the other hand, potentially influential women in Ghana were co-opted into state "women's movements" using financial incentives, which often intimidated women in civil society and kept them from participating more effectively in the transition. As a result, the South African state of present day is considered significantly more gender-equitable than the Ghanaian state. However, Pamela Scully warns of the dangers of being too optimistic about what the state can provide for women; there are limits to what the state

can do to advance women's rights, particularly with regard to implementation, which is often uneven and largely inadequate following the establishment of women's legal rights (Scully, 2009).

Both structural and personal violence is widespread and pervasive against women in SSA (Gouws, 2008; Rai, 2008). For the purposes of my analysis in this paper, I will focus primarily on forms of structural violence directly enacted by the state against women, and forms of physical violence against women that occur throughout society and which the state is legally obligated to protect women from. If a democratic state is indeed legitimized by its citizens, then women in civil society should rightly be able to expect the protection of the state with regard to forms of violence enacted against them. As such, I argue that a direct relationship between the state and civil society groups concerned with women's rights and status is vital to ensuring women's voices are heard at the local and national level; such a relationship would arguably benefit the state by providing a feedback mechanism regarding the effectiveness of policies and programs implemented in the interest of supporting women's needs and concerns, and would allow civil society an opportunity to make its needs and concerns known to the state and thus assist in holding the state accountable for its actions. Gender-based CSOs in both Rwanda and South Africa appear to desire such a relationship with the state, but the extent to which the state appears to be interested in and committed to such a relationship with civil society, and to gender equality more generally, varies greatly between the two nations.

4. Case Study #1: Rwanda

4.1. Gender inequality pre-1994

Similar to many other African nations, women in Rwandan society have, throughout history, been perceived as inferior to their male counterparts and have occupied a subservient, domestic role (Wallace et al., 2009). As such, Rwandan women have been subjected to various forms of indirect structural violence and direct physical violence, particularly in the time period before 1994 as a result of increasing civil conflict.

4.1.1. Indirect structural violence

Before the genocide and the political reorientation that followed, women in Rwandan society were legally designated as minors, and were not permitted to engage in economic transactions, to control financial resources in the home, or to own or inherit land (Wallace et al., 2009). In a country where the vast majority of the population lives in rural areas and relies on subsistence agriculture for survival, the right to inherit and own land is a crucial one, and denial of this right was a distinct form of structural violence faced by women in Rwanda prior to 1994. Colonialism further entrenched patriarchal norms within Rwandan society, and in fact even exacerbated them in some situations, stripping Rwandan women of what little power they held under traditional arrangements, particularly during the time of the monarchy in Rwanda. As the “Queen Mother”, a Rwandan woman held significant power and influence as adviser to the King, but with colonization, Rwandan women were conditioned by colonizing powers to reflect a more docile and domestic woman, strikingly reminiscent of the Victorian-era female in Western European countries (Hogg, 2010; Randell, 2011).

The Family Code of 1992 established men (husbands, fathers, older sons) as the head of the household (Sharlach, 1999). Due to the patriarchal structure of Rwandan society, the man was considered the primary decision-maker, while women and girls were the sole caretakers within the home, responsible for all aspects of childcare, domestic chores such as cooking and cleaning, fetching firewood and water, and caring for elderly relatives (Adekunle, 2007). In addition to this, women were also responsible for the vast majority of agricultural production. In spite of their contributions to their

families and communities, however, women remained marginalized with regard to rights and education; women and girls were expected to remain in the home throughout their lives, raise children and provide labour, and thus were denied the opportunity to receive any sort of formal education (Hendricks and Oder, 2010). Women were often illiterate and were significantly poorer than men (Hogg, 2010). One small improvement that came about in the mid-1980s was that women were allowed to open bank accounts in their own names, although the effectiveness of this new legislation is questionable in that banks continued to restrict the practice regardless of the law (El-Bushra, 2000).

The practice of “bridewealth” or *inkwano* further subordinated women within the gendered social hierarchy of Rwandan society; when a couple wed, the man would pay the woman’s family in either cows or money to take her hand in marriage (Adekunle, 2007; Uwineza & Pearson, 2009). This established the woman as the property of her husband, and further solidified her status as a minor. If a woman wanted to divorce her husband, she was only able to do so if it was publicly known that he had physically abused her on more than one occasion; however, as cultural tradition held that any children of the marriage automatically became custody of the father upon separation, women would often avoid reporting incidents of abuse altogether for fear that they would lose their children in the process (Uwineza & Pearson, 2009).

Regarding women’s political participation, however, Rwanda stands apart. Women in Rwanda have legally been allowed to vote since 1961, and Rwanda had its first female parliamentarian in 1965 (Hendricks and Oder, 2010). By 1990, 17% of seats in national parliament were occupied by women, a notable achievement compared with other developing countries in the same time period. However, it should be noted that there were no women at all in the most powerful branch of government (the executive) until 1990, and even then only 5% of this branch was female (Sharlach, 1999).

4.1.2. Direct physical violence

In addition to the denial of land rights and access to economic resources, domestic violence and sexual abuse were widespread in Rwanda (Hendricks & Oder, 2010). As women held the status of minors, a woman was seen as the property of her husband and was not afforded legal protection from such violence and abuse. As polygamy was a traditional marriage arrangement in Rwanda, bride kidnapping and forced marriages were also not unusual occurrences (Adekunle, 2007). As Nicole Hogg

reports, “the inferior status of the woman [and] her ignorance encourage[d] her into submission and expose[d] her to rape and sexual services” (Hogg, 2010). As such, girls and women experiencing sexual or domestic violence were expected not to report it or discuss it with anyone.

It is important to note here that a discussion of the status of women in traditional Rwandan society must inevitably include an acknowledgement of the differences in ethnicity. Three different ethnic groups comprise Rwanda's local population, those being the Hutu at 84%, the Tutsi at 15% and the indigenous Twa at 1% (Adekunle, 2007). Though the Hutu make up the bulk of the population, they have been historically marginalized and oppressed by the Tutsi minority, in part due to Rwanda's colonial origins. German and then Belgian colonists in the 19th century used Tutsi chiefs to rule the country on their behalf, including policies of forced labour, and privileged them both in social status and occupation (Adekunle, 2007). However, even before Europeans arrived, the Tutsi had ruled over the Hutu for decades, as the Hutu were descended mainly from farmers and the Tutsi had a long history as warriors; thus, Tutsi ideology dictating their right to rule over the Hutu had already begun to dramatically shape the relationship between the two ethnic groups. Not surprisingly, the long-standing social and economic divide between Hutus and Tutsis contributed significantly to the civil war of 1990 and to the subsequent genocide of 1994.

A feminist analysis of the status of women in Rwanda must take into account the intersectionality of various forms of discrimination based on different factors, in this case both gender and ethnicity. The concept of the intersectionality of different forms of discrimination is rooted in feminist theory, and serves to describe how women may be discriminated against on more than one ground (Crenshaw, 1989; Yuval-Davis, 2006). For example, a Hutu woman may be discriminated against not only because she is a woman, but also because she is a Hutu. Thus, gender will often intersect with other variables in any given society to compound women's oppression, variables that include (but are not limited to) race, class, disability, ethnicity and sexual orientation. As a result of the ethnic divisions in Rwanda, Tutsi women often came from families with a history of wealth and privilege, while Hutu women have been significantly less advantaged over the years. However, in spite of the social and economic benefits experienced by some Tutsi women, their status as women still precluded their ability to enjoy equal rights with men.

4.2. The state and civil society pre-genocide

Rwanda achieved independence from Belgium in 1962, and a Hutu government came to power under the presidency of Gregoire Kayibanda (Adekunle, 2007). As discussed above, the Tutsi ethnic group had enjoyed significantly more privileges than the Hutu under colonial rule, and as such the newly independent Rwandan state dominated by a Hutu government was characterized by segregation of the two main ethnic groups and outbreaks of violence. As Kayibanda's popularity declined in the late 1960s, Juvenal Habyarimana took power after a military coup in May of 1973 and established Rwanda as a single-party state. Habyarimana was the last president of Rwanda before the genocide, and the state under his rule was extremely authoritarian, focusing excessively on the promotion of an agricultural society that favoured the Hutu population (Verwimp, 1999). Other than the presence of a small proportion of women in parliament and what is seen as a mostly symbolic effort in creating a Ministry for the Promotion of Women and the Family in 1992, Habyarimana's regime did little to substantially empower women, include them in the political process or address their socioeconomic concerns (Verwimp, 1999). Pressure from the international community to open the state up to multi-party democracy resulted in some small concessions from Habyarimana's regime; in 1991 and 1992 a number of opposition parties were allowed to emerge, though these groups posed no real threat to the existing government, and some of these parties were in fact orchestrated by Habyarimana himself to project a façade of political liberalization (Waugh, 2004).

Civil society in Rwanda prior to 1994 was generally weak, although not entirely non-existent (Burnet, 2008). Under Kayibanda's government, women's social centres were supported in each prefecture, primarily assisting rural women with particular needs, such as access to education and health care. These centres also offered employment and leadership experience for the women who ran them. In the years following, farming cooperatives and grassroots organizations, primarily related to the church, began to grow in number under Habyarimana's rule, as a result of the state's overt focus on agricultural development and a renewed infusion of foreign aid (Burnet, 2008). Several CSOs emerged during this time that focused on the legal, social and economic empowerment of women in particular, and they continue to operate in Rwanda today. It should be noted, however, that although foreign donors celebrated and financially supported what they considered Rwanda's vibrant civil society, Habyarimana's regime

maintained firm control over these organizations (USAID, 2001). Overall, civil society in Rwanda before the genocide was not especially robust or vocal in their demands of the state.

4.3. Women's roles during the genocide

In the genocide of 1994, women were both perpetrators and victims (Sharlach, 1999). Women in elite positions within the government were some of the primary architects of the genocide. Both the First Lady and Minister of the Family and Promotion of Women were directly involved in campaigns promoting Hutu domination and encouraging direct violence against the Tutsi ethnic group. Hutu women turned against their Tutsi neighbours and supported Hutu men in the assault on the Tutsi ethnic population. As victims, both Hutu and Tutsi women were raped and murdered by different sides involved in the conflict; however, men were primarily targeted for mass killings, while women were often tortured, raped and left alive, leaving Rwanda with a 70% female majority population when the genocide came to an end in June of 1994 (Sharlach, 1999).

4.4. Rwanda's political transition and reorientation post-genocide

In July of 1994, the Rwandan Patriotic Front (RPF) took control of the capital city, Kigali, and much of the surrounding territory, effectively ending the genocide (Powley, 2004). The RPF established the Government of National Unity (GNU), holding true to the agreement within the Arusha Accords that power would be shared amongst a number of different political parties. A Hutu took the post of Prime Minister, and the head of the RPF, a Tutsi by the name of Pasteur Bizimungu, became President (Reyntjens, 2004). The transitional government remained in power until official multi-party democratic elections were held in 2003; district-level democratic elections were held in 2001, and a Constitutional Commission was organized at that time, as well. In 2000, Bizimungu resigned and Paul Kagame, then Vice President, took his place; in the 2003 elections, Kagame won the presidency of Rwanda in a landslide vote, although accusations of electoral fraud and mismanagement abounded (Reyntjens, 2004; Burnet, 2008). It should be noted that the RPF has been accused on more than one occasion of

consolidating its own power during the time of transition, and of effectively operating as an authoritarian government in the guise of a democratic state (Reyntjens, 2006; Burnet, 2008; Reyntjens, 2004; Chapman, 2011).

4.4.1. The Rwandan Patriotic Front and gender equality

As the Rwandan state reinvented itself from 1994 onward, a number of reforms and institutions were put forward in the interest of advancing gender equality and designating the women of the country as an invaluable component of the reconstruction process. The reasons for this are many, including the origins of the RPF itself. Many of the founding members of the RPF grew up in exile in Uganda, and were significantly involved in Museveni's National Resistance Movement (NRM) (Burnet, 2008). Thus, many of the RPF's policies regarding gender equality and women's involvement in politics were strikingly similar to those of the NRM in Uganda. The RPF mainstreamed women in both the political and armed branches of the Front from the very beginning, and upon taking power, established quotas for women's representation in high-ranking government positions and all decision-making bodies, similar to what the NRM had done in Uganda. Following the genocide, Aloysia Inyumba became the first Minister of Women's Affairs; Inyumba had been involved in the RPF during the struggle to end Habyarimana's dictatorship, and was the Commissioner of Finance for the party (Powley, 2006). Inyumba has been called the "founding mother" of the gender equality agenda in Rwanda post-genocide (Powley, 2006, p. 5). The exclusion of the Tutsis as an ethnic minority and the violence that resulted from such attitudes has also been cited as a major factor in the government's apparent sensitivity to the need for inclusion of all members of Rwandan society, particularly those groups that had been historically marginalized, such as women and the minority Twa ethnic group.

Kagame himself is known to many in the international community as a champion for gender equality. In 2007, Kagame won the African Gender Award, a performance-based award in recognition of those leaders who have "demonstrated outstanding achievements in gender mainstreaming and women's advancement" (African Gender Forum and Award, 2007). The international community has embraced this aspect of Kagame's rule, and the Rwandan government has hosted a number of conferences on the importance of gender equality and the role of women in development (Burnet, 2008). Rwanda has ratified the United Nations Convention on the Elimination of all Forms of

Discrimination Against Women (CEDAW) in 1981, as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and is a signatory to the Beijing Declaration and Platform for Action at the 4th World Conference on Women in 1995 (FFRP 2010, Uwineza & Pearson, 2009).

Particularly in the case of Rwanda, women were promulgated as an indispensable part of the reconstruction process. In a country that had been ravaged by brutal violence, political upheaval and extreme poverty, Rwandan women and girls were thrust into unprecedented positions as heads of households and sole income earners (Powley, 2006). Women were seen as the foundation upon which the new Rwanda would be built, and as such their social and cultural status began to transform. The legal reforms and national gender machinery installed by the new government under Kagame's leadership helped to solidify this shift in the perception of women's rights and status within civil society. I will now outline how gender-based structural violence and physical violence have changed in Rwanda since the process of democratization began in 1994, and how the relationship between the state and civil society has evolved during this time.

4.4.2. Changes in structural violence at the state level in post-genocide Rwanda

When considering the starting point for women in Rwanda with regards to state-sanctioned structural violence before the genocide, the reforms introduced from 1994 onward appear tremendously progressive and reflect the RPF's commitment to strong legislation meant to advance women's rights and status in Rwandan society.

The Constitution of Rwanda

In both 1995 and 2003, new constitutions were drafted that emphasized non-discrimination on any grounds whatsoever, and the importance of legal rights for women (Adekunle, 2007). For the purposes of this analysis, I will concern myself only with the Constitution of 2003 that was passed by referendum with an overwhelming majority in favour and remains in effect today. The Constitution guarantees full equality under the law for men and women, and criminalizes discrimination of any kind, including that based on ethnicity, sex, tribe, religion, culture or language (Constitution of Rwanda, 2003). It also includes provisions protecting a woman's right to fully and independently

own land and other forms of private property (Constitution of Rwanda, 2003; Daley et. al., 2009). Article 9 of the constitution guarantees political representation for women at all levels of government with a 30% mandatory quota. The Constitution also formally establishes the Gender Monitoring Office (GMO) and the National Women's Council (NAWOCO), which I will discuss in greater detail below.

Legal reforms

A number of laws in Rwanda that directly affect the quality of life and legal status of women were revised after the genocide to affirm the new state's commitment to gender equality. A few in particular stand out, those being the Land Law, the Family Law, and the Gender-Based Violence Law.

As the population of Rwanda immediately following the genocide was predominantly female, the right for women to own and inherit land was crucial to the survival of the Rwandan people. The Succession Law of 1999 ensured gender equality in women's right to inherit and own land, and the subsequent National Land Policy of 2004 and the Organic Land Law passed in 2005 firmly entrenched women's rights to inherit, purchase, own and work land freely and without discrimination (Daley et. al., 2009). The Organic Land Law is perhaps the most significant and detailed in its protection of women's legal rights to land, specifically in Article 4, which explicitly prohibits "any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land" (Government of Rwanda, 2005). In a country where subsistence agriculture is the main source of income for 80% of the population, denial of the right to own or inherit land was a severe form of structural violence inflicted upon Rwandan women.

The Family Law, or Civil Code, of Rwanda was amended post-genocide to allow women significantly greater rights with regard to marriage, divorce and custody of children. The law now allows for either spouse to obtain a divorce without penalty for a host of reasons, including abuse, adultery and even refusal to assist with domestic chores (Immigration and Refugee Board of Canada, 2007). Custody of the children can now be granted to either spouse, and in fact often favours the mother in court decisions, as the law also stipulates that it is generally in the best interest of the children under six years of age to remain in custody of the mother, although this can be contested in court.

Women are now able to request alimony and have the right to half of the property and assets shared by the couple.

The Gender-Based Violence Law was only recently passed, but constitutes a significant achievement for women's rights in Rwanda. This law was the first piece of legislation introduced into parliament that did not originate in the executive branch of the government (Pearson, 2008). The Forum for Rwandan Female Parliamentarians (*Forum des Femmes Rwandaises Parlementaires* or FFRP), introduced the bill in 2006, and a lengthy consultation process with civil society ensued. The bill, which became law in 2009, clearly defines gender-based violence, and outlines specific definitions for rape and sexual assault as well as terms of criminal punishment, often quite severe, for those who commit acts of gender-based violence (Pearson, 2008; Uwineza & Pearson, 2009).

The National Gender Machinery

In addition to the Constitution and various legal reforms undertaken by the Rwandan government in the years following the genocide, a number of institutions and organizations were developed in order to establish a network of reciprocal relationships between various branches of government and women in civil society, thus constituting the national gender machinery of Rwanda. The principal state bodies of this machinery are the Ministry of Gender and Family Promotion (MIGEPROF), the Gender Monitoring Office (GMO), the National Women's Council (NAWOCO) and the FFRP (Government of Rwanda, 2010).

Formerly known as the Ministry of Gender, Family and Social Affairs, MIGEPROF became known by its current title in 1999 (Burnet, 2008). The focus of the ministry was to revise all existing legislation with an eye for gender discrimination in the immediate aftermath of the genocide, to promote gender equality within Rwandan society, to mainstream gender considerations into all future state policies and legislation, and to train and educate all civil servants, from administrative staff to ministers and judges, to remain aware of pervasive forms of gender discrimination and to understand how new legal reforms would affect women.

The GMO is an independent public institution, established in Article 185 of Rwanda's Constitution. The mandate of the GMO is three-fold: first, to monitor compliance of state policies and organs with the principles of gender equality and non-

discrimination in the context of sustainable development; second, to serve as a point of reference for all matters relating to fairness and equal opportunity with regard to gender equality; and third, to conduct consultation and provide recommendations to various state entities with regard to the promotion of gender equality and national development (Constitution of Rwanda, 2003).

NAWOCO is perhaps one of the most progressive organizations within Rwanda's NGM structure, and the most connected with civil society. NAWOCO began in 1996 as a series of women's councils at the village level and was formally recognized as a national structure in 2003 in Rwanda's Constitution (Constitution of Rwanda, 2003; Burnet, 2008). It is housed within MIGEPROF, and is essentially a formalized social forum that allows all Rwandan women and girls aged 18 and up the opportunity to voice their concerns and suggestions to the state with regard to gender equality policies and mechanisms at all levels of government. Each village elects an executive committee at every level of government to represent the interests of the women and girls involved in NAWOCO at the local level (Burnet, 2008). A general assembly is held once a year, and women from all across the country attend. NAWOCO committees conduct advocacy at the village level, and consult extensively with women in civil society to gather their feedback and to solicit ideas for solutions to some of the greatest challenges women face in Rwanda today.

Finally, the FFRP is a cross-party women's caucus aimed at uniting women in parliament towards common goals, and championing gender equality interests at the legislative level. Founded in 1996, the FFRP's specific objectives include building solidarity among female MPs regardless of differing party ideologies, supporting women in parliament to get involved in the revision or repeal of laws that discriminate against women, and to raise awareness among other MPs, as well as public and private institutions, about the importance of gender equality (FFRP, 2011). The FFRP was in fact responsible for drafting and introducing the Gender-Based Violence Bill, a private members bill and the only bill so far to have originated outside of the executive branch of government (Pearson, 2008). Interestingly, FFRP members participated in training and capacity building gender workshops led by government officials from such countries as South Africa; in 1999, FFRP members participated in a workshop led by Pregs Govender, then the Chairperson of the Committee on the Quality of Life and Status of Women in South Africa and a prominent figure in the women's movement during the

struggle to end apartheid (FFRP, 2011). The existence and actions of the FFRP indicate a strong sense of solidarity among women in the state, while also reflecting a sincere interest in advocating for women in civil society.

Through the various components of Rwanda's NGM, women in civil society have seen levels of structural violence decrease in the years following 1994. However, it should be noted that although structural violence has been reduced through legal reforms implemented by the state, other forms of structural violence within the home and at the community level might remain unacknowledged or unreported and continue to persist over time.

4.4.3. Changes in physical violence in post-genocide Rwanda

Despite the progress made in solidifying women's legal rights in Rwanda and advancing women's status and political participation in civil society, levels of physical violence remain a significant issue of concern. It is difficult to precisely compare levels of violence against women in pre- and post-genocide times, as quantitative data on violence against women for the years before 1994 are severely lacking. However, available data on rape and domestic violence since the late 1990s do shed some light on the situation Rwandan women face today with regard to physical violence.

One of the earliest studies available was conducted in 1997, and looks at women who are both HIV-positive and HIV-negative, that suffer sexual coercion and physical violence in steady relationships (Van der Straten et. al., 1997). Of a sample of 921 Rwandan women, 29% were HIV-positive and 9% were with a male partner known to be HIV-positive. Of the total sample, 33% of women reported that their partner would insist on sex if she initially refused; of the sample that reported ever refusing sex, 34% of these women reported that their partner would become visibly angry with them. Physical violence was strongly associated with sexual coercion. Sexual coercion was significantly higher for women who were HIV-positive and physical violence against the woman was more likely when the male partner was HIV-positive. Negotiation over the use of condoms, as well as situations where the male partner often denied the female partner access to his finances, were also more likely to result in sexual coercion or physical violence against the woman.

Another study from 2006 presents some revealing findings on gender-based violence in Rwanda. Two core sample groups, one of 300 HIV-positive pregnant women

and one of 300 HIV-negative pregnant women, were administered a survey including questions regarding demographic information, alcohol use by male partners, intimate partner violence (IPV) and HIV status (Ntaginira, 2008). Again, women who were HIV-positive reported significantly higher rates of all forms of IPV (44%) as compared to their HIV-negative counterparts (20%). The study found no difference in levels of IPV between urban and rural areas. The results also indicated that women with little or no formal education were more likely to experience IPV than those women who were better educated (Ntaginira, 2008). One of the legacies left by the 1994 genocide is that of a tremendous number of women and children infected with HIV, as a result of the use of rape as a weapon of war, particularly by HIV-positive men who intentionally infected their victims in order to inflict long-term suffering and humiliation (Donovan, 2002).

A recent study conducted by the Rwanda Men's Resource Centre (RWAMREC) in 2010 helps to illuminate the root of the problem with regard to persistent physical violence against women in Rwanda. RWAMREC was initially established in 2006, by local Rwandan men seeking to combat GBV in their communities after a surge in the rates of violence against women following the genocide (RWAMREC, 2010). Statistics from a variety of sources, including the National Institute of Statistics Rwanda and the Rwanda National Police (RNP), indicate that roughly one-third of all women in the country have suffered from some form of physical violence from the age of 15 and up; the main perpetrator of this violence was the husband or partner in 47% of these cases (RWAMREC, 2010). Data from 2005 reveal that an average of 8 women/young girls are raped every day, and 80% of these victims are under 18 years of age. In addition to drawing attention to the problem of gender-based violence in Rwanda, the focus of the study was to interrogate ideas of masculinity and to explore the changing dynamics of male and female gender roles in the country that were thought to be the primary cause of GBV. As gender roles have changed significantly in the wake of the genocide, with women taking on greater responsibility in many aspects of life traditionally viewed as male territory, tensions have arisen that in many cases lead to GBV. It should also be noted that a nationwide survey inquiring about participants views of the prevalence of GBV indicated that many Rwandan women, in some cases more so than men, believe that different forms of violence against women, both structural and physical, have their place in Rwandan society and are justifiable and even necessary in some circumstances (RWAMREC, 2010).

The findings of this study suggest that state policies promoting gender equality, while important and necessary for securing women's legal rights, are nevertheless limited in their ability to alter social attitudes and cultural mindsets, particularly with regard to entrenched patriarchal norms that perpetuate structural and physical violence. As such, civil society has a vital role to play in the process of reducing violence against women in all its manifestations, preferably in consultation and cooperation with the state. On the part of the government, the Rwandan state has responded to the problem of GBV with a number of measures, including GBV desks at the headquarters of both the RNP and the Rwandan Defence Forces (RDF), training for RNP and RDF officers, and free hotlines to report incidents of GBV (Government of Rwanda & United Nations UNite to End Violence Against Women and Girls Campaign, 2010). In addition to the GBV desks at the RNP and RDF head offices in Kigali, gender focal points at local outposts have also been established. The RDF Gender Desk staff has conducted training of nearly 5,000 military officers, cadets, local defence forces and civilians, in three of Rwanda's five provinces.

The Gender Desks of the RNP have coordinated extensive media campaigns speaking out against GBV, and direct community outreach has also been widespread, involving both primary and secondary schools, women's councils, churches and local authorities. In addition, the RDF conducts outreach that specifically aims to sensitize men, in the form of songs and theatre performances that emphasize the role men should play in bringing an end to GBV (Government of Rwanda & United Nations UNite to End Violence Against Women and Girls Campaign, 2010). In Kigali's Kacyiru Police Hospital, a GBV "One Stop Centre" has been established, that offers medical examinations, trauma counselling and legal advice and support to survivors of GBV. Anti-GBV clubs in schools and communities have also been established from the village level to the sub-district level, in order to sensitize youth and families to the problem of GBV. The GBV desk at RNP headquarters in Kigali investigated 1,777 rape cases in 2006 alone, resulting in 803 convictions (UN Rwanda, 2008). When compared with women's legal status before 1994 and the lack of protection afforded to them by the state, women in contemporary Rwanda have much greater recourse to acts of GBV perpetrated against them and benefit from various forms of support from the state in sensitizing the population to women's rights and preventing GBV. While certainly imperfect, the efforts

of the Rwandan state in preventing and prosecuting acts of GBV indicate significant political will and commitment to the government's agenda for achieving gender equality.

4.5. The state and civil society in Rwanda post-genocide

Both the state and civil society in Rwanda were significantly transformed by the events of 1994, but in some ways more so than others. As I will outline below, the Rwandan state post-genocide certainly appeared more democratic than Habyarimana's regime, but as time went on and the RPF consolidated their power, a drift towards authoritarianism became more evident. When compared with the previous government, however, direct engagement with civil society increased, particularly regarding the drafting of new legislation, the revision of existing laws and a renewed relationship with women's CSOs.

Civil society in Rwanda post-genocide saw a proliferation of women's organizations; indeed, from 1994 to 2003, women's CSOs were the most active and vibrant sector of civil society in the country (Burnet, 2008). The primary reasons for this were the dire socioeconomic situation Rwandan women faced in the aftermath of the genocide, the renewed influx of foreign aid, and the new state's policies on gender equality and support for women's organizations. Unfortunately, the government's policies supporting women in politics and the 30% quotas for women in all decision-making bodies resulted in many of civil society's most influential female leaders choosing to run for office, leaving a vacuum in leadership for women's CSOs. Perhaps due to the sense of increasing authoritarianism, and the Rwandan state's control over numerous media outlets and sources of public information, civil society in general in Rwanda does not seek to openly challenge the regime, but rather spends much of its time working in partnership with the state (Burnet, 2008; USAID, 2001).

For its part, the Rwandan state also underwent major changes following the genocide. The establishment of multi-party democracy was one of the goals of the RPF, thus other political parties were allowed to form and were included in the transitional GNU (Waugh, 2004; Reyntjens, 2006). According to some reports, however, the Rwandan state under the RPF has become increasingly authoritarian in recent years, harkening back to previous dictatorial regimes in the country. The new state's relationships with civil society, though they may be considered positive and productive in many cases, reflect a very "top-down" style of management by the government (USAID,

2001). However, improvements in the extent of the relationships between the state and civil society should not be understated. In the process of rebuilding the country, the government of Rwanda has engaged in extensive consultation with communities and organized civil society groups, including the drafting of the 2003 Constitution, as well as for other major laws and policies (Burnet, 2008; Pearson, 2008; Daley et. al., 2009). I will illustrate some key examples below.

The Constitution of 2003 was drafted following a lengthy sensitization and consultation process with civil society from 1994 onward; as discussed above, Rwanda's Constitution contains numerous provisions protecting the rights of women and girls and promoting gender equality (Daley et al., 2009). Alongside this process, select parts of the Civil Code were amended to eliminate gender discrimination, similar to what has been discussed above with regard to marriage, divorce and child custody. What is often referred to as the "Inheritance Law" not only allowed women and girls the right to inherit property, but it also solidified a woman's right to open her own bank accounts without permission from male family members, to obtain paid employment, and to claim ownership of property under her own name and without her husband's involvement, among other things (Burnet, 2008). The process of rewriting this rather controversial law, and lobbying for support from other ministries and influential figures within the RPF, involved extensive collaboration with women's organizations in civil society and key components of the NGM, specifically MIGEPROF and the FFRP. The law was successfully passed in 1999, and given the fact that Rwanda's government was still a power-sharing coalition at the time, this was considered a significant achievement for women's rights involving direct and reciprocal relationships between the state and civil society.

The most recent example of the state and civil society working closely together in the interest of advancing gender equality is the case of the Gender-Based Violence Law (Pearson, 2008). The process of drafting the original bill began in early 2005, when the FFRP mobilized its members and reached out to community leaders across the country to gather information and recommendations from the general population on how to define, prevent and appropriately punish acts of GBV. Following initial community outreach, a mass-media campaign began with the intention of raising awareness and sensitizing the country to the problem of GBV. Later on in the year, female parliamentarians of the FFRP returned to the field again to consult further with

communities regarding the bill, and worked in collaboration with NAWOCO to conduct discussion sessions with women only, in addition to the discussions already taking place that involved both women and men (Pearson, 2008). A consultative committee was established involving the Ministry of Gender, the Ministry of Justice, the national police, the legal community and civil society. The “Draft Law on Prevention, Protection and Punishment of Any Gender-Based Violence” was presented to Parliament on August 2, 2006, and after internal deliberation and revision, was passed into law in 2009. Though the deliberation period was longer than desired, the process of drafting the bill was extremely collaborative, and demonstrated the state’s apparent commitment to engaging in a two-way dialogue with civil society about important matters of gender justice. However, as we shall see later on, CSOs in Rwanda may in fact only appear to influence policy due to the fact that the Rwandan state already has a gender agenda that is aligned with many of the same values of gender-focused CSOs; thus, what appears at first to be a two-way dialogue between the state and civil society may in fact be more of a one-way conversation primarily driven by the state and supported by women’s CSOs.

4.5.1. Feedback from the state and gender-focused CSOs in Rwanda

The field research I conducted in Rwanda from late September to late October of 2011 further corroborates existing evidence of the seemingly positive and effective reciprocal relationship between the Rwandan state and CSOs advocating for women’s rights and greater gender equality. I met with a total of 33 participants. In Rwandan civil society, I interviewed a total of 27 individuals, both men and women; the majority of these participants were directly involved with gender-focused local grassroots organizations or international NGOs, while a small number of them worked as researchers and educators focusing on gender, culture and reconstruction in Rwanda. I also interviewed six key women in the government, all of them directly involved with the NGM of Rwanda and from different political parties. The names of all participants, and in some cases certain identifying details, have been omitted to protect their privacy.

Of the six high-level women in the government that I met with, five of these women are parliamentarians and one of them is the executive secretary of a major state body within Rwanda’s NGM. All of these participants reported a connection with civil society, and all had been active in some form of community outreach, particularly with regard to visiting local villages in the process of sensitizing women to the critical

changes made to some of the laws that most affect them, including the Land Law, the Inheritance Law, and the Gender-Based Violence Law.

In the interest of assessing perceptions about the ability or interest of women in the state to represent the interests of women in civil society, I asked all 33 participants in Rwanda if they agreed with the conventional assumption that women in parliament will more than likely have a natural incentive, because they are women, to advocate for women in civil society. All of the female parliamentarians agreed universally with this idea, and stated that, as women, they felt better able to relate to and understand the experiences of other women with regard to gender discrimination; the executive secretary within the NGM that I interviewed also agreed with this idea, but pointed out that just the presence alone of women in government is not a panacea for resolving the numerous different challenges that women in civil society face. Of the 27 participants from civil society, twelve of them agreed with this statement, ten of them did not agree, and the remaining five expressed mixed feelings about the idea. A common observation from these participants was that quantity cannot substitute for quality, and that simply adding more women to the state is not sufficient to ensure the advancement of women's rights and status.

Of the 27 people I spoke with in civil society, all of them expressed a positive view of government policies and programs regarding gender equality. The general consensus among these participants is that the government is firmly committed to advancing women's rights and is doing what it can to address important issues of gender discrimination in Rwandan society. The issues deemed most pressing were women's economic empowerment, education and GBV. In all of these areas, participants acknowledged and expressed satisfaction with the efforts of the state to institutionalize women's legal rights to education, employment and equality, and to invest in programs that would support the actualization of these goals. Limited financial resources and capacity constraints were commonly cited as considerable barriers to even greater efforts from the state with regard to these issues.

Those participants that were directly involved with a grassroots organization, research centre or international NGO reported a variety of different relationships with the state. 52% of them reported direct working relationships with the government, via specific ministries relative to the organization's area of focus (education, economic empowerment, legal rights, etc.). Within this group, 43% reported that this relationship

involved extensive state consultation with them regarding policy creation and implementation. A much smaller number, only 14%, reported that they currently received, or had received in the past, funding from the state to support their operations and activities within civil society. However, even those participants whose organizations did not receive funding or did not have a direct working relationship with the government stated that relevant state bodies were aware of their work and expressed strong moral support for their activities.

Criticism of the government's efforts was minimal, but a small number of participants did express the sentiment that the state could be even more involved on a community level to improve the effectiveness of their programs, particularly with regard to women's economic empowerment. Of all 27 participants from civil society groups, 24 of them described civil society as weak and/or fragmented, and argued that civil society in Rwanda was not in a position to challenge the state, should they wish to do so. Of this group, 58% described the work of civil society as primarily complementary to the state's existing agenda; in some cases, participants stated that the role of civil society is to help the state implement its policies and programs on the ground, and that CSOs prefer to jockey for positions of partnership with the state, rather than confrontation. One participant cited examples of the state co-opting strong civil society advocates directly into the government.

It is important to consider here that Rwandan civil society has been described as an extension of the state and its priorities, as opposed to the more conventional notion of civil society as an organizational force to counter state power (Burnet, 2008; USAID, 2001; Reyntjens, 2004). The devastation wrought by the genocide and its impact on the social fabric of Rwandan society, coupled with the arguably authoritarian nature of the Rwandan state under the leadership of the RPF, appears to provide the necessary foundation for a state-civil society push for gender equality that is primarily driven from the top down. Even if the ability for civil society to challenge the state is limited, the female population still stands to benefit, as the ideology of the Rwandan state already prioritizes gender equality and the empowerment of women and girls. This situation highlights the possibility that an authoritarian state posing as a democracy can in fact serve to significantly benefit large portions of civil society, even when civil society itself is not functioning within a conventional liberal democratic setting and is not able or likely to actively make demands of the state. More specifically, while Rwandan CSOs in general

might not challenge the state's leadership and may even be perceived as an extension of the state in some cases, women's CSOs nevertheless appear to be able to inform policies and programs that advance gender equality, as this is already an area of priority for the state. Thus, the lived reality of women in Rwandan civil society may still stand to improve considerably, regardless of the fact that civil society in the country does not operate along the lines of the conventional Western conceptualization.

It is not my intention to argue that Rwanda is an essential utopia of gender equality and positive relationships between civil society and the state. Indeed, there is much room for improvement, and the true democratic nature of the Rwandan state is still questionable for many. The point I wish to stress here is that the existing relationships between the state and civil society, with specific regard to women's rights and gender equality, and the remarkable gains made so far, demonstrate significant political will on the part of the government to prioritize the advancement of women in civil society and to press on with a gender equality agenda that takes into account the needs and concerns of women in civil society. As I will now discuss in detail, the situation in South Africa is considerably different.

5. Case Study #2: South Africa

5.1. Gender inequality under apartheid

Due to the legal racial segregation and discrimination that was the hallmark of the apartheid era, black African women were significantly more disadvantaged than women of other races in South Africa, particularly white women (Andrews, 2001). For the purposes of comparison, I will focus on the experiences of black African women; comparing the experiences of white women in South Africa with that of black Rwandan women is not a useful exercise for the intentions of my analysis here. The black African population occupied the lowest position in the racial hierarchy of apartheid, with black African women even further subordinated to their male counterparts (Maitse, 2000; Andrews, 2001). Similar to Rwanda, the effects of colonialism and apartheid rule further reduced black women's status in society, virtually eliminating the few democratic elements that remained in traditional African laws and customs within the various indigenous tribes of South Africa (Sachs, 1990). Apartheid in particular "emphasized vertical power and patriarchy" (Sachs, 1990, p. 2). Not unlike Rwandan women, black African women in South Africa experienced high levels of sexual and domestic violence, as well as structural violence, particularly during the years under apartheid rule.

5.1.1. Indirect structural violence

Under apartheid, black African women had virtually no legal rights, and experienced intense discrimination not only because of their race, but also because of their gender (Maitse, 2000). Again, a feminist analysis of women's status must inevitably acknowledge the intersectional nature of discrimination, in this case the combination of race and gender. Black women were not only oppressed by both the apartheid state and the white population in general, they were also oppressed by their own husbands and fathers. Teboho Maitse describes this dynamic: "African men served as an extension of the state apparatus, because while the state oppressed all people in public, the men were legally empowered to oppress and exploit women in private" (Maitse, 2000, p. 201). Similar to Rwandan women before 1994, black women in South Africa were legally defined as perpetual minors, both within their traditional laws and customs and under the

rule of apartheid; they were not allowed to enter into contracts or own property, they were denied custody of their own children, and as women, they were confined to the domestic sphere in their roles as mothers, wives and caretakers (Andrews, 2001). Women as perpetual minors meant that all men had authority over women regardless of age; as such, even older women could not intervene in cases of domestic violence or abuse involving younger female relatives.

Like the payment of *inkwano* in Rwanda, the practice of *lobola* in South Africa positioned women as property, in the symbolic form of a mule-cow (Andrews, 2001). The woman was to be submissive and docile, and women who were virgins when they married could expect a higher payment (generally in the form of cattle) to her family. The fact that *lobola* was influenced by economic factors like the inflation rate further signified that women were commodities to be purchased and owned. Drawing on field interviews conducted in late 1993 and early 1994, Maitse reveals black African women's impressions of the meaning of *lobola* in South Africa, with one participant remarking, "I think that *lobola* signifies the end of the woman's individuality and freedom, because once she is paid for she is no longer allowed to have a mind of her own" (Maitse, 2000, p. 205). Like Rwandan women, the vast majority of black women in traditional communities were often illiterate with little to no educational opportunities granted to them.

Customary law in South Africa was particularly oppressive for black women. Custody of the children is automatically given to the father, forcing many women to stay in abusive and openly violent relationships in order to remain in contact with their children (Bingham et al., 2009). With subsistence agriculture as the primary form of income and survival, particularly in rural areas, the denial of ownership or inheritance of land under customary law was especially damaging for women (Beninger, 2010). Customary law dictated that tribal chiefs held sole authority to allot parcels of land to members of the community; given the severely patriarchal nature of traditional societies in South Africa, men were the only members of the tribe allowed to request plots of land for domestic and agricultural use, and as such women were extremely reliant on their male counterparts.

5.1.2. Direct physical violence

Male violence towards women in South Africa manifested itself in a number of ways, including rape, sexual assault and murder (Maitse, 2000). The structures of apartheid appeared to help sanction violence against women; laws that depicted African men as unpredictable and violent further solidified the social acceptance of their dominance over women. It was generally deemed socially acceptable for men to abuse their wives; when other men witnessed such abuse in public, they would often encourage the abuser to conduct such behaviour in the privacy of his home (Maitse, 2000). Thus it was understood that black African men, and men in general, would not lose their social status or be openly disciplined for abusing their wives or other female relatives. Like *inkwano* in Rwanda, the traditional practice of *lobola* in South Africa also increased women's vulnerability to domestic and sexual violence.

5.2. The state and civil society under apartheid

Originally colonized by the Dutch and the British, the Republic of South Africa became a sovereign union under white rule in 1910 (Welsh & Spence, 2011). Afrikaner nationalism, a particularly racist ideology originating within the Boer community of early Dutch settlers, further entrenched white domination in the years following. In 1948, the main political force of Afrikaner nationalists, the National Party, won general elections by an extremely narrow margin; what followed were decades of state-sanctioned racial segregation and discrimination (Welsh & Spence, 2011). The population was divided into four racial categories: white, Indian, coloured and African. Black Africans were denied the right to vote or participate in politics and were severely and often violently oppressed; the other racial categories, aside from white, fared little better. The state enacted a number of laws that worked to keep those who were not designated "white" from accessing adequate education, health care, employment and housing. As it excluded roughly 80% of the country's population from political participation, the apartheid state could hardly be described as democratic.

Criticism of the apartheid regime was not taken lightly, and the government worked to actively suppress voices of dissent, particularly within black communities and often with violence and imprisonment. Due to such severe state repression, civil society in South Africa was largely confined to white organizations that had beneficial

relationships with the state; what there was of black civil society was often in conflict with the state and remained weak under apartheid rule (Habib, 2005). However, from the late 1970s through to democratization in 1994, civil society began to transform, and was in fact a crucial factor in bringing about the end of apartheid. Initially during this transformation, civil society organizations among the non-white community focused on improving living conditions for the vast majority of the population who were black and poor (Glaser, 1997). In the 1980s, however, civil society groups calling for the end of apartheid began to flourish, bolstered by intense criticism of the South African state from the international community (Habib, 2005; Welsh & Spence, 2011).

Organizations that were pro-business or pro-apartheid comprised the bulk of civil society prior to this time period, and those that criticized the government were marginalized and actively suppressed (Habib, 2005). Two specific conditions contributed to this renewed enthusiasm for activism and advocacy within South African civil society; first, president P.W. Botha had begun to liberalize the political system, albeit minimally, which allowed for some formal organization among the black community, and second, a dramatic increase in human and financial resources became available to the anti-apartheid groups within civil society. These new human resources were embodied in politicized university students that became involved in the struggle to end apartheid, and political prisoners that were slowly being released under Botha's presidency. Financial resources also flooded in, as the international community became increasingly alarmed at the violent uprisings taking place across the nation, and both foreign and domestic private foundations, as well as foreign states, began to contribute funds to various CSOs (Habib, 2005). Anti-apartheid civil society gained greater momentum in the years leading up to 1994, both in the form of organized special-interest groups and protests by the general population critical of the state, and contributed to the fall of the apartheid regime in 1994, when the country held its first multi-racial democratic elections and the ANC officially took power.

5.3. Women during the liberation movement

Though women played a significant role within the liberation movement, as both supporters and activists, there was an explicit avoidance of addressing issues of gender inequality, particularly the prevalence of domestic violence, within the liberation movement itself (Maitse, 2000; Sullivan & Stevens, 2010). The general attitude was that

gender inequality would be dealt with after apartheid had ended, and that the appearance of solidarity was a crucial factor in the movement succeeding (Maitse, 2000; Sullivan & Stevens, 2010; Gouws, 2006). The focus of the struggle to end apartheid and white rule narrowly emphasized race at the expense of other significant social inequalities, particularly gender. This mind-set is unmistakable in official statements of the ANC, including the following excerpt from a 1980 ANC document: “The common exploitation and oppression of men and women on the basis of colour has led to a combined fight against the system instead of a battle of women against men for ‘women’s rights’. ...While women desire their personal liberation, they see that as part of the total liberation movement” (Sullivan & Stevens, 2010, p. 424). In addition to the social taboo of reporting or discussing incidents of violence against them, black women were reluctant to risk vilifying black men as violent oppressors during a political revolution that depicted black men as primary victims, themselves oppressed by the apartheid regime (Maitse, 2000).

5.4. South Africa’s political transition and reorientation post-apartheid

The context of South Africa’s political reorientation differed from Rwanda’s in a number of key ways. For South Africa, the transition into democracy began in 1990, when the ANC was unbanned by the apartheid government, then led by president F.W. de Klerk (Welsh & Spence, 2011). Nelson Mandela, the head of the ANC, was released in February of that same year, and negotiations began in May, between the apartheid state and the allied parties led by the ANC. Unlike Rwanda’s transition, civil society groups in South Africa were instrumental in moving the process of democratization forward through active support of the ANC and direct negotiations with the existing government.

Though negotiations between the ANC and the apartheid government did not always go as smoothly as hoped for, an agreement was eventually reached and a government of national unity was formed in 1992 to facilitate the transition (Welsh & Spence, 2011). A constitution-making body was elected, and constitutional principles were outlined and agreed to by all parties involved. National elections were scheduled for April of 1994. Voter turnout was exceptional, and the ANC won the election with 62% of the vote, making Nelson Mandela the first black head of state in South Africa’s history.

The negotiated constitution came into effect after 1994, but was only a temporary document that put in place a framework for the final constitution. The final version of the constitution was voted on and signed into law in 1996, but did not come into force until 1997 (Jagwanth & Murray, 2002).

A sense of euphoria marked the years immediately following 1994; this time period has been referred to as “South Africa’s very own Age of Enlightenment” (Hassim, 2009, p. 457). Indeed, the first five years after the fall of apartheid were some of the best for state-civil society relations, as noted by a number of scholars and further corroborated by my own interviews in the field (Habib, 2005; Hassim, 2009). Unfortunately, this euphoria faded rather quickly, as the ANC became more and more factionalized, and fraught with accusations of corruption and fraud within the party (Hyslop, 2005; Bayat & Ferreira, 2005). South Africa’s government is now frequently criticized for being extremely neopatrimonial, inefficient and corrupt.

5.4.1. The African National Congress and gender equality

The ANC has had a mixed past with gender equality, at times openly advocating for it, and at other times clearly demonstrating a non-committal attitude towards the process (Erlank, 2005). At the opening of South Africa’s first democratically elected Parliament following elections in 1994, Mandela gave a speech stating, “freedom cannot be achieved unless women have been emancipated from all forms of oppression” (Mandela, 1994, as quoted in Manjoo, 2005, p. 269). Other gestures by the ANC indicated that gender equality was important to the party, particularly the involvement of women’s groups in civil society during the drafting of the new constitution and the creation of South Africa’s national gender machinery (Andrews, 2001). However, it should not be overlooked that the ANC has always had an identity strongly rooted in racial liberation above all else, and in fact, gender concerns surfaced rather late in the negotiation period.

Particularly with regard to the constitution, a vocal and united women’s movement is seen as being primarily responsible for the inclusion of women’s rights and demands for equality in the process of democratization (Andrews, 2001; Gouws, 2006). Aware of the need to take advantage of the momentous opportunity that democratization presented, women’s organizations and activists in civil society formed the Women’s National Coalition (WNC) in 1992, a broad-based association of hundreds of gender-

focused advocacy groups that cut across party lines. Though the ANC Women's League (ANCWL) had already been established, there was a general consensus among women's organizations that a more inclusive and wide-ranging coalition of civil society groups representing women's interests, outside of a certain political affiliation, was required for true and fair representation. The Women's Lobby was one of those groups, focused specifically on women's representation in the political arena, and was a founding member of the WNC (Routier, 2001). In order to place gender equality firmly on the agenda for the new democratic state, and to have it embedded in the constitutional framework, the WNC drafted the Women's Charter for Effective Equality and presented the final version to the ANC in the months before national elections. The ANC's decision to establish a 30% quota for women in parliament, even before the 1994 elections, was in fact a direct result of active persuasion on the part of the WNC (Andrews, 2001).

Once the ANC was firmly in power, the party continued to advocate for gender equality in other significant ways, including demonstrating support for international efforts to end violence against women and to advance overall gender equality. Similar to Rwanda, South Africa has ratified CEDAW and is a signatory to the Beijing Declaration and Platform for Action at the 4th World Conference on Women in 1995; it has also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Andrews, 2001; POWA, 2010). Further strengthening its commitment to greater political representation of women in the state, the ANC increased its gender quota from 30% to 50% in 2009, in line with the global 50/50 campaign for gender parity in government structures (Gouws, 2011).

In spite of these achievements, a closer look at the ANC's political rhetoric since taking power reveals significant rifts within the party regarding gender equality and a marked pattern of prioritizing issues of racial equality above gender equality (Erlank, 2005). For example, in attempting to address the disproportionate number of black women living in extreme poverty, the South African state has focused on alleviating poverty through welfare structures rather than addressing the systemic gender inequalities that have greatly contributed to such a situation for the vast majority of black African women. The primary division within the ANC with regard to the state's agenda for gender equality appears to be between those in the party who would like to see more direct and strategic gender-focused initiatives and those for whom gender issues should be addressed primarily through anti-poverty initiatives; ideologically, this appears to be a

divide between those members of the ANC holding more conservative values and supporting a neoliberal approach to development, and those members who understand gender inequality as deeply embedded power imbalances that cannot be effectively addressed solely by welfare approaches to the problem (Erlank, 2005). Despite the ANC's often contradictory rhetoric and approach to pervasive forms of violence against women, the major legal reforms implemented by the state after the fall of apartheid significantly advanced women's rights and status and should not be entirely dismissed. As I will discuss in greater detail below, however, the state's degree of true commitment to the gender equality agenda it set for itself in 1994 is certainly debatable, as highlighted both within the existing literature on the topic and as expressed by nearly all of the participants in my field research.

5.4.2. Changes in structural violence at the state level in post-apartheid South Africa

The sweeping legal reforms that occurred within the South African state after the fall of apartheid thrust the country into the spotlight as an example of the power and promise of liberal democracy (Andrews, 2001; Gouws, 2006). For women, the post-apartheid state offered greater legal rights and protection than the majority of the female population had ever known, particularly black African women. The new Constitution, numerous legal reforms, and the creation and implementation of the national gender machinery all contributed to a vast improvement in women's legal status and demonstrated what appeared to be the state's commitment to reducing structural violence against all South African women, and advancing gender equality more generally.

The Constitution of South Africa

The constitution of South Africa was heavily influenced by the WNC and the Women's Charter, and as such contains a number of provisions that establish non-sexism and non-racism as foundational elements of the document (Andrews, 2001; Gouws, 2006). Section 9 of the constitution emphasizes the importance of equality and non-discrimination, citing 17 different grounds that may not be used as a point of discrimination, including sex, gender, pregnancy, marital status and sexual orientation (Constitution of South Africa, 1997). The inclusion of an affirmative action clause also

serves to counteract women's historical marginalization from educational and economic opportunities; the clause states, "to promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons disadvantaged by unfair discrimination, may be taken" (Andrews, 2001, p. 4; Constitution of South Africa, 1997). Other clauses also establish a woman's right to be free from physical and psychological violence, to make her own choices regarding sex and reproduction, and the right to seek legal action if any of these rights are violated.

The Bill of Rights within the constitution provides further support for gender equality and women's rights, particularly with regard to customary laws that have served for centuries to subordinate black women in traditional cultures (Beninger, 2010). The constitution firmly establishes that the Bill of Rights supersedes any traditional law that may discriminate against women, thus a woman's right to own or inherit land or property, or to make her own choices regarding marriage and reproduction, for example, is protected by the constitution and any customary law that violates these rights will be struck down as unconstitutional and considered invalid (Constitution of South Africa, 1997). For black African women, the constitution of South Africa represents a significant reduction in the levels of state-sanctioned structural violence against them.

Legal reforms

A number of major legal reforms that significantly reduce apartheid-era levels of state-sanctioned structural violence against women have been successfully undertaken since 1994. The women in South Africa's parliament have been directly involved in a number of these reforms, and actually spearheaded both the Termination of Pregnancy Act of 1997 and the Domestic Violence Act of 1998 (Bauer, 2008). In addition to these two acts, the Labour Relations Act of 1996, the Recognition of Customary Marriages Act of 1998, the Maintenance Act of 1998 and the Employment Equity Act of 1999 all serve to extensively broaden and protect women's rights and to promote gender equality within the family, within wider society and within the economy (Gouws, 2006). As widespread and systemic physical and sexual violence against women is a problem of epidemic proportions in South Africa, the 1998 Domestic Violence Act and the Sexual Offences Act of 2007 are of particular importance and receive a significant amount of attention in the literature (Andrews, 2001; Gouws, 2006; Vetten et al., 2010).

The Domestic Violence Act (DVA) came into force in 1999, and was the first piece of legislation to directly address gender-based violence in South Africa after the end of apartheid (Vetten et al., 2010). It provides for a protection order for victims of domestic violence to prevent the abuser (or any other person acting on behalf of the abuser) from engaging in acts of violence against the victim, and includes the possibility of arrest if the order is violated. The definition of such violence includes sexual, physical, emotional, economic or psychological abuse. The DVA also tasks the South African Police Service (SAPS) with serving notice of a court order to the abuser, assisting the victim in securing shelter, providing medical treatment, retrieving personal belongings from the victim's home, and maintaining detailed records of reports of domestic violence (Vetten et al., 2010).

The Sexual Offences Act (SOA) did not come into effect until 2007, after a laborious 10-year internal deliberation process, much to the frustration and disappointment of many CSOs in the country (Vetten et al., 2010). The SOA was drafted as a result of the major gaps identified in existing legislation that did not offer women and girls sufficient protection from crimes of sexual violence. There are a total of seven chapters in the SOA, making the act extremely comprehensive. The SOA defines in greater detail previously addressed forms of sexual violence, as well as new crimes affecting children and people with mental disabilities. The provision of post-exposure prophylaxis for rape victims who may have been exposed to HIV is also legislated in the act, and a national register for sex offenders is established. The full rights of victims and the terms of punishment for crimes of sexual violence are also outlined in detail (Vetten et al., 2010).

The National Gender Machinery

The NGM of South Africa is similar in structure to that of Rwanda. It is designed to include a set of core state entities that serve to monitor and implement policies and programs intended to advance gender equality, to provide oversight and ensure state accountability, and to interact with civil society groups (Gouws, 2006). The primary components of the NGM are the Office on the Status of Women (OSW), the Joint Monitoring Committee on the Improvement of the Quality of Life and the Status of Women (JMC), the Women's Caucus in Parliament, the Women's Empowerment Unit, the independent Commission on Gender Equality (CGE), and the gender focal points or

“gender desks” in each state department at local and national levels of government (Gouws, 2006). The OSW, the JMC and the CGE were to be the most influential, thus I will focus primarily on these institutions below. I will also discuss the more recently introduced National Gender Forum (NGF) and the Ministry for Women, Children and People with Disabilities (MWCPD).

The OSW was created in 1997 and tasked with mainstreaming gender equality in all government departments at both the local and national level (Gouws, 2006). It was situated within the Office of the President, with the expectation that this placement would provide it with greater legitimacy and influence in pursuing its mandate. As the driving force of South Africa’s NGM, the OSW was to draft South Africa’s national gender policy, provide oversight for the effective implementation of gender policies and programs throughout state departments, arrange for training and awareness education for government staff regarding gender equality, and importantly, to create mechanisms through which direct and reciprocal engagement with civil society could take place (Gouws, 2006). As of 2009, the OSW was dissolved after years of intense criticism for its apparent ineffectiveness; some portions of its mandate were amalgamated into the newly developed MWCPD, and others were absorbed into the Department for Social Development.

The JMC was established in 1996 before the OSW came into being, and was initially known as the Joint Standing Committee, only becoming the Joint Monitoring Committee when it became clear there was a significant need for a permanent structure of its kind (Gouws, 2006). The primary purpose of this committee was to ensure that the South African state lived up to the obligations it had agreed to in both CEDAW and the Beijing Platform and Declaration (Jagwanth & Murray, 2002). The mandate of the JMC covered all state organs and national departments, but similar to the OSW, it was shut down in 2009 and replaced with two different committees, the Portfolio Committee on Women, Children and Disabilities within the National Assembly and the Select Committee on Women, Children and Disabilities in the National Council of Provinces (Vetten & Watson, 2010).

The CGE is a Chapter 9 institution, established within South Africa’s constitution as an independent oversight body, similar to the Human Rights Commission (HRC) (Constitution of South Africa, 1997). The CGE was included in the original version of the constitution, but has been described as a controversial institution from the time of its

inception, as public input and support for it were not widely solicited before it was proposed (Jagwanth & Murray, 2002). The Commission came into force in 1997 and is responsible for a fairly broad mandate that includes public advocacy and campaigning for educational awareness regarding gender equality, reporting to government on the state of gender equality within the nation, monitoring the policies and programs of the government and holding the state accountable for failure to meet its obligations with regard to gender equality and women's rights (Gouws, 2006). It is also considered a direct point of contact for women in civil society to register complaints about rights violations and to demand a response from the state in appropriately recognizing and punishing crimes that violate the rights of women and girls. As an autonomous institution with the power to subpoena witnesses and advocate for citizens in a court of law, the CGE is a promising and potentially very powerful component of South Africa's NGM, in spite of its reported tumultuous beginnings and the internal political scandals that have reduced its credibility in the public eye. The government's commitment to the Commission is questionable, however, especially in light of the fact that HRC staff are paid more generously than CGE staff, an arbitrary distinction and an indication to many that the state does not wish for the CGE to become too powerful (Jagwanth & Murray, 2002; Gouws, 2006).

The NGF of South Africa is similar to Rwanda's NAWOCO, in that it was established with the primary intention to facilitate interaction between the state organs of the NGM and civil society groups (Gouws, 2006). Although it was established in 2003, there is very little coverage of its activities or achievements to date, although it was reportedly fairly successful in the first few years of operation, with regard to ensuring a space for input and feedback from civil society within the NGM as a whole. The NGF is coordinated by the OSW and holds quarterly meetings, bringing together the OSW, the CGE, the JMC and gender-focused CSOs.

Finally, the most recent state institution to be established in the NGM is the MWCPD. Many civil society organizations objected to the creation of a women's Ministry; concerns were widespread that such a Ministry would become a dumping ground for women's issues, and that gender equality would be marginalized as nothing more than a special needs issue (Gouws, 2010). However, plans for the Ministry went ahead regardless of these concerns, and the MWCPD was established in 2007, but did not receive funding until 2009. Its first strategic plan covers the years 2011 through to

2015, and lays out in detail the Ministry's programme goals and objectives (MWCPD Strategic Plan, 2011). Not surprisingly, the Ministry has a broad mandate strikingly similar to that of the other state bodies within the NGM, which involves oversight functions, the general promotion and protection of rights, ensuring the implementation of international conventions regarding gender equality, as well as public advocacy and awareness campaigns. The strategic plan contains a brief mention of the inclusion of civil society groups; however, any concrete mechanism to facilitate this is entirely overlooked. It also states that public funding for the CGE will now be allocated through the MWCPD, a worrisome factor considering that the CGE has always been plagued by limited resources and the funding situation for the MWCPD does not look any more promising.

South Africa's NGM is one of the most comprehensive set of structures in the world intended to facilitate women's empowerment and gender equality; it is certainly the most comprehensive in Africa, and even rivals many Western countries (Gouws, 2010). Along with constitutional and legislative reforms, the NGM has helped to reduce structural violence for the women and girls of South Africa; however, nearly all of the state organs of the NGM have been consistently understaffed and underfunded, and have been frequently and intensely criticized for their lack of coordination, their unclear and overlapping mandates, and overall ineffectiveness. The situation of the NGM in South Africa sheds some light on the degree of genuine political will and commitment from the state in making good on its promises of gender equality and empowerment for the women of the nation.

5.4.3. Changes in physical violence in post-apartheid South Africa

While structural violence as sanctioned by the state may have been significantly reduced in the years following 1994, physical and sexual violence against women in South Africa remains a problem of epidemic proportions (Vetten et al., 2010). Alarming, levels of violent crime have actually increased since 1994, while the number of prosecutions and convictions has declined (Mattes, 2000). Inadequate implementation of legislation, policies and programs designed to prevent and protect women from acts of violence appears to be the greatest obstacle. The state's lack of serious attention to this problem is arguably an indication of its priorities, fostering an environment of rampant

physical and sexual violence against women bolstered by a culture of impunity for perpetrators (POWA, 2010).

South Africa is often referred to as the rape capital of the world, with an estimated 750,000 women raped every year, and these numbers refer only to reported cases (Andrews, 2001; Moffett, 2006). To make matters worse, it is estimated that only one in nine cases of rape are actually ever reported to police (POWA, 2010). Record keeping by the SAPS is uneven at best, and due to the structure of the SOA, it is impossible to track sexual offences by type, as all 59 different kinds of offences are reported under one blanket figure. Thus, even the official police statistics that do exist offer little help in ascertaining exactly how many cases of each type of sexual violence are reported (POWA, 2010). In 2010, orders from the state requiring the SAPS to reduce the rate of serious violent crimes by 4-7% every year had the bizarre effect of encouraging police officers to entirely omit or destroy reports of sexual or domestic violence, in order to give the appearance of a decrease in numbers. Even with this attempt to falsely “reduce” the rate of violent crime, the numbers have continued to increase; in the categories of common assault, assault with intent to cause grievous bodily harm, attempted murder and murder, reports made by women to the SAPS increased significantly from the 2008/09 to 2009/10 reporting period (Vetten et al., 2010). As there is actually no articulate plan or associated funding to facilitate this requested reduction in rates of serious violent crime, it is not surprising that these numbers continue to increase.

The culture of impunity surrounding the extremely high levels of violence against women in South Africa is nurtured by the state’s apparent lack of interest in combating the problem. The SAPS is extremely underresourced, and adequate training for police officers is hugely lacking, especially with regard to gender-based violence (Vetten et al., 2010). The majority of police stations do not even have the proper forms required for reporting incidents of domestic and sexual violence, and those that do often do not even keep records of reported cases. Of the cases that are reported and followed up on by the SAPS, only a very small fraction of those actually result in criminal charges pursued in a court of law. The SAPS is required by law to report to Parliament every six months with regard to the implementation of the DVA, but consistently fails to do so, and Parliament has not held the SAPS accountable for such failings. Despite the fact that addressing violence against women is an official priority of the SAPS, the state’s lack of

attention to the alarmingly high levels of pervasive sexual and physical violence against women has resulted in international donors contributing training and resources to the cause of effective policing to reduce gender-based violence (Vetten et al., 2010).

One improvement on the part of the state is a set of legal reforms implemented in 2010, establishing a reference group comprised of CSOs that will meet every quarter with the newly created Civilian Secretariat of Police, in the hopes of addressing more effectively the problem of inadequate policing and protection for women and children. However, major failures in other state departments, particularly within the Ministries of Justice and Constitutional Development, Social Development, Health and Correctional Services, continue to exacerbate existing problems within the system and to increase women's vulnerability to acts of sexual and physical violence. Parliament is seen as the institution most central to properly addressing these failures in implementation and holding state actors accountable, and yet appears to be as dysfunctional and ineffective itself as the structures it should be attempting to improve (Vetten et al., 2010).

5.5. The state and civil society in South Africa post-apartheid

Civil society was central to the transition to democracy in South Africa, and for a brief period of time afterward, it seemed that the relationship between the state and civil society was the most reciprocal and democratic that it had ever been (Hassim, 2009). The process of democratization essentially overhauled the existing relationships between state actors and civil society, resulting in two distinct but interrelated communities of CSOs within South Africa (Habib, 2005). The first is comprised mainly of small, grassroots NGOs that essentially function as public service providers in areas where the state has failed to accommodate the basic needs of society, particularly with regard to poverty and violence. These have been referred to as "survivalist" organizations, and the country has seen a proliferation of such CSOs in part due to the negative consequences resulting from the process of economic liberalization that coincided with democratization (Habib, 2005, p. 682). The second group is made up of more broadbased social movements that challenge the state's policies and seek to hold the state accountable for its shortcomings. These movements are essentially networks of formal NGOs and other advocacy groups that focus on specific issues such as HIV/AIDS or gender-based violence, and actively confront the state in the hope of

initiating a dialogue that will lead to meaningful change in the lives of those marginalized by ineffective policy implementation. These networks are some of the most vital elements of civil society for challenging the state and establishing the rightful place of civil society groups in the democratic process (Hassim, 2009).

Alongside civil society, the state of South Africa has undergone a major transformation, as well. The government is highly centralized and the executive branch wields disproportionate power (Hassim, 2009; Mattes, 2002). Opposition to the ANC is met with accusations of racism, and any kind of disagreement within the party is dealt with behind closed doors. Constitutional provisions allow for MPs to be ejected from their own parties, in which case they are also then fully removed from Parliament altogether, a mechanism that conveniently works to help suppress dissent within the ANC (Mattes, 2002). Though South Africa's transition to democracy was hailed by many in the international community as a victory of the people, the state has often been described as fairly undemocratic, and since the mid-1990s has been consistently mired in accusations and convictions of widespread fraud and corruption at all levels of government (Hyslop, 2005; Bayat & Ferreira, 2005).

Relationships between the post-apartheid state and civil society have not been entirely non-existent or ineffective. During the process of drafting the new Constitution, numerous CSOs were involved, particularly the WNC, which represented a wide range of gender concerns for women from all different socioeconomic backgrounds (Gouws, 2006). The involvement of civil society in the actual process of democratization and in initially reforming legislation in South Africa should certainly not be entirely overlooked; it is here that the newly democratic state demonstrated a significant commitment to truly representing the citizenry that legitimized the ANC by voting it into power. However, in a number of other cases where the state has actively sought participation and feedback from civil society since the early 1990s, such as the drafting of the SOA, the impact of this relationship has remained limited. In some cases, current and valuable information solicited from applicable civil society groups has not even been put to use in drafting strategies to counteract the problems under consideration; where it has been taken into consideration, input from civil society has routinely been subjected to internal party politics that have managed to dilute many of the contributions of CSOs (Vetten & Watson, 2010).

Some scholars have argued that because women in civil society initially set aside gender equality to focus on racial equality in the struggle to end apartheid, women's interests and concerns have become even more vulnerable to marginalization in the post-apartheid years (Andrews, 2001; Gouws, 2006). The women's movement within South African civil society has become fragmented, lacking a strong and cohesive network and its prior sense of solidarity, as certain groups organize themselves into sectors of special interest (poverty, violence, HIV/AIDS, etc.) to the detriment of a more unified and mobilized movement (Gouws, 2006); this sentiment was also echoed by the majority of my interview participants working within women's CSOs.

5.5.1. Feedback from the state and gender-focused CSOs in South Africa

I conducted field research in South Africa from late October to late November of 2011, and the findings of this research further corroborate existing evidence of the often frustrating and ineffective relationships (or lack thereof entirely) between the South African state and gender-focused CSOs. I met with a total of 24 participants. Due to scheduling constraints on the part of a number of participants, I was unable to conduct as many interviews in South Africa as I had in Rwanda. Within civil society in South Africa, I interviewed a total of 13 individuals, both men and women; similar to my research in Rwanda, the majority of these participants were directly involved with gender-focused local grassroots organizations or international NGOs. A small number of them worked as researchers and educators focusing on gender, culture and the law in South Africa. I also interviewed 11 women in the government, all of them directly involved with South Africa's NGM and from different political backgrounds. The names of all participants, and in some cases certain identifying details, have been removed to protect their privacy.

Of the 11 women I interviewed in the government, five of these women are parliamentarians, although one of them had retired in recent years. The remaining six participants of this group hold high-level positions within the core state organs of South Africa's NGM. The four parliamentarians still in office reported a connection with civil society, but most of them stated that the CGE is or should be primarily responsible for this task. Interestingly, active and consistent outreach to the CSOs in their constituencies was unusual; only one MP reported this type of engagement with civil

society. The remaining three MPs in office simply stated that women were welcome to contact their local party offices to voice their concerns, and that the overall relationship consisted primarily of gender NGOs lobbying female MPs on an ongoing basis. The recently retired MP reported that the state did have some connections with the grassroots, but that these were not in any way adequate for the scope of the problems facing women in South Africa, particularly poor, black women.

As I did in Rwanda, I asked all 24 participants in South Africa if they agreed with the conventional assumption that women in parliament are natural advocates for women in civil society. Only one female parliamentarian agreed with this statement; the remaining five MPs disagreed, stating that women who lack an understanding of the power imbalances inherent in gender discrimination and how these manifest themselves will not likely serve to benefit women in civil society any more than male MPs who also lack this understanding. In addition, none of the six participants involved in the NGM agreed with this idea. Of the 13 participants from civil society, only one of them stated that she believed there was some merit to the idea, but that not all women will reflect a commitment to gender equality just because they are women. The remaining 12 universally stated that South Africa's experience clearly reveals that more women in parliament is not a panacea for improving the quality of life for the vast majority of women in civil society; the general consensus among these participants is that those women with a specific background in gender equality or gender activism before moving into government positions would be more likely to advocate for women's interests.

Of the 13 people I spoke with in civil society, all of them expressed a negative view of the government's attempt to implement policies and programs regarding gender equality. The general consensus among these participants is that the legal framework for women's empowerment and gender equality in South Africa is exceptional and promising, but that the government has failed drastically both in initial implementation of these policies and in acknowledging and rectifying its failings. The issues deemed most pressing were gender-based violence, HIV/AIDS, and poverty. In all of these areas, participants expressed extreme dissatisfaction with the efforts of the state to institutionalize women's legal rights to protection from GBV, HIV/AIDS treatment and support, and economic empowerment.

With regard to relationships between civil society and the government, eight participants that were directly involved with a grassroots organization, research centre,

university or international NGO reported a working relationship with the state, through specific ministries relative to the organization's area of focus (GBV, economic empowerment, legal rights, HIV/AIDS etc.). Four of these participants that reported a direct relationship with government entities stated that they often felt as though they were simply service providers filling in the gaps where the state was unwilling or unable to do so, and that their relationships with the state consisted of a one-way dialogue with the state dictating how things should be done. Of this group of eight, only two reported that this relationship involved some form of influence on policy formation and/or implementation. Three participants out of the eight reported that they currently received, or had received in the past, funding from the state to support their operations and activities within civil society; it was noted as well that this funding was very small, inconsistent and generally unreliable. These participants also reported that once having received funding from the state, they were expected not to criticize the government and to toe the party line of the ANC. One participant reported that the state did not consult with them and did not appear to care how the work got done, as long as it was taken care of, regardless of whether or not the organization had the resources or capacity to feasibly do so.

Overall, criticism of the state was widespread and rather severe. The vast majority of participants repeated very similar complaints about the state's apparent dismissal of women in civil society, its lack of sincere interest in gender equality, the patriarchal nature of the ANC and the behaviour of many of its male members (including the president) and the complete lack of political will to reform the system and to engage with civil society in a more effective manner. This impression is strikingly different from that of Rwandan civil society; CSOs in South Africa appear to frequently be in opposition to the state and vocally challenging it, as opposed to Rwandan CSOs that appear to serve as extensions of the state and its overall agenda for gender equality. Interestingly, those CSOs in both countries that actually have relationships with the state report a similar one-way dialogue when working with the government; however, South African CSOs, despite operating in a more liberal democratic setting, appear to benefit far less from their relationships with the state than do their Rwandan counterparts. For all the extensive legal framework to accommodate gender concerns and to empower women, the South African state appears to lack the level of commitment and political will demonstrated by the Rwandan state, both with regard to effective implementation of

policies, and with regard to advancing gender equality overall via direct relationships with CSOs. I argue that the reasons for this are four-fold, consisting of the nature of South Africa's and Rwanda's transition within the context of apartheid and the genocide respectively, the origins and ideology of the ruling party, the presence and degree of state corruption and neopatrimonialism, and the role that civil society plays in an semi-authoritarian state versus a liberal democratic state. I will now discuss these four elements in turn in my comparative analysis of the case study countries.

6. Comparative analysis of the state and civil society in Rwanda and South Africa

6.1. Analysis overview

While structural violence as enforced by the state has decreased in both Rwanda and South Africa since their respective political transitions in 1994, physical violence remains a serious problem for both countries, albeit significantly more so in South Africa. The state's response to violence against women in Rwanda and its efforts to prevent such violence can be seen as a reflection of the political will within the government to effectively address GBV, in spite of resource and capacity constraints. In addition, its positive relationships with CSOs advocating for women's interests, including prevention of GBV and persecution of GBV perpetrators, further supports the argument that the Rwandan state is committed to its gender equality agenda. Conversely, the South African state's response to the alarmingly high rates of sexual and often extremely brutal violence against women strongly suggests that the government's priorities lie elsewhere, and the widespread negative feedback from women's CSOs regarding the state's relationships with them (or lack thereof entirely) only serves to reinforce this appearance. Further, South Africa's apparent inability or unwillingness to address the detrimental shortcomings of the system of justice and protection for survivors of physical and sexual violence can only lead one to believe that the state, for all its political rhetoric, does not take seriously the gender equality agenda it set for itself post-apartheid.

In spite of the fact that both Rwanda and South Africa experienced their respective shifts to democratization at similar points in history, established new constitutions affirming equal rights and protection for women, reformed existing laws to eliminate gender discrimination embedded within them, and created national gender machineries unparalleled by most other countries on the continent and even around the world, the differences in the experience of women in civil society are striking and certainly demand our attention. I argue that four primary factors, which are context-specific for each case study country, largely account for this variation. I will discuss each factor in turn below as it applies to each country. The combination of these four key

elements helps to explain why feedback from women's CSOs in Rwanda was so positive, and why the state, while certainly imperfect, appears committed to gender equality. Indeed, if it is the hope of liberal democracy advocates that civil society will have a more substantial impact on reducing violence against women and improving gender equality in a democratic setting, the picture painted here may actually force us to consider more carefully the role and impact of the state in different contexts and the subsequent limits of, or opportunities for, women in civil society to both engage with and benefit from the state.

6.1.1. The fall of apartheid in South Africa versus the consequences of the Rwandan genocide

The first factor under consideration in my comparative analysis is the context of each country's political transition. The genocide of 1994 fundamentally changed Rwanda in a number of ways and significantly differentiates it from South Africa. As neighbour turned upon neighbour and family members participated in the violent assault, rape and even murder of their own close relatives, the social fabric of the country was forever altered (Burnet, 2008). The nature of the violence and its sheer brutality changed the way Rwandan society saw itself, and caused many to question long held beliefs about community, culture and family. This in turn opened up a small but significant window for the country to begin to re-imagine women's place in Rwandan society. Not only that, but the demographic reality of the population in the immediate aftermath of the genocide, with a 70% female majority, thrust women and young girls into positions of authority and responsibility that were unprecedented for the vast majority of women in the history of Rwanda (Burnet, 2008; Hamilton, 2000). Women and young girls became primary earners of income and heads of households, often responsible for raising their own younger siblings or other children orphaned by the genocide. Tasks and duties that women had previously been forbidden from doing were now a primary responsibility of the female population.

The genocide did not only result in the destruction of the human population. Rwanda's physical infrastructure was largely decimated by the long months of violent conflict, public services were rendered non-functional (including the justice, health, and education systems), entire villages had been destroyed, and financial institutions and businesses had been ransacked and abandoned (Reyntjens, 2004). With over a million

people dead when the violence finally came to an end, Rwanda was facing a crisis of catastrophic proportions. Even before the genocide, Rwanda was one of the world's poorest countries, with a GDP per capita of roughly \$250 from 1990 to 1994, measured in constant 2000 USD (World Bank, 2012). Not surprisingly, the new government was now 100% reliant on international aid for survival and reconstruction (Chapman, 2011).

With the country flattened both socially and economically, and with women making up the majority of the surviving population, the need for the state to actively incorporate women in the reconstruction process was unquestionable. In the years immediately following 1994, as refugees seeking asylum in neighbouring countries returned home, population demographics changed and began to even out; however, even when taking this into account, the proportion of women in the actual working age population, between 15-64 years of age, was still significantly higher than men, at roughly 60% (Hamilton, 2000). Agriculture was (and remains) the foundation of Rwanda's economy, and as 95% of the country at the time was rural with women responsible for 70% of the country's agricultural production, the state recognized the crucial role women had to play in reconstructing the country, as well as jumpstarting and sustaining economic development. As a result of these new and important responsibilities for women, and over time their proven track record of reliability and dedication to the task, Rwandan society began to afford women greater respect, helping to pave the way toward gender equality among Rwandans, a value that was being encouraged and championed by the RPF at the very same time (Burnet, 2008). Some observers have argued that the RPF chose to emphasize the importance of gender equality precisely because the economic situation was so dire, and advocating for women's economic empowerment would help to keep them in the good graces of the international donors they were now fully reliant upon (Wallace et. al., 2008).

In contrast to Rwanda, South Africa experienced a political transition that did not involve the near complete decimation of the country. South Africa's formal transition unfolded over roughly four years, and though there were episodes of violence during this time, it did not manifest in anything even close to the Rwandan genocide (McKinley, 1997). From the very early days of formalized political contestation to the apartheid regime, the focus of the liberation movement was to establish racial equality in the setting of a liberal democracy. Democratic elections that were by and large peaceful brought the ANC to power in 1994, in stark contrast to the violence of the genocide that

ended in the capture of the capital city by the RPF in Rwanda (McKinley, 1997). As the transition to democracy in South Africa did not involve a wholesale traumatic overhaul of the social fabric of the nation, steeped in bloodshed, women's roles in civil society remained more or less the same after the fall of apartheid, in spite of the political rhetoric from the ANC about the importance of liberating women from their oppressed positions both within traditional African cultures and society as a whole (Gouws, 2008). Coupled with this reality, the level of economic development that South Africa enjoyed at the time of its transition meant that, unlike Rwanda, women did not have to be solely relied upon as the engines of economic growth after the transition to democracy was complete. GDP per capita in South Africa in the early 1990s hovered around \$3000 measured in constant 2000 USD, roughly twelve times more than that of Rwanda in the same time period (World Bank, 2012). Though these particular figures are not disaggregated by race, per capita income estimates for the black population alone increased from R6,008 South African Rand in 1990 to R6,704 in 1995, or approximately \$2,343 measured in 1990 USD to \$1,910 measured in 1995 USD, with the decrease owing to a falling exchange rate after the transition to democracy and greater economic liberalization (Van Der Berg, 2010; OANDA, 2012). Though the black population had much lower incomes than that of the white population in South Africa, they still exceed the per capita incomes of all Rwandans, and the country as a whole was much wealthier in the early 1990s than Rwanda.

In addition to these important details that contextualize the different experiences of both Rwanda and South Africa in the 1990s and the nature of each country's political transition, the origins and ideology of both the ANC and the RPF significantly shaped how gender equality was valued and prioritized by the new government. I now turn to an analysis of this second crucial factor.

6.1.2. The origins and ideology of the RPF and the ANC

Since 1994, the RPF has been the ruling party in Rwanda; the same is true for the ANC in South Africa. With this in mind, it is important to consider the origins and ideology of each party in order to assess how these factors have influenced the behaviour of the state post-transition.

The RPF has its origins as a movement of Rwandan refugees living in Eastern and Central Africa, North America and Europe (Reed, 1996). Cycles of ethnic

persecution by the Hutu-dominated government during the years after colonial rule had ended drove hundreds of thousands of Tutsis into neighbouring countries; Paul Kagame spent most of his youth living and studying just over the Ugandan border with his family, in a refugee camp in Toro district (Waugh, 2004). Though many refugees wished to return home, Habyarimana had effectively declared that the country was not in a position to reabsorb the many Tutsi who wished to make their homes in Rwanda (Reed, 1996). Suffering from discrimination and unable to secure a home and stable employment as exiles, small political movements began to emerge among Rwandan refugees both in Africa and abroad, with the aim of challenging the existing regime's policies against them and finding a way for refugees to be given the right of return to Rwanda. Most of these groups were not organized enough to develop broadbased support and eventually fizzled out, but the Rwandan Alliance for National Unity (RANU) was an exception. Founded in the mid-1970s, RANU was highly organized and active in campaigning for popular support; the organization's ideology was left-leaning and called for the end of the monarchy and the instalment of socialism in Rwanda. Kagame was one of the original members of RANU.

Meanwhile, in Uganda, the National Resistance Movement (NRM) against the Obote II regime was engaged in guerrilla warfare, calling for Obote to step down and for Yoweri Museveni to take control of the state (Reed, 1995). As violence by Ugandans against the Rwandan diaspora began to escalate, many Rwandans joined the armed forces of the NRM, which would accept anyone willing to engage in combat. Kagame, along with a number of his compatriots that would eventually form the RPF, was one of the founding members of the NRM and became a highly skilled soldier within the armed wing of the movement, known as the National Resistance Army (NRA). In 1986, Obote was successfully overthrown by the NRM, a victory that served to encourage the Rwandan refugee community to believe that liberation from the Habyarimana regime in their own nation was possible (Reed, 1995). At this point in time, RANU began to understand that in order to broaden support for the organization, it would need to revise its political stance; thus, at a meeting of RANU's congress in 1987, the movement changed its name to the Rwandan Patriotic Front and revised its political program to include an Eight Point Plan, Operational Guidelines and a Personal Code of Conduct (Reed, 1996).

The influence that Museveni's NRM had on the ideology and strategic plan of the RPF cannot be overstated (Waugh, 2004). The NRM focused on crafting its political platform to be as inclusive as possible, and from the very beginning actively sought the support of groups that had been formerly excluded from political life in Uganda, including youth, women and certain ethnic communities. The NRM encouraged the participation of women both within public political life and within its own structures. Within the RPF itself, as with the NRM, women were both appointed and elected into high-ranking positions of responsibility and authority, including within the Rwandan Patriotic Army (RPA), the formalized armed wing of the RPF (Burnet, 2008; Wallace et. al., 2008). Despite the fact that the organization was largely dominated by Rwandans of Tutsi ethnicity, the RPF attempted to model itself as a nationalist patriotic movement for all Rwandans, and called for an end to ethnic divisionism; it should be noted that there were in fact high-ranking Hutu members of the RPF, as well (Reed, 1996; Reyntjens, 2004). The RPF's Eight Point Plan focused on national unity, democracy and the right for Rwandan refugees to return home, a minimalist agenda around which it was hoped Rwandans of all political stripes could come together.

When the RPF captured the capital city, Kigali, and effectively ended the genocide, the organization brought along with it an ideology that already had the values of women's rights and political participation firmly embedded within it (Burnet, 2008). In spite of the criticism the government has received regarding other matters, Kagame has earned himself and his party an international reputation for promoting women in politics and advocating for gender equality. Women working within the RPF and female soldiers in the RPA were not dismissed or marginalized when the RPF took power, but included in the new government in positions of significant influence (Burnet, 2008). Kagame has made clear his position on the meaning and value of gender equality principles in a number of speeches at local, regional and international forums; in 1999 during an opening speech at a gender conference for parliamentarians in Rwanda, Kagame stated, "My understanding of gender is that it is an issue of good governance, good economic management and respect of human rights" (Kagame, 1999). He has consistently repeated similar sentiments during his time in office.

The origins and ideology of the ANC differ significantly from those of the RPF. While the RPF formally emerged in the mid-1980s, amidst growing international interest in, and support for, women's empowerment and gender equality in developing countries,

the ANC was founded decades earlier in 1912, a much less liberal era with regard to women's rights and place in society (Erlank, 2006; McKinley, 1997). From its very early days, the sole focus of the ANC was to bring about racial liberation and end white rule in South Africa. Its founding members were traditional chiefs primarily interested in the current state of land distribution in the country, as well as members of the emerging black lower-middle class, concerned with both protecting their newfound class interests and racial liberation for black South Africans in general. The ANC was not particularly robust in its early days, and most of the black population was extremely poor, locked in a daily struggle for survival and thus limiting the time and energy available for political activity (McKinley, 1997). In addition, the organization did not mobilize itself to broaden its support base beyond those who already held some wealth and power in the black community, thus alienating most other Africans who were primarily the working poor.

From its inception, the ANC had no qualms about excluding women from political participation (Walker, 1991). Unlike men, women were not automatically granted membership to the ANC; women were only permitted to become auxiliary members with no voting rights within the organization. The leaders of the ANC came from well-educated Westernized backgrounds, and carried with them strong patriarchal values rooted in their own traditional African cultures. As Cheryl Walker writes, "in its thinking on women, the ANC was no more progressive than any of the white political parties at the time" (Walker, 1991, p. 33). In 1913, the leadership of the ANC, consisting mostly of ministers, lawyers and teachers, allowed the formation of the Bantu Women's League, a women's association operating under the auspices of the party. For the next 25 years, the ANC's stance on women was to reflect the idea supported by the creation of a separate entity for women's participation – that women's issues were not its primary concern and were beyond the scope of interest for most of the party's members (Walker, 1991). Indeed, for the ANC, women were understood primarily in their roles as wives and mothers, and for the most part the Bantu Women's League functioned as a party planning service, arranging entertainment and catering for party functions and meetings of the organization.

Women of any race were not allowed to vote in South Africa until 1930, but it wasn't until 1943 that the ANC committed itself to supporting universal suffrage rights that included black women (Walker, 1991). In that same year, the Bantu Women's League became the ANC Women's League (ANCWL), as things had begun to change

for women in South African society. The 1940s marked a transformation in the approach of the ANC, as the party realized that in order to strengthen the organization and create a mass support base, it would need to co-opt segments of society that had previously been overlooked; women thus became a primary target. The ANC revised its stance on women's roles and participation within the party, albeit minimally, granting women full membership and voting rights. The ANCWL, for its part, declared that the primary purpose of the League was to mobilize black African women in the fight against apartheid, and less pointedly, "to take up special problems and issues affecting women" (Walker, 1991, p. 89). However, as many scholars have noted and as evidenced by women's marginalization during the liberation movement of the 1980s and 1990s, the importance of addressing specific gender issues facing black African women was secondary to that of the fight to end white rule (McKinley, 1997; Walker, 1991; Maitse, 2000; Sullivan & Stevens, 2010; Gouws, 2006). In the mid-1950s, female members of the ANC became openly critical of the fact that women had been exploited by the party to raise funds and to broaden support for the movement; the gap between rhetoric and practice regarding gender equality remained extremely wide, a problem that has plagued the ANC for decades and continued to do so after the party took power in 1994 (Walker, 1991; McKinley, 1997).

As discussed previously, the ANC did not look kindly upon dissent within its ranks, and thus it discouraged any expression of discontent from its female members with regard to gender inequality or domestic violence, for fear of dividing the movement. This aspect of the party's ideology has its roots in the very origins of the ANC; Dale McKinley writes that "holding the firm belief that accommodating the widest possible spectrum of ideological and class interests, and attempting to suppress differences between such interests, will present the surest and shortest route to national liberation" has become "an ageless tradition within the ANC" and its allied organizations (McKinley, 1997, p. 10-11). The emphasis on maintaining an appearance of united values and movement solidarity at all times is reflected in numerous ANC documents and statements given by its various leaders over the years (McKinley, 1997). Mandela projected this image himself, stating that "the ANC is united solely by our determination to oppose racial oppression ... it is the only thing that unites us" (Sparks, 1991, p. 8). Thabo Mbeki, Mandela's successor after his first and only term as president, echoed these sentiments, declaring "we have had one goal for seventy-seven years: to get rid of

apartheid. [...] Anything which seeks to divide us [...] seeks to break the unity which the ANC prizes above everything else” (Mbeki, 1989, as quoted in McKinley, 1997, p. 83). McKinley argues that the focus on racial liberation was somewhat of a façade perpetuated by the ANC in order to hide the true interests of the party, that is, the social and economic aspirations of the middle-class leaders of the ANC. Put succinctly, “the defining logic of the leadership’s struggle for national liberation was cast as one of accession and aspiration, all within the boundaries of a racialised conception of change” (McKinley, 1997, p. 120).

Thus, when the ANC won national elections in 1994, the origins and ideology of the party were steeped in the values of racial liberation, upward social mobility and the appearance of national unity, while gender equality remained a marginalized issue. Since then, the ANC’s stance on gender issues has fluctuated considerably, at times reflecting the severely patriarchal attitudes of some of its most senior members, and at other times paying considerable lip service to the importance of equality and ending violence against women (Erlank, 2006). The ANC’s failure to seriously address the related epidemics of sexual violence against women and HIV/AIDS in the country, most obviously under Mbeki’s and then Jacob Zuma’s leadership, has severely weakened the party’s credibility as a true proponent of gender equality and women’s rights. Female parliamentarians in the ANC have also faced challenges in advocating for women’s issues if the argument runs counter to the party line (Erlank, 2006). The ANCWL has been little helpful, and for most of the 1990s did not offer a strong voice for the promotion of women’s rights and gender equality. Although quotas for women within the ANC and the establishment of South Africa’s NGM indicated an initial commitment to gender equality beyond political rhetoric, the gap between policy and effective implementation remains significant. As much of the criticism surrounding the South African state’s dysfunctionality emphasizes the damaging effects of widespread internal corruption and patron-client networks, an examination of neopatrimonialism and corruption in the state is warranted. As we will see, both the type and prevalence of these phenomena help to explain the apparent disparity between Rwanda’s and South Africa’s commitment to gender equality and women’s empowerment.

6.1.3. *The problem of corruption and neopatrimonialism in Rwanda and South Africa*

Neopatrimonialism and other forms of corruption have plagued most African states for decades (Bratton & Van de Walle, 1994; Booth & Golooba-Mutebi, 2011; Eisenstadt, 1973; Mamdani, 1996). For the purpose of my analysis here, state corruption may be defined as various forms of illegal activity that take place within government structures, including but not limited to the misuse of public funds, embezzlement, bribery and fraud (Heath, 2000). Neopatrimonialism is defined as a system of patron-client relationships, where personal favours are awarded by those in public office in exchange for political loyalty (Bratton & Van de Walle, 1994). For example, these favours may take the form of employment directly within the state, as well as favouritism displayed in the awarding of licenses and contracts within society. Though the term may appear misleading, neopatrimonialism is largely the same in its functioning as traditional patrimonialism, but with a more modern flair that reflects the nature of elite capitalistic interests in contemporary society (Eisenstadt, 1973).

Neopatrimonialism has been called the “core feature of politics in Africa”, and is evident to varying degrees in both Rwanda and South Africa (Bratton & Van der Walle, 1994, p. 459; Heath, 2000; Booth & Golooba-Mutebi, 2011). Corruption, on the other hand, is extremely widespread in South Africa, but much less so in Rwanda. Neopatrimonialism can be understood as a distinct form of state corruption in itself, but here we focus on it as an ongoing system of relationships, as opposed to a single act of corruption involving one or more people, such as bribery or embezzlement. State corruption of all kinds has a particularly damaging effect on the general public, especially groups that may already be vulnerable to marginalization, as it weakens the ability and interest of the state to provide those public services that are essential for addressing poverty, human development and problems of violence (Booth & Golooba-Mutebi, 2011). This can be disastrous for women in civil society; for example, a neopatrimonial state rife with corruption may suspend or cut programs and services that support women's development and gender equality while complaining of a lack of funds, or may provide national policing services that are so underresourced as to be rather useless in protecting survivors of gender-based violence, to the detriment of the female population. Mechanisms to prevent and punish corruption at the state level are generally futile in many cases, as states that are severely corrupt dismiss these regulations altogether, as

there is little to no real commitment to due process (Booth & Golooba-Mutebi, 2011). Thus, the state's capacity to provide essential public goods and to foster overall economic development is severely compromised. With this in mind, a closer look at the nature and degree of corruption and neopatrimonialism in both countries helps to explain why the Rwandan state appears significantly more committed to its gender equality agenda than the South African state.

Since 1994, the Rwandan state has been credited with having relatively low levels of corruption, especially in comparison to other African nations (Chene, 2008; Booth & Golooba-Mutebi, 2011). According to the 2011 Worldwide Governance Indicators compiled by the World Bank, Rwanda has seen immense improvements, moving from a percentile rank of 20 in 1996 to 71 in 2010 with regard to control of corruption, and from 5 to 46 with regard to the rule of law in the same time period (World Bank, 2011). A survey conducted by the World Bank in 2006 indicates that only 4.4% of firms surveyed reported corruption as a significant barrier to conducting business in the country (Chene, 2008). Compared to a regional average of 48%, only 20% of businesses in Rwanda report paying bribes to officials in order to accomplish certain tasks. The 2007 Investment Climate statement for Rwanda produced by the US Department of State further supports the argument that corruption is exceptionally low in comparison to most African states. Rwanda scores a 5 on the Corruption Perceptions Index (CPI) produced annually by Transparency International (TI), with 10 indicating states that are perceived to be very clean, and zero indicating states that are perceived to be highly corrupt (Transparency International, 2011). Out of 183 countries, Rwanda is 49th in the CPI, and significantly better off than the vast majority of its African neighbours.

In addition to overall low levels of corruption, the government's response to the corruption that does occur is, for the most part, swift and effective (Chene, 2008). TI reports that both elite members of the state as well as lower-level civil servants are prosecuted for crimes of corruption, with many of them resigning on their own or being dismissed (Transparency International, 2011). In 2004 alone, at least 139 officers of the Rwandan National Police were fired because of corruption, including senior officials. The independent Auditor General's Office, first established in 1999, has effectively held the government accountable for funds that have gone missing, and according to the IMF, has succeeded in making the state's handling of finances significantly and increasingly

more transparent (Chene, 2008). An in-depth survey from 2009 conducted by Transparency Rwanda, in cooperation with the government, lends further support to the view that corruption is fairly low in Rwanda and even declining (Transparency Rwanda, 2009). The survey polled thousands of businesses and households to gauge perceptions of and experiences with corruption, both within the state and the private sector. 66% of household respondents believe that corruption in the government has been declining steadily, while 90% feel that the delivery of justice in the country is good. As for business respondents, 45% believe that corruption in the public sector is not a serious problem, while 39% reported that corruption is in fact a barrier to the development of firms. With regard to procurement of public tenders, only 7% of firms reported ever paying bribes to obtain contracts. Overall, perceptions of corruption within private companies appear to be significantly higher than corruption in the state.

With regard to neopatrimonialism, Rwanda is a somewhat unusual case. Evidence of a distinct type of “developmental patrimonialism” is abundant; however, scholars argue that the Rwandan state’s approach to this arrangement has actually been to the benefit of wider society, which is often not the case when dealing with more popular forms of neopatrimonialism (Booth & Golooba-Mutebi, 2008, p. 2; Kelsall, 2011). According to a study by David Booth and Frederick Golooba-Mutebi, the Rwandan state ruled by the RPF breaks the mold of typical African rent-seeking regimes. Booth and Golooba-Mutebi define developmental patrimonialism as the process whereby “ruling elites acquire an interest in and a capability for managing rents in a centralised way with a view to enhancing their incomes in the long run, rather than maximizing them in the short run” (Booth & Golooba-Mutebi, 2011, p. 3). As the Rwandan state is rather authoritarian while successfully pursuing economic growth, the authors acknowledge the unfortunate trade off between greater civil liberties and rapid development, but question whether or not, at least in the short term, a curtailing of political rights is acceptable in exchange for significant improvements in infrastructure and economic growth.

Rents in this context are defined as “revenues accruing to a factor of production (land, labour or capital) in excess of normal trading profits in a competitive market” (Booth & Golooba-Mutebi, 2011, p. 6). The Rwandan state obtains these rents mainly via the private holding company owned by the RPF, known as Tri-Star Investments. In the immediate aftermath of the genocide, the RPF used its private funds to meet the basic needs of society, and in the years following made significant investments aimed at

the long-term development of Rwanda's economy. Recently, Tri-Star Investments became Crystal Ventures Ltd. (CVL), an indication that the company is concerned with venture capital projects, although it is fully owned by the ruling party. Both critics and supporters of the RPF generally agree that the party has focused on economic growth as the primary method of legitimizing the regime (Booth & Golooba-Mutebi, 2011). Policy-making has explicitly targeted development as the exclusive means for overcoming ethnic divisions in the country, and is reflected in Rwanda's most recent national development strategy, Vision 2020. In many cases, Tri-Star paved the way for new businesses to emerge in areas previously unexplored by the private sector. The fact that elite members of the RPF and prominent supporters of the regime have frequently been punished, swiftly and severely, for crimes of corruption, helps to lend further credibility to the party and the government in general.

In contrast to Rwanda, the degree of corruption and neopatrimonialism in South Africa is a serious cause for concern. Corruption in the form of embezzlement and the misuse of public funds in South Africa is rampant and remains largely unchecked by the state, while public service delivery suffers greatly from underfunding and ineffective implementation (Heath, 2000). Since 1994, both the media and numerous CSOs have openly condemned the state for its apparent unwillingness to address the pervasive problem of corruption in the public sector (Hyslop, 2005). Rents extracted from the country serve only to benefit an elite minority in the state, usually in the form of direct financial reward. Fraud within health and education sectors, pension payments made to deceased people or individuals below the age of retirement, electoral fraud and the issuance of phoney identity documents and university degrees are just some of the many scandals that have come to light since the ANC took power (M.S. Bayat & I.W. Ferreira, 2005). Furthermore, mechanisms with which to hold government leaders accountable for corruption are limited, and the ANC has blocked attempts by public officials to investigate accusations of corruption, particularly against members of its own party. The nine provincial governments are particularly fraught with civil servant misconduct and corrupt practices (Hyslop, 2005). Unlike the RPF, the ANC has used its political power to facilitate a mass accumulation of wealth for members of the state, while further exacerbating racial, class and gender inequality (McKinley, 1997).

In 2007, the African Union openly criticized South Africa in a report to President Mbeki for the alarmingly high levels of corruption within the government and the state's

failure to effectively address the growing problem (African Research Bulletin, 2007). South Africa scores a 4.1 in the 2011 CPI ranking, significantly higher than Rwanda with regard to perceived levels of corruption (Transparency International, 2011). Perhaps one of the most well known incidents of corruption in South Africa's government since the ANC took office is the R29.9 billion arms deal of 1999 (Mattes, 2000). When evidence began to surface of extensive bribery of government officials by various weapons manufacturers, President Mbeki and other ANC officials worked to actively block investigation efforts. The ANC's speaker of Parliament, Tony Yengeni, was convicted of receiving bribes as part of the deal, and was to be imprisoned for four years; in actuality, he was released after only four months and glorified by prominent members of the party upon his release. In the words of Andrew Feinstein, a member of the ANC and former Member of Parliament, "the ANC has plummeted into a moral abyss" (Feinstein, 2009, p. xiii). Feinstein was the ANC's leader of the Standing Committee on Public Accounts (SCOPA) in Parliament, and resigned in protest over the scandal of the arms deal when the ANC resisted investigations by SCOPA into the affair. The party has become such a national embarrassment, and so intolerably corrupt, that Archbishop Desmond Tutu publicly declared in 2009 that he would not vote in the upcoming elections; furthermore, in the same year Nelson Mandela openly stated that he would no longer support the ANC or campaign for the party (Feinstein, 2009).

Patron-client networks among civil servants are widespread, from the very bottom to the very top of the state hierarchy (Edigheji, 2010). The affirmative action policies of the state, also known as Black Economic Empowerment (BEE) policies and programs, have served to exacerbate the culture of patrimonialism within the government. Civil servants often rotate between employment within the state and jobs in the private sector with companies favoured by the state. Although simultaneous employment in the public and private sector is banned at the national and provincial levels, reports continue to emerge of high numbers of public servants also working as directors of private firms (Edigheji, 2010). The ANC has been openly attacked for charging significant fees to businesses for access to members of the state elite (Freedom House, 2011). To make matters worse, Ernst & Young estimate that over 90% of corruption and fraud that occurs in South Africa's public sector typically goes unnoticed (M.S. Bayat & I.W. Ferreira, 2005).

The damaging effect that corruption has on the operations of the state and the rightful allocation of public funds is undeniable. The tolerance displayed by a government in response to widespread fraud, embezzlement and questionable patron-client networks is an indication of its priorities. As we have seen, the Rwandan state, while certainly flawed, nonetheless actively demonstrates very low tolerance for crimes of corruption and misconduct among its civil servants. Although the RPF engages in a form of developmental patrimonialism, evidence strongly suggests that this has been to the benefit of Rwandan society in many ways with regard to the long-term development of the economy. Conversely, the South African state engages in a form of neopatrimonialism that is focused on short-term wealth accumulation for individuals within the government, and the sheer volume of incidents of corruption is truly overwhelming (M.S. Bayat & I.W. Ferreira, 2005; Heath, 2000). Moreover, the state's response to the problem of corruption has been weak and ineffectual, and the country has been emphatically criticized both regionally and internationally for refusing to acknowledge the severity of the problem.

South Africa's problem with corruption may be associated with the fact that it is a more liberal democracy than Rwanda; indeed, the state of Rwanda's "democracy" is the subject of much debate (Kelsall, 2011; Reyntjens, 2004). In his analysis of neopatrimonial states and economic growth, Tim Kelsall suggests that "multi-party democracy presents powerful incentives for African leaders to focus on the short term, relaxing the strictures on rent creation and corruption, and making long-horizon rent management more difficult to achieve" (Kelsall, 2011, p. 84). Kelsall, who considers Rwanda a multi-party democracy, writes that the nature of neopatrimonialism in Rwanda makes it the exception to the rule, as the RPF uses funds from its holding company Tri-Star (now CVL) both to support its electoral ambitions and to invest in major projects of social and physical infrastructure. This enables the government to take a tougher stance on internal corruption, resulting in "a virtuous circle of public goods creation and development" (Kelsall, 2011, p. 84). The authoritarian nature of Rwanda's government also reduces the likelihood that opposition parties will be able or willing to challenge the existing regime, thus allowing the RPF to consider the value of long-term, rather than short-term, rent management and economic development on its own terms.

While some may consider Rwanda an authoritarian state and others describe it as a democracy, it is clear that there are undeniable differences between Rwanda's

version of democracy and South Africa's, particularly with regard to the role that civil society plays in relationship to the state. This brings me to my fourth and final point: the fact that gender-focused CSOs in Rwanda function largely as an extension of the state, and engage in generally positive and direct relationships with the state, certainly suggests that the Rwandan government is committed to advancing gender equality. Conversely, CSOs in South Africa function largely in opposition to the state and are frequently and openly critical of a government that they understand to be consistently and unrepentantly failing them.

6.1.4. The role of CSOs in a semi-authoritarian Rwanda and a liberal democratic South Africa

Perhaps one of the most significant differences between Rwanda and South Africa is the nature of the state and the degree to which each country can be labelled a true democracy. The crucial point here is not that the quality of democracy in South Africa is failing CSOs, although it very well may be, but rather that the authoritarian leanings of Rwanda's government actually facilitate the process of empowering women and sensitizing the population to the values of gender equality, precisely because CSOs in the country serve as an extension of the state. Thus, the Rwandan state appears more committed to engaging with CSOs because it is enacting its own agenda via these organizations, an agenda influenced by the founding ideology of the RPF and driven by the context of a post-genocide situation that has helped to recreate women's roles in a female majority population.

Freedom House, an international democracy watchdog, ranks Rwanda as "not free" and states that Rwanda is not an electoral democracy (Freedom House, 2011). The designation that Rwanda is not an electoral democracy is arguable; the Rwandan state surely could attempt to defend itself as a democracy in that it allows for political opposition to formally organize and for the public selection of government officials, rather than the direct internal succession of leaders without even the pretense of democratic elections. In reality, however, elections in Rwanda have been seriously flawed and the RPF tightly controls opposing political parties, thus providing grounds for Freedom House's statement that the country is not a true electoral democracy. Indeed, other commentators support the argument that the Rwandan state effectively functions as an authoritarian government in the guise of a democracy (Reyntjens, 2004; Human Rights

Watch, 2012; Amnesty International, 2012). Although at first the RPF could justify its tight control of political life in the immediate aftermath of the genocide, in the interest of preventing further violence, years later this approach has begun to garner the state a reputation for authoritarian leadership amid increasing control over civil society and repression of political dissent. When the RPF first took power in July 1994, a number of politicians and various civil servants from the previous regime remained in Kigali and were accepted back into the new government, creating an illusion of inclusiveness and framing the RPF as a party with democratic values. However, over time many Hutu members of the government fled into exile, followed closely by Tutsi survivors of the genocide and even prominent founding members of the RPF itself, revealing a gradual drift towards a more authoritarian state (Reyntjens, 2004).

In the municipal elections of March 2001, both Human Rights Watch and the International Crisis Group reported serious electoral flaws, far beyond the few administrative irregularities that were initially reported (Reyntjens, 2004). Furthermore, the National Electoral Commission controlled by the RPF had essentially eliminated any viable competition among opposing candidates months before the election day, and had worked to ensure that the only other names on the ballot were of candidates that supported the existing government's policies. In the presidential and parliamentary elections of 2003, the RPF ceased trying to disguise its increasingly authoritarian nature. A European Union observer team reported widespread irregularities on election day, including ballot box stuffing and serious flaws in the tallying of votes. In addition, the 2003 Constitution has been described as "tailor-made to legitimize the regime under the guise of 'democratic governance'", allowing the president strong executive powers to dissolve parliament and appoint a prime minister, among other privileges (Reyntjens, 2006, p. 1108; Freedom House, 2011). Parliamentary elections in 2008 and presidential elections in 2010 involved significantly less irregularity, but the limited number of candidates on the ballot to contest RPF dominance left the public with little choice in selecting a new government.

The Rwandan state's authoritarian tendencies have earned Kagame the title of "benign dictator" among some observers within the international community (Chapman, 2011). Rwanda has seen exceptional rates of economic growth since 1994, but has also been criticized for clamping down on political opposition and curtailing some human rights. Thus, a number of commentators argue that civil society organizations are

actually an extension of the state and its own agenda (Burnet, 2008; Reyntjens, 2004; Gready, 2010; USAID, 2001). Reyntjens refers to this relationship as “the weird collusion between the government and important sections of civil society”, and even goes so far as to claim that “civil society is controlled by the regime” (Reyntjens, 2004, p. 185). In her analysis of the role of civil society in Rwanda, Burnet observes that both the state itself and members of civil society, such as university professors, understand the relationship between civil society and the state to be one of cooperation and harmony, and that civil society should serve the state rather than challenge it (Burnet, 2008).

To assist itself in maintaining this type of relationship with civil society, in April 2001 the Rwandan state passed new laws allowing the government extensive oversight and monitoring of both local and foreign NGOs in the country, forcing these organizations to comply with specific areas of the state’s development agenda or risk being denied registration and thus becoming ineligible for funding (USAID, 2001; Gready, 2010). With regard to gender-focused CSOs, Jennie Burnet contends that “the women’s movement in Rwanda has been successful when it has aligned itself with the RPF’s vision of civil society” (Burnet, 2008, p. 376). A USAID report from 2001 lends further support to this argument, reporting that Rwanda’s government takes a strong “top-down management” approach to working with CSOs, and that even before the RPF took power, CSOs “generally were used to implement policies and agendas set by the state and donors” (USAID, 2001, p. 4). In an interview from March 2006, former Secretary General of the Ministry of Justice, Johnston Busingye, was quoted as saying “[w]hen civil society sees itself as something different to government, as almost opposed, then it is a problem” (Busingye, 2006, as quoted in Gready, 2010, p. 641).

Though Reyntjens’ argument that civil society is entirely controlled by the regime is seen by some as too extreme, there is little doubt that CSOs in Rwanda do not pose a real threat to the state and will likely not seek to challenge the authority of the regime. Thus, even though it may appear on the surface that women’s CSOs have influence on policy, this is debatable; it is more probable that these organizations serve as useful resources for the state in providing relevant research and in implementing an already existing government agenda, an agenda that happens to be one that many of these organizations already support. However, with regard to empowering women within Rwandan society, even if these organizations do not have significant policy influence in the current authoritarian context, they still stand to benefit from their relationships with

the state, as the gender agenda of the RPF is already in line with many of the values and objectives of women's CSOs and with many basic principles of gender equality in general.

In sharp contrast to the authoritarian style of government in Rwanda is the state of liberal democracy in South Africa. Freedom House ranks South Africa as "free"; unlike Rwanda, South Africa is considered a true electoral democracy (Freedom House, 2011). However, outbreaks of violence are not unusual around election time, including political threats and intimidation, and the government has been known to ban those critical of its policies from state-owned radio broadcasts. Despite this, freedom of the press and freedom of association are well established and protected by the Constitution. Unlike Rwanda, formal political opposition to the ANC is strong, led by the Democratic Alliance. However, though the state is considered democratic, this designation nevertheless affords little real accountability, and all manner of corruption and mismanagement often goes unpunished. Similar to Rwanda, the executive branch of government holds a disproportionate amount of power, and legislation that allows MPs to be ejected from their party, and thus fully removed from Parliament altogether, rewards those loyal to the regime and discourages ANC MPs from criticizing party policies (Mattes, 2000).

In an analysis of public confidence in central state institutions, Pierre du Toit and Hennie Kotze measure responses from civil society categorized by race (black, white, coloured and Indian) (Du Toit & Kotze, 2011). From 1981 to 2006, confidence among the black population rose dramatically, peaking in 1995 and generally holding steady up to 2006, although starting to show signs of a gradual decline. However, among the other 3 racial categories, public confidence in the government peaked around 1993-1994, experienced a severe decline up to 2001, and slowly began to increase again, although never reaching the same levels as the black population category. It should also be noted than among the Indian category in particular, confidence in the government has been declining steadily since 1994 and did not increase after 2001, unlike the white and coloured racial categories. According to the authors, despite the end of white rule the South African state remains a site of extreme racial polarization; du Toit and Kotze argue, "this is not what a consolidated liberal democracy should look like" (Du Toit & Kotze, 2011, p. 45).

In a setting such as this, it is not surprising that CSOs operate in opposition to the state, as the state fails to hold itself accountable for its significant shortcomings in public service delivery and for an overall lack of good governance. Further analysis by du Toit and Kotze reveals that confidence levels in civil society reflect the lack of confidence in the state at similar points in history; at times when public confidence in the state has declined, public confidence in civil society has increased. Confidence levels for both the state and civil society were particularly high leading up to the 1994 elections, but since then have fluctuated in opposition to each other over time (Du Toit & Kotze, 2011). There is abundant evidence that the citizenry of South Africa is becoming increasingly disenchanted with the ANC's leadership and does not feel that the government represents their interests or responds adequately to public concerns (Mattes, 2000).

In South Africa's transition from apartheid, CSOs were seen as a crucial component for entrenching democracy within the country, and international funding and support for them was significant, particularly from US foundations (Stacey & Aksartova, 2001; Habib, 2005). However, the country's experience with democracy thus far has shown that despite a robust and openly critical civil society, South Africa's government remains ineffective, corrupt and unresponsive to demands for accountability, particularly with regard to the problem of physical and sexual violence against women. Most CSOs function as service delivery organizations or activism/advocacy groups calling for change; many of these organizations feel that any relationship they do have with the post-apartheid state results in expectations for CSOs to conduct research or provide services deemed valuable by the state, whether or not that research or those services represent the needs or interests of the vulnerable communities with which CSOs work (Habib, 2005). Thus, in stark contrast to CSOs in Rwanda that serve as extensions of the state, relationships between CSOs and the state in South Africa are characterized by "adversarialism and engagement", and in some cases, both at the same time (Habib, 2005, p. 685).

What becomes evident from this comparative analysis is that even when a state is not fully democratic, as is the case with Rwanda according to some observers, women in civil society may still be able to advance their rights and improve their quality of life through state mechanisms, as well as experience positive and direct relationships with the state. Indeed, if a number of other important variables are geared to the advantage

of women, such as the other three elements discussed above, a democratic setting may not even be necessary, and certainly does not in any way guarantee that women in civil society will gain from the policies and actions of the state. This is, of course, a double-edged sword, in that women may actually end up suffering more in an authoritarian setting should the state shift its priorities and change its behaviours in such a way that discriminates against them, as the population will be arguably less able to hold the state accountable than they would in a democracy. For the time being, though, the Rwandan state appears to be considerably more committed to its gender equality agenda than does South Africa and, importantly, the state of liberal democracy in South Africa certainly warrants a degree of serious scepticism regarding the power and potential of a democratic state to support and protect women in civil society more effectively than other forms of government.

7. Conclusion

The different experiences of Rwanda and South Africa with regard to gender equality, the state and civil society are particularly revealing. On the one hand, Rwanda functions as an authoritarian state with democratic characteristics, and is classified differently as a democracy, an autocracy or something in between, depending on the commentator. However, in spite of the ambiguous nature of Rwanda's democracy, the government appears fairly committed to advancing gender equality, empowering the female population in Rwanda, and working to prevent and punish GBV. In addition, the state's willingness to directly engage and consult with women's CSOs, and the positive feedback from these groups in civil society regarding their relationship with the state, is a further reflection of the political will of the government to actualize its commitments to women in the general population. On the other hand, South Africa is widely accepted as a liberal democracy and yet severely lacks one of the most critical characteristics of this form of government: meaningful accountability to the citizenry that legitimizes its existence. The South African state's commitment to the gender equality agenda it set for itself in 1994 appears to be mainly comprised of political rhetoric, with very little evidence of the necessary political will required to actualize its commitments and obligations to the women of South Africa who continue to suffer from the highest rates of physical and sexual violence in the world. While the legal framework for ensuring women's rights and eliminating GBV is extensive and robust in both countries, the commitment to these values and the implementation of this legislation varies considerably between them.

In this paper I have argued that political will and commitment from the state are crucial for combating and preventing different forms of violence against women. I take the state's relationships with women's CSOs, as well as how the state prevents and responds to violence against women, as a reflection of that political will and commitment. Given the available research and evidence as reviewed in my analysis, I contend that Rwanda's government demonstrates significantly better relationships with women's CSOs and appears genuinely more committed to securing women's rights and preventing and punishing violence against women, as compared to the state in South Africa. This outcome is a result of four primary factors, those being the nature of each

country's political transition within the context of apartheid in South Africa and the genocide in Rwanda, the origins and ideology of the ruling party, the presence and degree of state corruption and neopatrimonialism, and the role that civil society plays in an semi-authoritarian state versus a liberal democratic state. The experiences of Rwanda and South Africa in this comparative exercise call into question the extent to which democracy as a form of government can serve the interests of the citizenry and guarantee basic needs and human rights more effectively than other forms of government. The inference here is that democracy, though potentially less threatening than authoritarian approaches to government, cannot guarantee that women's needs and interests in civil society will be seriously addressed or even taken into account at the state level, despite the fact that the state is legitimized by its citizens and as such is obligated to protect the rights of women in civil society to live free from violence and discrimination.

Though Rwanda is less of a liberal democracy than South Africa, women in Rwandan civil society nevertheless appear to benefit from the state's relationships with CSOs and the policies and actions taken by the Rwandan government regarding gender equality. Conversely, women in South African civil society appear to suffer greatly from the state's lack of political will and commitment to its gender equality agenda, regardless of the fact that it is considered a democratic country. This situation strongly calls into question the conventional assumption that democratic states are more likely to benefit women in civil society than non-democratic or less democratic states. It also highlights the need to consider the importance and influence of various other factors aside from democracy that may contribute to the advancement of gender equality, such as the ideology of the ruling party and the degree of corruption and neopatrimonialism in the state. The findings of this comparative case study serve to reinforce the need for a detailed and contextual analysis of the role of both the state and civil society in various political settings, and the limitations and potentialities of each sphere, with regard to advancing women's interests and eliminating violence against them in all of its manifestations.

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Appendix A.

Interview Questions

The questions listed below varied slightly between interviews, or were in some cases necessarily omitted, depending on time constraints and whether or not the question had already been addressed in the participant's previous responses. As these interviews were semi-structured to allow for the free flow of dialogue, not all questions were posed to every participant, although every effort was made to ensure certain key questions were asked and that interviews were as similar as possible in order to assist with analyzing the aggregate data afterwards. Background information, including full name, position and professional/political background, were collected separately from all interview participants.

Interview questions for Parliamentarians and state officials:

1. How long have you been a member of parliament/involved in the government?
2. Where has the government succeeded in improving the status of women and advancing women's rights?
3. How much of an influence do you think the government can have on improving gender equality for women in the general population?
4. Do you think women in parliament have more of a natural incentive, because they are women, to advocate for and protect the interests of women? Why or why not?
5. Do you find that the push for gender equality is mainly driven by the government from the top down? Why or why not?
6. How is the government connected with women in civil society?
7. What do you think are the biggest challenges still facing women in this country?

Interview questions for civil society organizations/individuals:

1. What kind of relationships do you or our organization have with the government?
2. Have you received any financial support for the government, presently or in the past?
3. In your experience, have you witnessed a change in the status of women with the current government's emphasis on gender equality, and in what ways?
4. How much of an influence do you think the government can have on improving gender equality for women in the general population?
5. Do you think women in parliament have more of a natural incentive, because they are women, to advocate for and protect the interests of women? Why or why not?
6. Is the push for gender equality primarily top down? Why or why not?
7. What do you think are the biggest challenges still facing women in this country?