

Window-dressing or Window of Opportunity? Assessing the Advancement of Gender Equality in Autocracies

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There is growing evidence of the international and domestic political benefits for autocrats to advance women's rights (Bjarnegård and Zetterberg 2016; Bush and Zetterberg 2021; Donno and Kreft 2019; Tripp 2019). Research on the adoption of gender reforms in autocracies—including contributions in this issue by Comstock & Vilán, and Tripp—emphasizes the dual role of international pressure (Donno, Fox and Kaasik 2021; Edgell 2017; Okundaye and Breuning 2021) and women's movements (Giersdorf and Croissant 2011; Htun and Weldon 2012; Tripp 2015). Reforms can be “top-down” if the autocrat advances rights even while suppressing the women's movement; or “bottom-up” if the regime allies with—and seeks to co-opt—civil society groups.

We know much less about the extent to which such reforms, once adopted, actually make a difference for women. In autocratic regimes, do *de jure* advancements in women's rights create windows of opportunity for real gender equality, or are they window-dressing that may even serve to mask other rights violations? We draw attention to the *implementation* of laws—understood as the process of enactment and enforcement—as a key intermediate step between the adoption and effectiveness of women's rights reforms in nondemocracies.

We recognize that implementation is only one element of legal change. Adoption of laws can be a powerful signal in itself, and may ignite processes of social transformation independent of implementation (Htun and Jensenius 2022). In addition, policy design matters. Even when implemented, a poorly-conceived policy is unlikely to have positive effects, as is the case with some gender quotas which fail to challenge prevailing power structures (Bjarnegård and Zetterberg 2016). It is also clear that some laws may require societal adjustments to be effectively implemented: as feminist institutionalist theory underscores, the pernicious role of male-dominated informal institutions for women cannot be ignored (Waylen 2017).

In what follows, we consider differences in *implementation processes* across three key policy areas: women's political representation, violence against women (VAW), and women's economic and social rights. A thriving research agenda on women, peace and security points out that many advances in gender equality are ushered in during periods of post-conflict

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transformation (Kirby & Shepherd 2016; Tripp 2015). Here, we incorporate insights from this research while expanding our focus, beyond conflict settings, to the “ordinary” politics of authoritarian regimes. We suggest a two-step model for assessing implementation of gender equality reforms in autocracies: first, the level of *centralization* of implementation should be assessed. Second, for decentralized implementation, the *domestic compliance environment* plays an important part.

Women’s Representation

The adoption of legislated gender quotas is the most widespread reform of *electoral law* in recent decades. Although autocracies are active adopters of various forms of legislated gender quotas, there is one particular type of quota that is almost exclusively enacted by autocracies: reserved seats (Zetterberg et al. 2022). Reserved seats can be designed in different ways, but they all set aside a certain seat share for women (Hughes et al. 2019). While candidate quotas (the quota favored by democracies) disrupt ordinary processes by requiring political parties to alter their nomination procedures, reserved seats are usually implemented at one single point in time, by earmarking additional seats for women. Their implementation therefore tends to be more *centralized* than candidate quotas, making them, according to Dahlerup, “by their nature enforceable” (Dahlerup 2005, 105). Accordingly, as women’s representation has sharply increased in response to electoral law reform, we can conclude that reserved seat legislation has been implemented in autocracies.

Implementation is not the same thing as ensuring effective women’s rights reforms, however. When implementation is centralized, it lies quite close to adoption, and policy-makers are likely to carefully assess the political effects of such a reform already at the policy design stage. Knowing that reform implementation is highly likely, the quota may be designed to favor the ruling party, and to allow for the selection of loyal party supporters to the reserved seats (Bjarnegård and Zetterberg 2016).

Violence Against Women

Regulations proscribing violence against women (VAW) fall within the purview of *criminal law* and include measures against domestic violence, rape and assault, sexual harassment and female genital mutilation. Stronger VAW laws have proliferated in recent decades, often in post-conflict settings, where civil society organizations have received international support in recognizing women’s vulnerability to conflict-related violence (Lake 2014; Tripp 2015).

Compared to laws reserving legislative seats for women, the implementation of VAW laws is more *decentralized*, involving a larger number of actors in a less controlled process. Rather than a one-shot effort, implementation entails an accumulation of individual criminal trials. On one side of this equation are state actors: police and prosecutors must investigate crimes and bring

them to trial, while courts must rule fairly based on evidence. On the other side are women themselves, as victims, who must be willing to cooperate in these efforts.

We highlight two barriers to implementation that are characteristic of autocratic regimes. First is a *politicized or dysfunctional judicial system*. It is well-documented that autocracies suffer from a rule of law deficit (Helmke and Rosenbluth 2009). In criminal matters, enforcement depends crucially on the capacity and priorities of state prosecutors, courts and the police. A second barrier is *weak civil society*. In democracies, civil society groups pressure governments to respect their legal commitments, and they perform the essential role of assisting women in claiming their rights (Medie 2020). In the area of VAW, legal aid organizations initiate cases, counsel and assist women victims, and educate women about their rights (Lake 2014). These key functions are more limited in autocracies, where civil society activity is suppressed. Some autocratic ruling parties possess official women's wings which toe the party line, focusing more on women's mobilization than on representing their interests. Even where independent groups exist, autocracies can use state machinery and patronage to co-opt them, as in Cameroon, where women's organizations with links to the state enjoy greater access to funds in exchange for pursuing policies in line with state priorities (Adams 2007, 188). In backsliding regimes, like Turkey, the government may work to actively marginalize independent women's NGOs and empower state-friendly ones instead (Arat 2021).

Social, Economic and Family Rights

Legal reforms for women's economic and social rights encompass an array of *civil laws* related to equal opportunity in education and employment; property rights; citizenship rights; freedom of movement, association and speech; as well as family law (marriage, divorce, inheritance, child custody). These rights are crucial to women's ability to control their lives, and are often among the most bitter points of contention between conservative and progressive factions (Htun & Weldon 2019).

Implementation of *civil laws* related to women's social and economic rights is *decentralized*, complex and diffuse, even more so than VAW laws where state actors take the initiative in prosecuting cases. Here, implementation requires a range of private actors—firms, civil society, and individual women—to comply with regulations, bring complaints and engage with the legal system. Courts also play a role as the adjudicators of disputes, but the mix of relevant courts include informal and religious bodies.

As with VAW, weakness in *rule of law* and *civil society* constitute authoritarian barriers to implementation. Where the machinery of justice is corrupt, captured by patriarchal interests, or simply incompetent, women lack access to a system that fairly adjudicates their claims. In Turkey for example, as the judiciary has become increasingly politicized, it has reinterpreted civil marriage laws to allow for religious marriage, which provides fewer legal protections for women (Arat 2021, 16-21). And where civil society is weak, women lack the assistance and education to bring forward their claims.

The implementation of family law adds another layer of complexity: many autocracies adjudicate these matters in separate customary courts. Such is the case in some MENA countries including Egypt, Jordan, Qatar and Saudi Arabia, where family matters fall under Shari'a law (Tripp 2019, 102-105), and in several African countries where personal status issues are exempt from constitutional protection and adjudicated instead via informal institutions (Nyamu-Musembi 2006, 1197-99). Tellingly, a study of Morocco and Jordan finds that despite legal reform in recent years, the large majority of requests for marriage of minor girls are still approved by family courts (Prettitore 2015, 36-38).

Conclusions

Closing the implementation gaps highlighted here requires greater attention to monitoring. One reason for the predominant focus on gender quotas among scholars and policy makers, we suggest, is that their implementation is more easily measured by examining ballots or counting the number of women in parliament than the implementation of laws related to things like employment discrimination, VAW or child marriage, precisely because their enforcement is more decentralized and complex.

We have highlighted the importance of the domestic compliance environment—rule of law and civil society—for laws marked by decentralized implementation. A few caveats are worth noting. 'Window-dressing' reforms are attractive for autocrats seeking to burnish international reputations without paying political costs, but they can also be risky if enforcement is not wholly within the government's control. The compliance environment is not fixed and may evolve endogenously in response to new laws. If societal norms change, women's advocacy becomes more assertive, or international groups activate, what was previously 'window-dressing' may gradually carry more bite.

A final question suggested by our analysis is whether implementation gaps factor into autocrats' calculation of whether to adopt reforms in the first place, and how this relates to the politics of authoritarian survival. If a policy is likely to be implemented but is not costly for regime survival—or can be steered toward the regime's advantage—as is often the case for legislative gender quotas, then we expect widespread adoption. For a policy that is potentially costly for political survival, adoption should be more common when implementation is unlikely. A next step in the implementation research agenda, then, will be to theorize the strategic linkages between adoption and implementation, grounded in an understanding of the (context-specific) costs of different reforms.

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