Masculinities, Women's Rights & Human Rights:

Advocacy to Address Sexual Violence

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For my sister, Hana.

Abstract

Using a masculinities and human rights framework, this thesis explores civil society advocacy to address sexual violence. This thesis provides recommendations aimed at enhancing civil society effectiveness. Ultimately, seeking to reduce the real rate of rape and improve survivors' access to justice.

This study seeks to respond to current literature gaps to: broaden our understanding of human rights advocacy, examine activists' conceptualisation of masculinities and human rights as a field, identify the impact of this field of women's rights - and explore how responses to sexual violence may account for men's experiences of victimisation. Alongside a review of the literature, this thesis uses two case studies to address the research questions. The first of these case studies looks at civil society advocacy to enact and implement the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. The second of these case studies explores the work of a South African based 'masculinities and human rights' NGO, named Sonke Gender Justice Network.

This thesis challenges the dominant literature on human rights advocacy. In contrast to the literature's focus on transnational advocacy networks, this study explores a domestic network which is a product of new cross-sector alliances. The exploration of male rape in South Africa introduces two new concepts: accidental and ambivalent advocacy. These concepts are applied in order to explain how male rape came to be legally recognised, without concerted advocacy to champion the rights of male rape victims. Ultimately, this thesis argues that the impacts of a masculinities and human rights framework are contradictory and dependent on the way the framework is realised in practice. The framework provides some opportunities for developing civil society advocacy to address male rape. However, the way the framework is currently implemented by South Africa's largest masculinities and human rights NGO raises concerns regarding its impact on women's rights.

List of contents

List of figures

List of tables

List of accompanying material

Full text of Shukumisa's vision and mission statements, p. 265.

Sample text: information sheet for interviewees, p. 267.

Sample text: informed consent form for interviewees, p. 269.

Sample text: information sheet for participants in observations, p. 270.

Sample text: consent form for participants in observations, p. 272.

Template interview questions, p. 273.

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Author's declaration

All work contained in this thesis is the author's own. This thesis has not previously been submitted for a degree at this or any other University. Where parts of this thesis refer to work completed as part of the author's MA dissertation this is appropriately cited. No parts of this thesis have been submitted for publication.

Lucy Harding

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Introduction

This research explores civil society advocacy to address sexual violence through a masculinities and human rights framework. As such, this thesis seeks to develop current theorising around civil society advocacy (with a particular focus on addressing sexual violence), whilst also seeking to expand our understanding of a masculinities and human rights framework.

Alongside a review of the literature, this thesis uses two case studies to explore civil society advocacy, masculinities and human rights. The first of these case studies looks at the civil society advocacy of a network seeking to enact and implement the South African Sexual Offences Act (SOA, 2007).[1] The network examined enables reflection on a number of broad advocacy dilemmas. These include challenges pertaining to: how advocacy can address the gulf between legal frameworks and lived realities; how civil society actors can leverage change in a post-transitional context and; how a domestic (as opposed to transnational) network can leverage change. The second of these case studies explores the work of a South African based 'masculinities and human rights' NGO, named Sonke Gender Justice Network (Sonke). The case study of Sonke also enables analysis of broad themes, including how NGOs can manage organisational expansion and translate complex theories of change to effective practice.

Both of the case studies examined are also extremely significant in and of themselves. The SOA is the key piece of legislation in South Africa relating to sexual offences. The Act radically revised previous "*archaic and outdated sexual offences legislation*" to, among other things, broaden the definition of rape, introduce new sexual offences and mandate the provision of post-exposure prophylaxis (PEP) for rape survivors (Fuller, 2007: 5; SOA, 2007).[2] Civil society has been active in advocating around sexual offences legislation: in South Africa a large network of civil society actors has worked, for well over a decade, seeking to shape, and

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[1] The full name for the Sexual Offences Act (SOA) is the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
[2] PEP is administered to prevent HIV.

subsequently push for implementation of, the SOA (I. Shukumisa, 2013). Sonke is a key player in South Africa's gender sector, as well as on the world stage, meaning the way it operationalises a masculinities and human rights framework is of particular interest (I. Morrell, 2013).

This introduction is divided into four parts. The introduction outlines the context and rationale for the research, provides some background on South Africa, gives an overview of the research methodology, and provides a summary of the chapters in this thesis.

Context and Rationale

This section seeks to highlight the key debates and gaps in the relevant literature with the aim to justify the research focus. Definitions of the key concepts applied within this study are also provided. Specifically, the section addresses the need to broaden our understanding of advocacy, further explore the relationship between masculinities and women's rights, and acknowledge men's experiences of sexual violence.

Civil Society Advocacy and Gender

This research is concerned with civil society as a site of political action – as a site where processes of resistance occur that seek to link morality to power and politics (Buxton, 2004: 55; Gready, 2004: 2).[3] The focus here is on civil society advocacy, understood as a political process which aims to change attitudes, behaviours and practices (INTRAC, 2008: 5). Advocacy can take the form of ensuring that

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[3] There is much disagreement about how to define civil society. Nonetheless, civil society is frequently understood as a realm of social relations in between the individual/family and the state (Gready, 2004: 2; Heywood, 2000: 17). Civil society is seen to include a:

> "*wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations*" (World Bank, 2010: n.d.).

Having said this, the actors explored within this study reveal that in practice the space between the individual/family, civil society and the state is blurred. NGOs often engage in forms of interaction with the state and are influenced by, and influence, the individual/family (Marchetti & Tocci, 2009: 202-3).

individuals (particularly vulnerable individuals) are able to have their voices heard and act to defend their rights. Or, it can be a process whereby groups or organisations intervene directly to change systems, processes or institutions (UNICEF, 2010: 7). This research pays particular attention to the work of NGOs, although NGOs are considered alongside the work of a broader array of actors (including women's organisations, academic institutions – and networks and coalitions).[4] Robins (2008a: 24) notes that NGOs provide opportunities to leverage access to recognition and resources for vulnerable groups and are able to challenge forms of political power. This research is concerned with how NGOs (and associated actors) can best realise this transformative potential.[5]

There are broad gaps in the current literature on human rights advocacy which this thesis begins to address. These include a surprising lack of theorising on domestic advocacy networks: the literature currently focuses on transnational networks (e.g. Keck & Sikkink, 1998). In addition, the current literature fails to adequately address how advocacy happens in a 'post-transitional' space.[6] The current literature examines how advances in rights can be made at points of political transition, but is less clear about how rights can be advanced within a post-transitional space (e.g. Root, 2009). Furthermore, the current literature notes challenges that can arise from

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[4] NGOs have been particularly influential in shaping legal and policy responses to sexual violence in South Africa, influential in the promotion of work with men and boys to address sexual violence and at the forefront of service delivery to rape survivors.

[5] A commonly held view by political scientists, policy academics, donors and NGOs is that civil society is "*a space of popular, participatory democracy and horizontal relations of trust and 'positive' social capital*" (Robins, 2008a: 7). Chatterjee (2004) on the other hand views civil society (in the global south) as an enclave of educated elites, separated from the popular classes. Within this research civil society is understood as a diverse and complex space (Robins, 2008a: 24). NGOs can act as part of the franchise state, may undermine collective mobilisation and, at times, can function as elite spaces (Robins, 2008a: 22). They are also understood to sometime act rationally, to protect their own organisational lives, as well as advocating a value based agenda (Nelson & Dorsey, 2008: 6). Having said this, even more critical commentators recognise that NGOs can leverage access to recognition and resources for vulnerable groups (Robins, 2008a: 24). For a useful case study of shifting perceptions of African NGOs in particular, see Igoe and Kelsall (2005).

[6] The term post-transitional is adapted from Collins' (2010). Collins seeks to account for the 're-irruption' of prosecutions for past human rights violations in Latin America, arguing the framework provided by transitional justice is inadequate in explaining these events. The conception of post-transitional justice used here differs from that provided by Collins (2010) in two significant ways: 1) whereas Collins focuses on the pursuit of justice through legal systems and judicial accountability, this research seeks to examine both legal and non-legal conceptions of justice and accountability; 2) whereas Collins examines efforts to hold those who perpetrated human rights violations during the authoritarian past accountable, this research focuses on justice and accountability in relation to human rights violations committed in the 'democratic present'.

legal and policy advocacy. These include the risk that institutionalisation can lead to an increased distance between advocates and their constituents – and that civil society often struggles to translate legal shifts to changes on the ground (Cornwall & Molyneux, 2006; Eschle & Stammers, 2004). Yet, much less is written about best practice: how advocates can engage with legal and policy processes whilst mitigating for these tensions.

Further gaps emerge when the literature on advocacy is explored through a 'gendered lens'. Dominant explorations of advocacy focus on 'women's networks' to secure women's rights (e.g. Keck & Sikkink, 1998: ch. 5; Moghadam, 2005). This thesis seeks to explore gender and advocacy, giving consideration to the role of men and masculinities in advocacy processes. As a result, new stories of human rights advocacy are revealed (e.g. of advocacy processes to address male rape).[7] Existing stories of women's rights advocacy are also contested. For instance, as we consider the range of actors that can work to address sexual violence (beyond women's organisations), we broaden our understanding of the actors advocating to address sexual violence. Discussions of framing also become more nuanced. Contradictions in dominant framings (such as violence against women) emerge as frames are considered with regards to both their impact on women's rights but also their impact on forms of gender work with men.

One body of literature that does address masculinities and advocacy is the literature on masculinities and human rights NGOs. This literature tends to explore how distinct organisations seek to shift men's attitudes and behaviour to promote gender equitable outcomes (e.g. Pease & Pringle, 2001). These NGOs use understandings of the social construction of masculinity to shape work with men and boys e.g. by establishing educational campaigns to highlight alternative models of male behaviour (Ricardo et al., 2010). This thesis seeks to build on this literature and address its current limitations. Currently available studies are often produced by the

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[7] 'Male rape' is a problematic term as it discursively positions 'male rape' as separate from the general phenomenon of 'rape'. It is used here for lack of a better term that makes clear that men can be raped and that men (as a victim group) have distinct needs (Davies, 2002). It is hoped that the exploration of how these acts are interrelated, within this research, serves to break down this discursive distinction.

NGO in question and tend to focus on the work of a single NGO in isolation (e.g. Kaufman, 2001; Peacock, 2013). In contrast, the work of the masculinities and human rights NGO explored here is embedded within a discussion of broader forms of civil society activism.

Masculinities and Women's Rights

This research explores the relationship between two fields: human rights and masculinities.[8] Historically, the connection between these two fields has not been recognised by the human rights movement. That said, in the last two decades, the United Nations (UN) has increasingly come to acknowledge the role of men and boys in promoting gender equality (Connell, 2005a). This thesis seeks to increase our understanding of how activists conceptualise masculinities and human rights as a field, as well as engage with debates about the impact of masculinities work on women's rights.[9]

Women's rights were only explicitly acknowledged by the human rights movement in the 1990s. Before this time, mainstream human rights organisations ignored women's issues (Bunch, 1990; Stemple, 2009: 626; Keck & Sikkink, 1998). The Center for Women's Global Leadership (CWGL) has noted that two historical distinctions, engrained within international human rights, have obscured women's lives (CWGL, 1993: 1). First, a distinction between public and private spheres: acts such as rape in the home were deemed private by the international human rights community and thus not seen to be part of the communities' agenda (CWGL, 1993: 3). Secondly, a prioritisation of civil/political over economic/social rights. CWGL has argued this distinction failed to recognise the significance of economic discrimination for women's lives (CWGL, 1993: 1). The human rights movement

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[8] Human rights are understood here as "*rights to which people are entitled to by virtue of being human*" (Haywood, 2000: 131). They are universal – something that belongs to all humans regardless of their identity (Haywood, 2000: 131). Although rights are now embedded in international law, rights are understood here as valid international claims, regardless of whether or not they are legally recognised (Bob, 2009; Gready, 2004: 3).

[9] There has been some concern that explorations of masculinities constitute the latest 'sexy topic' (Manjoo, 2012). The focus of this study derives from significant gaps in the current literature on human rights and sexual violence - and from recognition that there are significant opportunities that arise from exploring masculinities. These opportunities include broadening the pool of activists supporting efforts to tackle sexual violence, the introduction of 'new' strategies for tackling sexual violence and a broadening of conceptions of justice in relation to sexual violence.

has broadened its parameters since its founding. The movement is increasingly recognising the indivisibility of economic-social and civil-political rights, its application in relation to rights abuses committed by non-state actors – and convergences with other approaches to 'social justice' (including synergies with the global women's movement) (Gready, 2004: 4; Gready & Ball, 2006: 29). Increasingly, the movement has acknowledged women's rights, as human rights instruments have been reinterpreted to acknowledge women's experiences (Bunch, 1990).[10]

As the human rights movement has emerged, so has a separate field of masculinities. Masculinities are contested and hard to pin down as they change with time, place and within the lives of men themselves (Connell, 2005: 3; Whitehead & Barnett, 2005: 8). Whitehead & Barnett (2005: 15-6) assert that:

> "*Masculinities are those behaviours, languages and practices, existing in specific cultural and organizational locations, which are commonly associated with males and thus culturally defined as not feminine*".

Significantly, masculinities are not what men inherently are. Some men are feminine and women masculine. Masculinities point to differences between men and women but also the way women and men differ amongst themselves (Connell, 2005: 69). Masculinity is:

> "*simultaneously a place in gender relations, the practices through which men and women engage that place in gender, and the effects of these practices in bodily experience, personality and culture*" (Connell, 2005: 71).

Originally associated with ethnographic research, and feminist and gay research, originating from the English-speaking world in the 1980s and 90s – masculinities studies has experienced significant growth (Connell, 2005: xiv). The field has witnessed an increase in the international diversity of studies (providing ethnographic documentation of the social construction of masculinity in different national contexts) and a growth in applied research (e.g. applying knowledge about masculinities to improve health outcomes or prevent violence) (Connell, 2005: xiv-

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[10] See the Convention on the Elimination of All Forms of Discrimination against Women (1979) and General Recommendation 19 on Violence Against Women.

xvi). The broadening of the applications of both masculinities and human rights has facilitated recognition of convergences between the fields.

In the last two decades, there has been increasing recognition that the role of men in promoting women's rights has been neglected by the human rights movement. As such, discussions at the UN have increasingly recognised the need to explore the intersections between human rights and masculinities to, among other things, address sexual violence (Connell, 2005a). The culmination of these discussions occurred in 2004, at the meeting of the UN Commission on the Status of Women, where the first world-level policy document on men and boys' role in relation to gender equality was produced (Connell, 2005a: 1802; UN, 2004).[11] This policy document establishes men and boys as gatekeepers for gender equality – men and boys are outlined as having the capacity to bring about a "*change in attitudes, relationships and access to resources and decision-making*" (UN, 2004). The document stresses the importance of men and boys "*taking responsibility themselves and working jointly in partnership with women and girls*" if gender equality and women's rights are to be realised. The document urges an array of actors (including governments, civil society and agencies of the UN) to take a range of actions to engage men and boys for gender equality (UN, 2004).[12] Discussions at the UN level have highlighted that engaging men can remove barriers to gender equality and increase the pool of actors seeking to realise gender equitable outcomes. Despite increasing international recognition of the role of men and boys in promoting gender equality, the dominant approach of the human rights movement continues to be one where gender is treated synonymously with women (Stemple, 2009). Masculinities and human rights as a field lacks clear conceptualisation and detailed exploration (Connell, 2005a). As such, this thesis seeks to address this gap through examining how activists conceptualise

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[11] The first substantive recognition of the role men and boys could play in promoting gender equality emerged out of the 1994 International Conference on Population and Development in Cairo. The conference Platform of Action called on governments and civil society to involve men to address gender equality (Peacock et al., 2009: 1-2). Since Cairo, men and boys have continued to appear on the margins of discussions exploring ways to promote gender equality and tackle violence. For example, see: paragraph 25 of the Beijing Declaration from the Fourth World Conference on Women (1995); the outputs from the 1997 UNESCO expert group meeting on "Male Roles and Masculinities in the Perspective of a Culture of Peace"; and the 2000 Political Declaration of the Twenty-Third special session of the UN General Assembly (Connell, 2005a: 1802).

[12] These actions include the need to "*encourage and support men and boys to take an active part in the prevention and elimination of all forms of violence, and especially gender-based violence*" (UN, 2004).

'masculinities and human rights' work and by exploring whether this framework can enhance advocacy to address sexual violence.

Within the available literature on masculinities and human rights work, an open question is raised about whether this work enhances or impedes responses to sexual violence? On the one hand, work with men and boys may broaden the pool of activists seeking to address sexual violence and introduce 'new' strategies (Ruxton, 2004). On the other, some practitioners express concerns that any form of engagement with masculinities: 1) can serve to detract from women's issues (that paying attention to men and boys diverts attention away from the situation of women and girls); 2) is part of a backlash against feminism (a way to advance men's rights at the expense of women's); 3) undermines women's spaces to organise (and relatedly will result in women in leadership positions being replaced by men); 4) serves to deny resources to women and women's issues (diverting resources away from women and girls and towards men and boys) (Marchese, 2008: 59; Ruxton, 2004: 4; White, 2000: 36; Win, 2001: 115).[13] Currently available literature exploring the relationship between masculinities and women's rights is polarised: reflecting the view of either the critic or champion. Whereas critics tend to homogenise all forms of 'masculinities work' and neglect the dilemmas that underpin practice (e.g. Win, 2001), champions (e.g. Peacock, 2013) actively promote the field whilst too readily dismissing critiques.[14] This thesis seeks to find a middle ground, engaging with the nuances and contradictions of the field as demonstrated through both theory and practice.

Male Victims

Although exploring 'masculinities and human rights' work this research runs counter to dominant approaches by seeking to examine how activists engagement with masculinities can support both women's rights and account for men's potential

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[13] This tension is acknowledged in the UN statement on work with men and boys. The document makes clear that work with men and boys should not jeopardise women's empowerment. It is asserted that "*the participation of men and boys in achieving gender equality must be consistent with the empowerment of women and girls*" and not compromise resources or equal opportunities for women and girls (UN, 2005).
[14] Critics responses are often hostile, reflecting a sense of affront that the topic of masculinities or work with men has even been raised (see Marchese, 2008; Win, 2001).

vulnerability and victimhood. The dominant masculinities and human rights frameworks are currently instrumentalist i.e. engaging men and boys vis-à-vis their impact on women and girls.

In UN documents outlining the role of men and boys in relation to gender equality, men and boys tend to only be included in texts about violence in an instrumentalist capacity relating to their role in violence reduction (Peacock et al., 2009: 2; Stemple, 2009: 623). For instance, the International Conference on Population and Development Platform of Action (1994) notes that there is a need to "*promote gender equality in all spheres of life, including family and community life and to encourage and enable men to take responsibility for their sexual and reproductive behaviour and their social and family roles*." This neglects the damage and harm done to men and boys by regressive gender norms (Peacock et al., 2009). Emphasising men's responsibility is important but when emphasised exclusively can leave men and boys potential vulnerability and victimhood unaddressed (Peacock et al., 2009: 4). Despite the reality of the rape of men and boys, applied masculinities approaches have tended to focus, often exclusively, on engaging masculinities for the prevention of men's violence against women (for example, see the White Ribbon Campaign; Kaufman, 2001).

Similarly, male rape has received barely any attention from the human rights movement. Del Zotto & Jones (2002) note that, in an examination of 60 NGO reports, 58 framed victims of sexual assaults exclusively as women and/or girls. The dominant approach to sexual violence within international human rights instruments has focused almost exclusively on sexual violence perpetrated against women and girls (Stemple, 2009: 605). To date, despite hundreds of references to violence against women (defined to include sexual violence) in UN resolutions, general comments and consensus documents "*no human rights instruments explicitly address sexual violence against men*" (Stemple, 2009: 619).[15] Particularly worrisome is that this female-specific approach claims to provide a gender-analysis – the human rights

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[15] Sexual violence against boys is included but "*a conflicted, inconsistent pattern emerges*" – the Convention of the Rights of the Child (1989) defines sexual abuse sex-neutrally but elsewhere sexual abuse is only associated with girls (e.g. see the UN resolution on 'The Girl Child' (2011)) (Stemple, 2009: 622-3).

canon uses "*gender-based violence*" to refer to forms of female victimisation (Stemple, 2009: 620). The Committee on the Elimination of Discrimination Against Women, for example, defines gender-based violence (in General Recommendation No. 19) as "*a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men*" (Stemple, 2009: 620).[16] This dominant human rights approach leaves no room for a gender analysis that accounts for men's experiences of sexual violence (Stemple, 2009: 619).

As such, the dominant conceptualisation of masculinities and human rights as a field has failed to respond to the small body of literature which highlights the reality of sexual violence against men and boys (e.g. Chapleau et al., 2008; Davies, 2002; DelZotto & Jones, 2002; Sivakumaran, 2007). Yet, masculinities are central to the discussions provided within the male rape literature. Men's potential vulnerability to violence can be explained by relations of dominance and subordination between men, which create hierarchical relationships between masculinities (Connell, 2005: 78-81). Furthermore, the act of rape itself implicates masculinities. Gear (2007: 214) notes that male rape functions to 'exclude' the male victim from the category of 'man', meaning that male rape is perceived as an act of demasculinisation. This literature also argues that male and female rape are inter-related – pointing to the fact that addressing male rape is intrinsically connected to efforts to advance women's rights. Both male and female rape can be viewed as an expression of power and dominance over another – with a possible explanation being the acting out of power relations both between and within the sexes (Sivakumaran, 2005).[17] As with forms of violence against women, male rape is interconnected with rights concerns: including, the right to life, the prohibition on torture and the right to health (CAT, 1984; ICCPR, 1966; ICESCR, 1966).[18]

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[16] It is important to note that the treatment of gender as synonymous with women is a problem that extends beyond the UN system - for example, gender and women are used synonymously within a vast array of the academic literature, as well as within civil society approaches (Connell, 2005: 1802; Chant & Gutmann, 2002; Pease and Pringle, 2001: 7).

[17] It is also clear that men and boys who are victims of sexual violence experience severe harms both in ways that are similar to female victims (a risk of death, HIV infection, long term psychological harms including anxiety, depression and self-harming behaviours etc.) but also in way that are shaped by their gender identity (many men experience struggles with their sexual orientation and masculinity after an assault) (Dunkle et al., 2009; Walker et al., 2005).

[18] Explicit use of the term "men's rights" is avoided within this thesis. This is because of the co-option of 'men's rights' discourses which have come to be closely associated with a feminist backlash

It is particularly relevant to explore male rape within a broader exploration of masculinities and human rights as a field. An increasing interest in work with men to advance women's rights may create opportunities to address sexual violence against men. Bringing masculinities into focus can facilitate a more nuanced understanding of men's diversity which may increase the chances of male rape being acknowledged (Connell, 2005). Although, there are also risks (see practitioner's concerns about masculinities work outlined on pg. 21). As one component of masculinities work, there is a danger that efforts to combat male rape are perceived to be receiving increased attention and resources, even if forms of work with men and boys are in fact focused on women's rights (e.g. Marchese, 2008). The connections between masculinities and human rights as a field - and advocacy to address male rape - remain unexplored within the literature. Given the importance of recognising male rape, and its relationship to 'masculinities work', this study defines sexual violence as "*the intentional commission of a sexual act with another person under coercive circumstances*" (Artz & Combrinck, 2003: 84).[19]

To summarise, this research seeks to respond to pre-existing literature gaps to: broaden our understanding of advocacy, conceptualise masculinities and human rights as a field, identify the impact of this field on women's rights - and explore how responses to sexual violence may account for men's experiences of victimisation.

In lieu of these literature gaps the central research question for this study is:

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and work that is not supportive of, or detrimental to, women's rights (Clatterbaugh, 2007: 430; Peacock et al., 2009: 6). One such example is work around 'false rape allegations' where particular men's groups have argued that rape claims are often driven by women who are attention seeking or intent on punishing 'innocent' men (Kimmel & Aronson, 2004: 37). Often assertions of 'men's rights' are associated with the argument that men and boys are the truly disadvantaged group (Connell, 2005b: 1806). Overarching critiques made of work on 'men's rights' argue that it can support perpetrators of violence (undermining genuine victims' claims) and often lacks grounding in, or involves the manipulation of, evidence (Clatterbaugh, 2007: 396).

[19] This research uses a range of terms interchangeably, including sexual violence, sexual abuse and rape. This is to reinforce to the reader that sexual violence includes a range of acts of violation (including penetrative and non-penetrative acts). At points the literature refers to male rape specifically.

> *How can a masculinities and human rights framework support civil society advocacy to address sexual violence?*

The study also seeks to address three related secondary questions:

1) *How can human rights advocacy most effectively hold violent masculinities to account?*

2) *What forms of civil society advocacy facilitate the recognition of, and efforts to tackle, male rape?*

3) *What role can a masculinities and human rights organisation play in advocating to address sexual violence?*

Background: The South African context

The second section of this introductory chapter seeks to provide some background information on South Africa. The South African context is briefly explored with reference to issues that are central to this thesis: human rights, masculinities, sexual violence and civil society advocacy.

South Africa's transition to democracy in 1994 marked the official end of the Apartheid system; a system which had enforced strict racial, political and economic discrimination against South Africa's majority non-white population since 1948. Initially formed in 1912, with the declared aim of bringing "*all Africans together as one people to defend their rights and freedoms*", the African National Congress grew in to a mass movement of resistance to Apartheid (ANC, 2015). Post-Apartheid, the country has been governed by the ANC who has ruled with a significant electoral majority since 1994 (making South Africa a dominant one-party state). The South African context can now be understood as 'post-transitional'. South Africa's formal transition to democracy has occurred and transitional justice mechanisms have officially ended, although the legacies of conflict and transition remain (Gready, 2011). South Africa remains marred by social problems, including high levels of poverty and unemployment, the second highest numbers of HIV/AIDS patients in the world and high levels of criminal violence (Dunkle et al, 2009; Jewkes et al., 2009).

As the language of the anti-apartheid struggle, rights talk has become a key public discourse in the post-apartheid context (Robins, 2008a: 2). South Africa's Constitution (1996) is widely viewed as one of the most progressive in the world. The Constitution enshrines a range of rights protections, including prohibitions on discrimination (on grounds including race, gender and sexual orientation), the right "*to be free from all forms of violence from either public or private sources*", the right to "*bodily and psychological integrity*" and the right to be free from torture (Republic of South Africa, 1996). Increasingly, South Africa's NGOs and social movements have come to recognise "*the emancipatory potential of rights-based approaches*" (Robins, 2008a: 3). South Africa has a vibrant civil society which includes hundreds of NGOs and civil society organisations (Robins, 2008a: 20). In a post-apartheid context, these actors are increasingly using rights to leverage change (Robins, 2008a: 3). Yet, as rights are "*inherently political*" and are claimed by "*competing voices and agendas*", rights have not always been used to support disadvantaged groups (Miller et al., 2005: 4; Gready, 2008: 739). Rights have been adopted by civil society actors with a range of agendas (Robins, 2008a: 3). Moreover, rights have emerged as the language of South Africa's political elites, often without sustained commitment to rights in practice (Robins, 2008a: 3).

South Africa reveals the potential for a gulf to exist between rights as enshrined in law and meaningful rights protections in practice (Gready, 2011: 137). Since the country's transition to democracy, the government has enacted a raft of new legislation (see, for example, the Domestic Violence Act of 1998 and the Child Justice Act of 2008). Much of this legislation is extremely progressive but civil society actors have often struggled to ensure it is implemented in practice (Vetten et al., 2010). The tensions between legislative protections and lived realities are clearly evidenced by the issue of sexual violence. Despite the protections granted to vulnerable groups within South Africa's Constitution, levels of violence have remained extremely high. A 2009 study by the South African Medical Research Council reported that 27.6% of the men interviewed reported having raped a woman or girl, and 2.9% of men reported having raped a man or boy. In 2007, South Africa introduced the Sexual Offences Act (2007) - a radical revision of previously archaic legislation on sexual offences. Yet, implementation remains an ongoing challenge: a lack of state resources has been made available to enable implementation and most

members of the general public remain unaware of the Act's existence (Machisa et al., 2011: 86).

High rates of sexual violence in South Africa are connected to violent masculinities. Some studies have argued that masculinities have become more violent post-apartheid (e.g. Walker, 2005). This is understood to be linked, in part, to changes in South Africa's socio-political landscape. Some scholars have suggested that South African masculinity has been "*destabilized*" by the liberal version of masculinity espoused in the 1996 Constitution and Bill of Rights, leading to responses which have ranged from "*violent*" to "*embracing*" (Walker, 2005: 225).[20] Post-apartheid, interest in South African masculinities has burgeoned. A body of academic research has emerged, most notably marked by Morrell's (2001) book 'Changing Men in Southern Africa' and research on the Zuma Rape Trial (Hassim, 2009; Robins, 2008; Suttner, 2009). This has been matched by an increased focus on working with men and boys to address sexual violence. Since its establishment in 2006, South Africa's largest masculinities and human rights NGO (Sonke) has experienced significant expansion to emerge as a key player in the countries' gender sector (I. Morrell, 2013).

Civil society in South Africa faces acute challenges in tackling sexual violence given the issues outlined above (high levels of violence, tensions between legal frameworks and lived realities - and resource constraints). Civil society has also had to confront challenges associated with a shifting relationship to the state. Whereas, during apartheid, the state was viewed as a source of opposition by the 'women's movement', as transition occurred the state became viewed as a site of potential transformation (Hassim, 2003: 505). As a result of a changing relationship to the state, women's organisations have had to confront a loss of leadership (as key individuals were elected into national or provincial office) and confront tensions raised by institutionalisation (Britton, 2006: 150; Hassim, 2003). A shifting relationship with the state has enabled civil society actors to make legal and policy gains as access to the state has increased (Hassim, 2006: 185). However, a focus on retaining state allies has increased the distance between the 'women's movement'

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[20] For a critique of Walker's (2005) argument, see chapter 1.

and their constituencies (in particular, poor rural women) (Hassim, 2006: 185-6). Engaging in legal process has enabled civil society actors to shape frameworks which can challenge the legitimacy of particular conceptions of masculinities and serve to hold violent masculinities to account (Walker, 2005: 225-6). Yet, it can also draw civil society activism away from addressing the social practices and norms that legitimate male violence (Hassim, 2006: 534).

Methodology

The third part of this chapter explores the research methodology, providing a discussion of the research case studies and an outline of the methods of data collection.[21]

Case Studies

Case studies allow for the intensive examination of complex, real life phenomena, including multiple variables explored in context (Bryman, 2008: 71; Gillham, 2000: 6, 101-2). [22] As such, they enable research to build a complex picture that can reveal the particular nature of the case in question (Bryman, 2008: 66; Noor, 2008: 1602-3; Yin, 1994: 92). This research uses two distinct case studies. First, a case study of a process: of civil society efforts to enact and implement the South African SOA (2007).[23] Secondly, a case study of an actor: South African 'masculinities and human rights' NGO Sonke.

The choice of both case studies derives from the significance of each case for exploring the research questions. The reform of sexual offences legislation (and its

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[21] A reflection on the limitations of the methodology, as realised through practice, is included in Chapter 3.

[22] Relatedly, Gillham (2000: 1) defines a case as: 1) "*a unit of activity embedded in the real world*"; 2) "*which can only be studied or understood in context*"; 3) "*which exists in the here and now*"; 4) "*that merges in with its context so that precise boundaries are difficult to draw*". In case study research the case is from where data is drawn in order to address the research questions which guide the enquiry (Yin, 2004: xiv).

[23] Civil society efforts to enact and implement the SOA (2007) are explored from 1998 (when the South African Law Commission began investigating the need for sexual offences law reform) to 2013/2014 (when data collection was carried out).

implementation) has been the core issue around which civil society organisations seeking to address sexual violence have organised. As such, exploring these process reveals key strategies civil society has adopted in an effort to ensure violent masculinities are held to account. There are gaps in the pre-existing literature exploring the SOA. The literature has tended to focus on the content of the SOA, as opposed to civil society advocacy (e.g. Artz & Combrinck, 2003; Fuller, 2007). Where there is literature on civil society efforts to shape the legislation, this does not address the implementation of the Act in any detail (e.g. Hodes et al., 2011). In addition, this process has not been examined through a masculinities and human rights lens. The literature on the SOA tends to be female-specific – focused on women's rights advocacy (e.g. Hodes et al., 2011). This obscures the fact that civil society advocacy around the SOA has involved multiple actors (including masculinities and human rights organisations) and has been a process through which male rape has come to be legally recognised. The available literature also does not explore the process of enacting the SOA in relation to the available literature on human rights advocacy. A focus on Sonke derives from the framework the NGO uses. The fact Sonke is a self-proclaimed masculinities and human rights organisation, and one of the largest in the world, means the NGO provides an obvious case study for exploring how civil society can engage with masculinities and human rights to address sexual violence (I. Morrell, 2013). The current literature exploring Sonke's work is limited: produced by staff from within the organisation and not contextualised within the broader efforts of South Africa's gender sector (Peacock, 2013). The case studies explored here have characteristics of 'revelatory cases' (Yin, 2009). As revelatory cases, they enable an exploration of phenomenon that have previously been inaccessible. The cases have previously been inaccessible to researchers due to issues of timing and access. Civil society efforts to implement the SOA are ongoing. In addition, previous work with Sonke meant the researcher was able to gain access to conduct research, not typically permitted of 'outsiders' (Rubin, 2012).

A key limitation of case study research is the issue of generalizability (or external validity) (Bryman, 2008: 69; Noor, 2008: 1603). Distinct single cases cannot be viewed as representative. As such, the case studies used for this research should not be treated as a single sample that can be applied to other national contexts, issue

areas or points in time (Bryman, 2008: 71). In fact, generalisations are simply not appropriate when applied to the complexities of the social world (Donmoyer, 2000: 47-9).[24] Still, the case studies explored do seek to make a wider contribution, beyond building an understanding of the cases in question (Flyybjerg, 2006: 228). Yin (1994: 10) argues that the goal of case study research "*is to expand and generalize theories (a form of 'analytic generalization')*". Bryman (2008: 57) and Thomas (2011: 515-8) also notes that case studies can be used to develop theories. The cases are used to propose new applications for pre-existing theory (e.g. through applying the literature on transnational advocacy to the study of a domestic network) and to develop new theoretical concepts (in particular, see chapter 6).

Data Collection

Data on the case studies has been collected through a combination of interviews, observations of NGO practice and analysis of secondary documents.[25]

Primarily, this research draws on data collected from thirty-two semi-structured interviews with key informants.[26] These interviews were primarily conducted in-person during field research in the Western Cape (South Africa). In-person interviews were supplemented by telephone interviews to broaden the geographical scope from which interviewees were selected. Interviews were audio recorded and transcribed. Key informants included practitioners, academics, researchers and activists involved in South African civil society. The majority of interviewees were members of the Western Cape Consortium of Violence Against Women, the National Working Group on Sexual Offences (NWGSO) and/or the Shukumisa campaign (the key network of actors pushing for the reform of sexual offences

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[24] Lincoln & Guba (2000: 38-40) suggest that findings generated in one context can be used to understand other cases where there is similarity between the two cases. However, we need to be wary of such assertions. We should not assume that generalisations are possible if contexts are similar (Donmoyer, 2000: 47).
[25] This research is supported by annual visits to the Western Cape over a five year period. During this time, the researcher worked with Sonke on their human rights education work, as well as engaging with a range of other NGOs working in the women's sector. In addition, this study builds on previous research exploring the responses of South African NGOs to male rape victims (see Harding, 2011).
[26] Chapter 6 also draws on interviews conducted during the researcher's MA research which explored the responses of civil society organisations in South Africa to male survivors of sexual violence.

legislation and its implementation). However, some interviewees were selected to provide broader commentary.[27] Interviewees also included several members of staff within Sonke (as the site of the second case study). In the case of Sonke, where several staff members were interviewed, the range of perspectives gathered helped to build a picture of the 'multiple realities' that typically characterise NGOs, as well as a picture of work across the organisation (Dionisio, 2006; Hilhorst, 2003: 217-8).[28]

All in-text citations to personal interviews are prefixed with 'I.', followed by the interviewee's organisational or network affiliation (in abbreviated format) and the year the interview was conducted. For example, 'I. WoF, 2013' refers to an interview conducted with a member of Women on Farms in 2013. Organisational affiliations, as well as interviewee's names, are listed in full in the bibliography (where interviewees have chosen to have this information included). Where interviewees have chosen to remain anonymous, in-text citations to interviews are prefixed with 'I. anon', followed by a number (as a means to label distinct anonymous interviews) and the year the interview was conducted. For example, 'I. anon 3, 2013' refers to an anonymous interview conducted by the researcher in 2013.

Interviews were supplemented by data collected through participant observation. Observations were primarily carried out of the work of Sonke's prison project where the NGO seeks to tackle HIV and sexual violence in South Africa's prisons. This particular site was selected as it was deemed particularly relevant for the research study. This is because the program both seeks to promote women's rights, whilst also addressing male rape. The prison program also represents a central part of Sonke's broader work as a component of their flagship 'One Man Can' programme and one of the NGO's longest running projects (Sonke, 2011).[29] Activities observed within Sonke included educational sessions the NGO conducted with male inmates in prisons (around the Western Cape), as well as sessions with ex-offenders in the

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[27] The interview sample was selected using a combination of purposive and snowball sampling. This was to ensure relevant interviewees were selected and a range of perspectives were gathered, whilst also enabling the researcher to use contacts recommended by previous interviewees. Initial interviews were arranged by drawing on the researcher's pre-existing contacts in South Africa.
[28] It is surprising that more has not been written on the multiple realities of NGOs since Hilhorst (2003).
[29] Additionally, it was possible to access this particular project as Sonke was looking for a case study of their work in prisons. The researcher produced a case study in exchange for access.

community. In addition to the core observations of Sonke's work, an observation was carried out of a network activity that involved some key members of the Shukumisa campaign. Observations were documented using copious notes made whilst observations were taking place or, where this was not possible, soon after the observation had occurred (typically no more than two hours later). The advantage of combining interviews with observations is an increase in the validity and reliability of the data. In contrast to interviews, observations do not rely on practitioners accurately recounting their own practice (Hammersley, 2008: 89-100; Wilson, 1994: 107, 109). As such, observations allow the researcher to identify discrepancies between the way practitioners described their work and their practice (Murchison, 2009: 13).

Informed consent was acquired from both interviewees and participants.[30] However, whereas interviewees were offered anonymity, it was flagged to those participating in observations that anonymity could not be granted. This is because observing group interactions necessarily meant that participants involved in the research were able to identify each other. This issue was flagged to participants within the informed consent form. Furthermore, whereas interviewees outside of Sonke were able to choose how far they would like to be identified within the research (choosing whether they would like to include their name, job title and organisational affiliation), participants within Sonke automatically had their names and job titles excluded from the research. This is due to the fact that if several staff members wanted information included but others did not, an individual would become identifiable through a process of elimination.[31]

Finally, data has been generated through an analysis of secondary documents. Documents were selected from publically available texts, including a mixture of website texts, research reports, press releases and parliamentary submissions. Texts were selected where they provided insight into the process of sexual offences law

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[30] Consent was initially obtained by a 'gatekeeper' within Sonke who granted the researcher access. The 'gatekeeper' then put the researcher in touch with other members of their team from whom consent was subsequently obtained.

[31] For more details on the ethical process, see the informed consent forms and information sheets contained in the appendix. Formal ethical approval for the research was granted by the University of York.

reform or insight into the approaches of relevant networks or NGOs. Secondary documents were helpful for exploring the historical law reform processes as they provided information that interviewees could not always recall given the length of time that has passed. They also offered a source of background information on civil society strategies (such as outlining networks' or NGO's mission statements). The use of mixed methods allowed research findings to be cross-checked, increasing internal validity (Yin, 1994: 92; Noor, 2008: 1604; Yin, 1994: 37).[32] As a result, it was possible to compare key findings from the interviews and observations, with the information contained in secondary documents. This led to a number of important findings contained within this thesis. For example, revealing the gaps between networks' vision and mission statements – and network activities in practice.

In terms of analysis, transcripts and the researchers' field notes were coded. This was a means to organise the data – to identify themes and facilitate the exploration of connections between different forms of data (Richards, 2009: 95). Coding used a combination of deductive (from theory) and inductive (from data) codes (Bernard, 2011: 430). Codes were drawn from the pre-existing literature, as well as from ideas and themes that emerged from the data. This framework was used to ensure that the coding frame reflected the text but also considered the data in view of the research questions (Bernard, 2011: 430).

Overview of Contents

The body of this thesis is comprised of seven chapters: chapters 1 and 2 provide an overview of the literature, chapter 3 provides a reflection on the fieldwork process and chapters 4 to 7 contain the analysis of research findings (each focusing on a distinct area of civil society advocacy).

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[32] There is some discussion about whether validity and reliability are appropriate concepts through which to evaluate a case study (see Yin (1994) in contrast to Stake (1995)). This research has sought to use internal validity and inter-observer consistency to improve the quality of the research (Bryman, 2008: 69).

The first literature review chapter, *'Understanding Sexual Violence'*, explores theoretical explanations for sexual violence. The chapter reveals the contributions of a masculinities framework by exploring how the framework may build from particular feminist and rights-based frames. Specifically, it is asserted that theoretically a masculinities framework can account for a broader array of men's experiences of violence, account for violence as shaped by patterns of continuity and change, and recognise the role of a broad array of structural factors (as well as individual agency) in shaping acts of violence. Having said this, the chapter critiques some theories of violence within the masculinities literature. The assertion that violence can be explained by a 'crisis of masculinity' is criticised for its theoretical incoherence, neglect of continual crises and its overstatement of the changes brought about by a singular crisis. The chapter posits Connell's (2005) social organisation of masculinity as a more appropriate framework.

The second literature review chapter, *'Tackling Sexual Violence'*, explores key approaches to tackling sexual violence within the masculinities and human rights literatures. Specifically, the chapter explores theories of change pertaining to: how women's rights come to be recognised by states, how engaging men can promote gender equality and how sexual violence against men comes to be recognised (and addressed). Key tensions are explored which can help to reveal contentious debates between practitioners who (on the surface) appear to be working towards the same end-goal (addressing sexual violence). These include tensions between top-down and bottom-up theories of change and debates about the relative importance of the change process versus its eventual outcomes. The discussion notes that theories of change are necessarily partial and that the ultimate aim should be to build the best possible practice, seeking to balance what are often competing demands of advocacy processes. The chapter notes the need for advocates to balance: legal/ policy change with efforts to develop broader forms of social mobilisation; the need to build women's agency whilst engaging men in activism and; the competing advocacy demands arising from work with male and female rape victims.

Chapter 3, *'Mind the Gaps: Researching Masculinities and Civil Society Advocacy'*, examines critical issues that arose when conducting fieldwork for the study. Initially the chapter provides an overview of the process of collecting and analysing data. The

chapter then goes on to examine ethical concerns that emerged when conducting the research. The challenges of 'witnessing' bad NGO practice are explored, as well as ethical concerns created by the research design (which served to reproduce existing structures of exclusion). Subsequently, the chapter explores the challenges of researching masculinities and human rights as a field of practice. Despite the theoretical possibilities of the field, in practice, it is acknowledged that the field is associated with targeted masculinities work and associated with fervent civil society politics within South Africa's 'gender sector'. The chapter explores fieldwork challenges with attention to how far issues could be mitigated for, or tackled, through research design. A framework for analysing and writing up field data is provided, in an effort to mitigate for the ethical issues that arose. Furthermore, the chapter indicates that the explicit application of a masculinities framework to advocacy research is only helpful for exploring particular kinds of masculinities work in the South African context.

The first of the analysis chapters, '*Sexual Offences Law Reform: Qualified successes of a Domestic Advocacy Network*', explores civil society advocacy for law reform. Specifically, the chapter examines how the NWGSO (and its predecessor coalition, the Western Cape Consortium on Violence against Women) sought to shape the SOA. The chapter recognises that the NWGSO achieved a series of 'qualified successes'. These are partially explained through an exploration of South Africa's post-transitional opportunity structure. The chapter notes that although the window of opportunity associated with transition appeared to rapidly close, smaller opportunities emerged in a post-transitional space. Yet, by applying relevant components of the literature on transnational advocacy networks, the chapter also argues that the network's strategic choices limited their influence. The nature of the network's advocacy, as top-down and 'elite' driven, affected the capacity of the network to locate human rights within ongoing civil society mobilisations and to move rights beyond a technical and legal domain.

Chapter 5, '*Implementing the Sexual Offences Act: Collective Advocacy and the Shukumisa Campaign*', examines the efforts of the Shukumisa campaign (the rebranded NWGSO) to implement the SOA. The chapter explores the tensions that have arisen through Shukumisa's attempts to address an 'implementation gap' by

adopting a top-down, legislative form of human rights advocacy. Framing the discussion around Mintrom and Norman's (2009) four qualities of a successful policy entrepreneur, the chapter identifies tensions arising from the need to anticipate windows of opportunity whilst looking beyond legal windows defined by the state, and the need to build teams whilst adopting strategies privileging legal skill sets. The chapter also discusses particular challenges associated with new cross-sector alliances and the adoption of complex methodologies. Specifically, the difficulties that can arise in defining a clear agenda for action and evidencing the workability of proposed solutions.

Chapter 6, *'Male Rape: A Case of Ambivalent Advocacy'*, explores advocacy around a specific issue area. The chapter examines how male rape came to be legally recognised in South Africa through the SOA and partially adopted as an advocacy issue by some civil society actors. The chapter introduces two new concepts (ambivalent and accidental advocacy) to explain how male rape has come to be recognised without a clearly intentioned, concerted or collective effort to advocate for the rights of male survivors. The chapter notes that the rights of male rape victims have been advanced, often because of efforts to advocate for other groups, including women and LGBT individuals. This is supported by the work of ambivalent allies: those who engage in partial actions to advocate for male victims. As such, the case study contests dominant models of human rights advocacy and implicit assumptions within the literature on male rape.

Chapter 7, *'The New Sibling: Engaging Masculinities and Human Rights to Advocate for Gender Equality'*, explores advocacy within a specific organisation (Sonke). The chapter seeks to contextualise the NGOs work by exploring tensions in South Africa's gender sector that point to ideological differences and the financial crisis experienced by the women's sector. The chapter focuses on tensions between Sonke's theoretical approach and its practice. A detailed overview of the NGOs theory of change is provided, alongside a discussion of the NGO's community mobilisation work as observed by the researcher. It is noted that Sonke does reproduce hegemonic masculinity through some of its practice. Though, some of the limitations of the NGOs approach are understood to emerge from dilemmas faced by practitioners, such as the challenge of balancing inclusivity with effectiveness.

The concluding chapter outlines the studies' key contributions, addresses the research questions set out in the thesis, and provides a series of recommendations to researchers and civil society activists.

A note on chapters 4 and 5

Chapters 4 and 5 of this thesis may appear unconventional for a text seeking to apply a masculinities and human rights framework. These chapters explore a network that has focused, broadly speaking, on women's rights and only implicitly engages with masculinities (as modes of organising to address sexual violence implicitly seek to tackle violent masculinities). These chapters reflect the fact that this research was exploratory. The assumption, drawn from the available literature on the SOA and the NWGSO/ Shukumisa campaign, was that masculinities would emerge as central to network activity. The network includes organisations that explicitly do masculinities work, the network engaged with an advocacy process that led to the legal recognition of male rape and the literature points to the fact that the Zuma Rape Trial acted as a "*rolling trigger*" for network advocacy (Hodes et al., 2011: 18; Republic of South Africa, 2007; Shukumisa, 2013). However, broadly speaking, practitioners did not see masculinities as particularly relevant to the network's functioning or advocacy efforts. This, in itself, is interesting revealing, for instance, that the recognition of male rape was not seen as a core component of civil society advocacy around the SOA and that the politics of masculinities work were not central to understanding network dynamics. As such, chapters 4 and 5 of this thesis focus on human rights advocacy and only occasionally discuss masculinities explicitly.[33]

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[33] The decision to include chapters with a strong women's rights focus was also a result of a recognition that women's rights can be marginalised within masculinities research, and that masculinities work is often associated with targeted interventions (as opposed to mainstreamed masculinities work). These issues are explored further in chapter 3.

Chapter 1

Understanding Sexual Violence

How we understand and explain sexual violence has significant ramifications. It determines how we define sexual violence, who we hold responsible for sexual violence, and helps us to understand different approaches to tackling sexual violence. This chapter explores explanations for sexual violence with specific reference to feminist perspectives, masculinities studies and human rights. By revealing key points of contestation across (and within) these perspectives, the chapter demonstrates the potential benefits of accounting for masculinities in our understandings of sexual violence.

Two key themes ground the discussion. One theme is concerned with how far sexual violence can be understood by patterns of *continuity versus change*. Can sexual violence be understood by looking at enduring structures of oppression that persist despite huge socio-political shifts? Or, is sexual violence better understood as a product of changes - in transitional contexts, in racial politics, in production relations? Continuity is a term applied here to include a discussion of the suppression of difference. How far can explanations for sexual violence be explained with reference to female victims and male perpetrators? The first half of the chapter, focusing on continuity versus change, provides a critique of certain conceptions of 'patriarchy' and a 'crisis of masculinity' as theories seeking to explain sexual violence. Connell's (2005: 67-86) 'social organization of masculinity' is discussed as an alternative framework that can be applied to provide a more accurate understanding of sexual assault.

The next theme focuses on *structure versus agency*. How far should explanations for sexual violence treat individuals as free, unconstrained actors - as opposed to individuals whose behaviour is shaped by social structures? The second half of the chapter, focusing on this theme, considers 'actuality versus perception'. This discussion explores how far sexual violence is a response to actual structural change, as opposed to individuals' perceptions of structural shifts. Subsequently, the 'value-added' of masculinities approaches are explored.

The chapter, as a whole, highlights how masculinities studies can provide a framework for understanding sexual violence that accounts for the way patterns of continuity and change shape sexual violence. Further, it is asserted that masculinities studies can encourage us to consider a broader array of structures than rights-based and feminist approaches, recognise the interplay between structure and agency - and demonstrate the complexities of agency (with victims and violators both acting and acted upon).

Continuity versus Change

The first half of this chapter is divided into two parts. The first compares two frameworks for understanding sexual violence: patriarchy and Connell's (2005: 67-86) 'social organization of masculinity'. The second explores a key debate within the masculinities literature pertaining to whether or not a 'crisis of masculinity' is a useful framework for understanding sexual violence.

Patriarchy versus the Social Organisation of Masculinity

This section begins by defining patriarchy and discussing the theory it provides for understanding sexual violence. As an alternative, the section highlights the relevance of the 'social organization of masculinity' as a framework (Connell, 2005: 67-86). [34] The section highlights how certain understandings of patriarchy as an explanation overemphasis continuity – neglecting change and difference across time and space. The focus here is on patriarchy as a metanarrative, although the section briefly touches on an alternative understanding of patriarchy which is advanced in contemporary feminist scholarship. In contrast to dominant understandings of patriarchy, it is asserted that Connell's (2005) framework allows for diversity

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[34] At a number of points throughout this chapter specific references are made to the South African literature. This is both to illustrate the significance of the ideas discussed to a country that has undergone a significant process of socio-political upheaval (marked by the process of transition from apartheid rule) and to provide readers with context-specific information relevant to the case studies explored in subsequent chapters.

(recognising multiple hierarchies) and the potential for change in gender relations over time.

In 1975 Brownmiller wrote a pioneering study on rape *(Against Our Will: Men, Women and Rape)* which established patriarchy as a key theoretical concept in radical feminist literature's exploration of violence against women (see Millet, 1970; Firestone, 1972; Russell, 1975). Although patriarchy has different meanings across different feminist writings, at the most basic level it has been used to refer to the power relationships through which men dominate women (Beechey, 1979: 66; Millet, 1970). In contemporary feminist texts the term patriarchy is often no longer explicitly used, in large part, due to some of the theoretical problems with the term that are discussed below (Hunnicutt, 2009: 553). However, the central organising principle of the concept, the centrality of "*systems of male domination and female subordination*", remains central to many feminist perspectives (DeKeseredy, 2011; Hunnicutt, 2009: 553). This understanding of gender and power has come to inform dominant rights discourses on sexual violence as convergences between the human rights and women's movement have increased (Bunch, 1990). As such, patriarchy, as an explanation for sexual violence, remains of central importance. Although, DeKeseredy (2011) notes, "*the bulk of recent feminist literature on women abuse does not view patriarchy as the only component.*" For instance, there is now a large body of feminist literature that considers the impact of a range of macro- and micro-factors, such as poverty, intimate relationship status and substance abuse, on experiences of sexual violence (Brownridge, 2009; DeKeseredy & Dragiewicz, 2007).

Many feminists see rape as a product of women's broader position in society: rape is seen to be a function of women's political and economic disadvantage (compared to men) and the way in which women are viewed as property (Ellis, 1989: 10; Goldfarb, 2002: 251-2). Rape is therefore seen as, primarily, a product of gender inequality, a process which begins through gender role socialisation and psychosocial conditioning within the family, and is then perpetuated by wider society (Green, 1999: 15, 20; Millet, 1970). However, rape is not just viewed as a consequence of male dominance over women but as an act through which male domination is reinforced (Ellis, 1989: 10). In contrast to the popular myth that rape is

linked to sexual gratification, most feminists stress that rape is about men's use of sexuality to establish and maintain dominance (Ellis, 1989: 11). The act of a man raping a woman is seen to instil fear at an individual and interpersonal level but also to instil fear amongst women as a group. This fear acts as a form of social control, restricting women's ability to participate equally in activities (Riger & Gordon, 1981). Patriarchy therefore produces but is also itself reproduced through acts of sexual violence (Green, 1999: 17).

Patriarchy posits that men's use of violence is not a case of individual pathology but a behaviour that emerges from social relations of domination (Green, 1999: 28). Drawing from conflict theory, humans (in this case, particularly men) are understood to constantly work to accrue status and maximise their own advantage (Hunnicutt, 2009: 558). Due to the way rape instils fear amongst women rape it is viewed by many feminists as an activity that subordinates *all* women and benefits *all* men (Humm, 1992: 61). Brownmiller (1986: 15) states that rape *"is nothing more than a conscious process of intimidation by which all men keep all women in a state of fear."* Rape is therefore constructed as *"a crime of man against women"* (Brownmiller, 1986: 15).[35] Gavey (2005: 111) notes that feminist literature continues to heavily rely on a framework where *"rapists are men; rape victims are women."*

Patriarchy has been used to reveal continuities across time and space, to refer to a fixed and timeless structure of male domination and female subordination (Hunnicutt, 2009: 558). Brownmiller's seminal work provides an illustrative example. For Brownmiller (1986), men's use of violence is both biologically and historically predetermined.[36] Consider:

> *"By anatomical fiat – the inescapable construction of their genital organs – the human male was a natural predator and the human female served as his natural prey"* (1986: 18).

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[35] Interestingly, Brownmiller (1986: Chapter 8) does examine the rape of men in correctional facilities. However, the author fails to integrate her acknowledgement of male rape in this setting into her broader analysis. She maintains that *"rape is something awful that happens to females"* (1986: 309).

[36] Other radical feminists have disagreed. For instance, Dworkin (1984) contests that rape is part of a natural state: *"I don't believe rape is inevitable or natural."*

> *"on the shoulders of these unthinking, predictable, insensitive, violence-prone young men there rests an age-old burden that amounts to an historical mission: the perpetuation of male domination over women by force"* (1986: 209).

Correspondingly, women are positioned as opposed to, and ultimately victims of, rape. When discussing rape in warfare Brownmiller (1986: 91) argues:

> *"the presence of women fighting as equals among their men acted against the sexual humiliation or mistreatment of other women."*

For Brownmiller (1986), there is something innate and timeless about women's peaceable qualities, and something innately aggressive and domineering about men.[37] Patriarchy can cast men and women as singular groups whose relationship to sexual violence is pre-given and fixed. This neglects that women can be perpetrators, and men victims, of sexual violence (Denov, 2003; Russell, 2007; Oosterhoff et al., 2004). Patriarchy as an explanation can be essentialist, suggesting there are features that define the core of being masculine (e.g. aggression) or feminine (e.g. passivity) (Connell, 2005: 31). In actuality, there is a vast amount of ethnographic work on masculinities that provides empirical evidence for the plurality of men (e.g. Connell et al. 1982, Cockburn, 1983). In addition, there are large bodies of feminist literature that have drawn attention to differences between women (e.g. black, Marxist or queer feminist literatures) (e.g. Butler, 1990; Hooks, 1987; Maidment, 2006).

Despite these critiques of patriarchy, some contemporary feminists have sought to conceptualise patriarchy differently. There is a body of feminist literature that is critical of the universal generalisations and biological reductionism in some patriarchal explanations for rape (Ramazanoglu, 1989). However, rather than rejecting the concept of patriarchy these contemporary feminist scholars instead call for a rethinking of the concept. Bennett (2006) and Hunnicutt (2009) argue for a focus on 'varieties of patriarchy', as opposed to an understanding of patriarchy as a meta-narrative. It is argued that a focus on 'varieties of patriarchy' would allow for a less essentialist view of men and women's relationship to violence. This conception of patriarchy takes a more complex view of power where men are situated in their

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[37] There is a broad literature that explores the question of whether women are peaceable. See Carpenter (2013) and Charlesworth (2008) for some indication of the wider debate and its practical implications.

own relations of domination, patriarchy is seen as embedded within other forms of domination (e.g. racism), and men and women are understood to hold varying types and amounts of power (Hunnicutt, 2009). As such, it is recognised that although men often support, and benefit from, patriarchy they do so to varying extents. It is acknowledged that some men (such as homosexual men) can suffer directly from patriarchal structures. Similarly, it is recognised that women can be guilty of patriarchal collusion (Bennett, 2006).[38] These scholars view patriarchy as historically embedded. As a result, patriarchy is not understood as a fixed or timeless structure but instead constructed of a variety of forms and systems (Bennett, 2006; Hunnicutt, 2009).

Connell's (2005: 67-86) description of the social organization of masculinity (as laid out in the seminal text, *Masculinities*) provides a framework for understanding sexual violence that recognises 'varieties of patriarchy'. Connell (2005: 33) notes that masculinity is not a coherent or isolated object but is a component of a wider structure. This requires an account of the larger structure and how masculinities are located within it. As such, to understand masculinities we need to avoid definitions of "*masculinity as an object*" (viewing masculinity as a natural character type, a behavioural average or the norm) and instead "*focus on the processes and relationships through which men and women conduct gendered lives*" (Connell, 2005: 33). There is ample evidence that multiple masculinities exist (Connell, 2005: xiv; Kessler et al., 1982; Morrell et al., 2013). However, to prevent recognition of multiple masculinities from turning into a character typology it is necessary to keep a focus on processes and relationships (Connell & Messerschmidt, 2005: 836). This allows us to move from a framework that implies a narrow range of fixed identities towards a framework that recognises identities as diverse, overlapping and shifting with time. Connell (2005: 76-81) identifies two types of relationships that provide a framework for understanding masculinities (and, in turn, violence). These relationships are: 1) hegemony and domination/subordination; 2) marginalisation/authorisation.

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[38] A growing body of feminist literature does recognise female-male violence and female-female violence. See, for instance, the 2002 and 2003 special issues of the journal 'Violence Against Women'.

Hegemony refers to "*the cultural dynamic by which a group claims and sustains a leading position in social life*"; hegemonic masculinity refers to "*the currently most honoured way of being a man*" (Connell & Messerschmidt, 2005: 832). Although violence is not always a component of hegemony (hegemony is understood to be acquired through culture, institutions and persuasion), hegemony can be supported by violence (Connell & Messerschmidt, 2005: 832). Within an overall framework of hegemony (cultural dominance within society as a whole) there are specific relations of dominance and subordination between men (Connell, 2005: 78). An obvious example of a subordinated masculinity is gay masculinity. The dominance of heterosexual men and subordination of homosexual men is evident within most contemporary societies. Connell (2005: 80-1) also recognises that there are relationships of marginalisation and authorisation, created by structures other than gender (e.g. race and class). These structures, interplay with gender, creating further hierarchical relationships between masculinities (e.g. leading to the marginalisation of black masculinities within many societies).

Before highlighting points of divergence it is important to identify how Connell's (2005) framework builds from (and supports components of) radical feminists' analysis of gender, power and violence. First, Connell (2005) notes that in the current configuration of the gender order the dominant pattern of practice serves to support patriarchy. Connell (2005: 77) defines hegemonic masculinity (the pattern of practice which is currently dominant) as:

> "*the configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees (or is taken to guarantee) the dominant position of men and the subordination of women.*"

Although there is a risk that the micro-analysis of masculinities can lead to a neglect of power relations and recognition of patriarchy, Connell (2005) does embed a recognition of patriarchy into his conceptualisation of hegemonic masculinity (Macleod, 2005; Chadwick & Foster, 2001: 29). Secondly, Connell (2005: 82) recognises that men are an interest group concerned with the defence of this structure of gender relations. Connell (2005) notes that although few men meet the normative definition of masculinity most men benefit from its hegemony. Connell (2005: 79) refers to 'the patriarchal dividend' – the advantage men gain in general from

women's overall subordination. This gives men as a group an interest in sustaining their overall position of dominance. Finally, violence is understood as both a product of, and means to sustain, privilege. Sexual violence is often justified through an ideology of supremacy (e.g. the belief that it is a man's right to assault a woman). In turn, sexual violence is one means through which a dominant group sustains their dominance through a process of intimidation and attack (Connell, 2005: 83).

Despite points of overlap with parts of a radical feminist framework, Connell (2005) offers something new to our understanding sexual violence. Connell (2005: 83) reveals that violence is not just a product of relations between men and women but also used to shape relations among men. Violence is used as a way to draw boundaries and make exclusions in group struggles between men. For example, hegemonic masculinity is often achieved by a rejection of homosexuality and femininity. As gay masculinity is assimilated with both femininity and homosexuality, one way to mark such exclusions is through homophobic violence perpetrated against gay men (which can include sexual violence) (Connell, 2005: 78; Reid & Dirsuweit, 2002).[39] Gender is constructed in a way that is oppositional and hierarchical. Violence is a means of asserting the elevated position of heterosexual masculinity and punishing those who do not conform to the 'heterosexual matrix' (Butler, 1990; Gear, 2007: 218)[40]. The fact that Connell's (2005) framework provides a way to understand sexual violence perpetrated against both men and women is significant. The rape of men is under-recognised and often ignored within feminist accounts of rape leading to a reinforcement of the myth that 'men can't be raped' (Chapleau, 2008; Graham, 2006). Connell (2005) reveals continuities in explanations for violence. Much of the literature treats the rape of men and women as distinct and/or homophobic violence as distinct from heterosexual violence.[41] In fact, myriad forms of violence are underpinned by gender and sexual hierarchies that subordinate femininity and homosexuality. Although feminist discussions of

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[39] Heterosexual men can also be symbolically excluded from hegemonic masculinity by assimilating their behaviour with femininity, meaning it is not only homosexual men who are at particular risk of violence (Connell, 2005: 79).
[40] The 'heterosexual matrix' requires that one either be a 'man' (a heterosexual male) or a 'woman' (a heterosexual female) (Butler, 1990).
[41] Posel (2003: 126) argues that the issue of gender has some salience in academic analysis but these have rarely encompassed issues of sex and sexuality.

'varieties of patriarchy' acknowledge that men are located in their own systems of domination they don't tend to elaborate on these systems or how they shape men's experiences of violence.

Another concept (that was originally formulated alongside that of hegemonic masculinity) is that of emphasized femininity (Connell, 1987: 183). Emphasized femininity is an exaggerated form of femininity that is organised around compliance with gender inequality. Although the term is rarely used (in comparison to hegemonic masculinity) it is helpful in allowing exploration of the way women's practices are relevant in constructing masculinities (Connell & Messerschmidt, 2005: 848). Emphasized femininity allows a consideration of women's roles, beyond those of 'women as victim' or 'women as peacemaker', highlighting how some women can comply with, and reinforce, a patriarchal structure (Connell & Messerschmidt, 2005: 848). This aligns with feminists' recognition that women often collude in patriarchy e.g. through raising their sons and daughters to conform with patriarchal systems (Bennett, 2006).

Connell's (2005) framework recognises intersecting oppressions. Recognising intersectionality poses an important point of contrast with radical feminists who stress that sex is the primary source of oppression (Bevacqua, 2000: 28). Considering masculinities and intersecting oppressions can help us understand dynamics of victimisation and perpetration. As an example, key to understanding sexual violence against black women has been the idea that African or Black sexuality is seen as pathologized heterosexuality. For instance, beliefs about African or Black women's promiscuity, linked to images of the Black female jezebel, have been used to 'justify' sexual violence against black women (Davis, 1978: 27-8; Hill, 2000: 129-32). Masculinities are relevant - the pervasive depiction of the black male rapist links the entire race with bestiality, reinforcing the construction of black women as sexualised animals (Hill, 2000: 147).[42] Here, masculinities studies again draws on a rich body of feminist scholarship. Feminists from different traditions (e.g. black, Marxist feminists) have pointed to the significance of difference in women's

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[42] Brownmiller (1986) has been strongly critiqued by feminists who have engaged with racial politics - see Edwards (1979) and Davis (1982).

experiences and critiqued western feminists for making universal claims regarding 'women's experiences' that are in fact generalised from the experiences of white, middle class women (Hill, 2000: 5). Recognising the way gender intersects with other structures of oppression is vital if we are to understand the dynamics of sexual violence in cases where the victim is not white, western, wealthy etc.

Connell's (2005) description of the social organization of masculinity not only allows for recognition of the impact of multiple hierarchies but also for change in the structure of gender relations. By avoiding a static typology and recognising that masculinities are "*configurations of practice generated in particular situations in a changing structure of relationships*" Connell (2005: 81) allows for the fact that masculinities and gender relations can change over time, and the fact that masculinities are contextually specific. Some critics disagree, asserting that Connell (2005) provides a fixed and trans-historical model of masculinity and gender relations (Martin, 1998: 473; Peterson, 1998: 117). However, these critiques can be understood as a problem with the application of Connell's framework rather than an issue with the framework itself (Connell & Messerschmidt, 2005: 838; Morrell et al., 2014).[43]

Recognising patterns of continuity (as a patriarchal framing does) are important. Continuities indicate the difficulties in changing gender relations and the fact that sexual violence often endures despite historical transformations (Sigsworth, 2008). Drawing attention to continuities in patterns of violence is particularly significant in the wake of conflict as different categorisations of sexual violence (e.g. as a weapon of war versus 'peacetime' rape) can obscure how rape in both conflict and 'peace' is grounded in similar structural oppressions (Boesten, 2010). However, it is also

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[43] One reason for misapplications of the concept may be a failure of some researchers to distinguish between *hegemonic masculinity* – the pattern of practice which is currently dominant and *hegemonic masculinities* –masculinities which come into existence in specific circumstances and change over time. When the term was developed, hegemonic masculinity was understood as a pattern of practice that enabled a continuation of men's dominance over women (Connell & Messerschmidt, 2005: 832). However, as there are struggles over hegemony, particular forms of hegemonic masculinity may be replaced by new ones. Connell & Messerschmidt (2005: 833) therefore allow for the possibility of a form of masculinity that is less oppressive becoming hegemonic as it displaces other forms of masculinity– a component of the process of dismantling gender hierarchies.

necessary to account for change as identities can shift over time and with them patterns and forms of violence (Connell, 2005).

Clear examples of the impact of shifts in socio-political context on gender relations can be found within the burgeoning literature on South African masculinities. This literature has sought to explore masculinities 'in transition' (Chadwick & Foster, 2007). Xaba (2001: 107), for example, explores the impact of South Africa's transition to democracy on unemployed ex-combatants who were not assimilated into South Africa's official defence force post-1994.[44] Xaba (2001: 108-9) notes that in the 1980s 'struggle masculinity' was dominant amongst young urban Africans. Struggle masculinity was characterised by opposition to the apartheid system, political militancy and opposition to authority. However, as apartheid ended, 'struggle masculinity' was confronted by shifting mandates of the key liberation organisations (ANC, SACP and COSATU) as these organisations took responsibility for law and order, sought to instil respect for state institutions and respect for women's rights (Xaba, 2001: 112). Men who did not adapt to societal changes were ostracised (Xaba, 2001: 114). Marginalised by low socio-economic status, with many men having sacrificed socio-economic status as part of the struggle, criminal avenues found increased appeal (Xaba, 2001: 112).[45] Xaba (2001: 114) notes that some former comrades have formed, or become integrated within, criminal gangs where the levels of violence that are associated with crimes range from assault, to rape and murder. Xaba (2001) reveals how shifts in socio-political context led to a re-articulation of particular forms of masculinity, accompanied by shifts in forms of violence (from political to criminal; from directed at the state to against local communities). Xaba (2001) accounts for both the impact of continuities (the way a form of masculinity has become embroiled in violence, the persistence of a view that women constitute property, the endurance of economic marginalisation)

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[44] For an interesting discussion on the challenges of demilitarising ex-combatants see Maringira (2014). It is however important to avoid the scapegoating of ex-combatants (see Hamber, 2007). Many men participated in violence on both sides of the struggle leading to a range of masculinities "*deeply enmeshed with violence*" (Hamber, 2007: 383-4).

[45] Education and work was sacrificed for military training as youth were recruited into anti-apartheid resistance campaigns, a prioritisation captured by campaign slogans such as 'liberation now, education later' (Xaba, 2001: 109-10).

and change (shifts in the status attached to violence, the labelling of violence and forms violence takes).[46]

Crisis of Masculinity versus Crisis Tendencies

The second section of this chapter turns to a key debate within the literature on masculinities pertaining to whether or not a 'crisis of masculinity' is a useful framework for understanding sexual violence. The section begins by discussing what is meant by a 'crisis of masculinity', outlining the theory it provides for understanding sexual violence. The section then picks up on the themes of 'difference' and 'continuity and change' explored in the previous section. The section argues that focusing on a 'crisis of masculinity' can obscure continuity, neglecting on-going threats to masculinities and potential similarities in masculinities (and the manifestations of violence) across socio-political contexts. Connell's (2005) description of crisis tendencies is proposed as an alternative way of theorising change in gender relations.

The 'crisis of masculinity' is a pervasive theme within the literature and public imagination on masculinities (Decoteau, 2013; Whitehead & Barrett, 2001: 6). The phrase is seen to refer to a shift in the way particular displays of manhood are seen, from being seen as appropriate and even virtues, to being debased and socially stigmatised (Whitehead and Barnett, 2001: 6). Specifically, scholars argue that where men act in ways that are aggressive, dominant and emotionally repressed this behaviour (previously celebrated for being a sign of courage, strength and rationality) is increasingly seen as self-destructive and damaging for society (MacInnes, 2005: 314). As a result, men are perceived to be reduced to a "*confused, dysfunctional and insecure state*" (Whitehead and Barnett, 2001: 6).

This 'crisis of masculinity' is seen to be a response to three markers of global change. First, men are seen to be emasculated by the effects of *rampant consumerism*. As masculinity becomes increasingly equated with the acquisition of

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[46] Similar forms of violence enacted during, as opposed to post, Apartheid are frequently labelled differently – as criminal versus political (Simpson, 2004).

particular commodities (cars, televisions etc.) masculinities become increasingly associated with lifestyle and consumerism, rather than earning and providing (Flood et al., 2007: 304). As a result men's roles are seen to shift from active and heroic to passive and ornamental (Clark, 2002). Secondly, men's traditional roles are seen to be *challenged by feminists* who draw attention to the gendered division of labour. Finally, men are seen to be faced by widespread social and cultural *disapproval of 'traditional displays of masculinity'* (Whitehead and Barnett, 2001: 6).

A 'crisis of masculinity', already proclaimed in Euro-American contexts, is now been applied to post-apartheid South Africa (Decoteau, 2013; Morrell, 2001; Walker, 2005: 225; Reid & Walker, 2005). Claims of a 'crisis of masculinity' have been made throughout the 20th Century when particular concerns arise that are seen to raise questions about men and boys in society (e.g. rising crime, economic recession) (Kimmel, 1987;Whitehead & Barrett, 2001: 8). In South Africa a 'crisis of masculinity' can be seen to provide an explanation, and response to, high levels of crime post-apartheid which include high levels of violence against women. Scholars and commentators link the cause of this 'crisis' to a number of factors, including the impact of HIV/AIDs, the liberalisation of norms around gender and sexuality, the shift to a democratic state and increased media scrutiny of men's behaviour (Chadwick & Foster, 2007: 27). This is perceived to have left South African men "*unsettled and unsure of their place in the new order*" (Morrell, 2001: 21). South African masculinities are understood to be undergoing a process of reconfiguration and change (Reid & Walker, 2005: 2). Linked to this discourse is that of the 'new man' (Hamber, 2010: 82). This terminology is used to refer to men who embrace principles of gender equality - recognising the damaging impacts of patriarchy for themselves and others. In the South African context visions of the 'new man' have come to be associated with changes that have occurred during transition, embrace of the version of masculinity espoused within South Africa's constitutional framework (Walker, 2005).

The idea of a 'crisis of masculinity' is not consistent with the definition of masculinity outlined above. Connell (2005: 84) notes that a crisis suggests a coherent system which can be destroyed or restored by the outcome of a crisis. Yet, masculinity is not a system in this sense but a "*configuration of practice within a*

system of gender relations". Whitehead & Barrett (2001: 8) note that the 'crisis of masculinity' necessitates a single masculinity (by definition a 'core masculinity') which is something natural that men would aspire to and hold in most contexts and points in their lives. The presumption of a single masculinity is evident in particular texts that use the discourse.

Walker (2005: 225-6), for instance, argues South African masculinity has been "*destabilised*" by the liberal version of masculinity espoused in the 1996 Constitution and Bill of Rights leading to a 'crisis of masculinity'. Drawing on Dowsett (2002), Walker (2005: 226) states that "*men are perceived to be in trouble collectively*". Walker's (2005) use of the discourse obscures the ways some men may benefit from a destabilisation of hegemonic masculinity (consider, for instance, homosexual masculinities). Walker (2005) assumes that all masculinities are either hegemonic or complicit in the 'hegemonic project' (Connell, 2005: 77, 79). Further, Walker (2005) obscures that men may respond to 'threats' to their masculinity by embracing change. Walker (2005: 225) herself acknowledges different responses to the changes that have occurred during transition, from "*violent, ruthless and reactionary*" to "*embracing*". Hamber (2010: 81) criticises the 'crisis of masculinity' discourse for suggesting that violent masculinities are disappearing. Despite this critique, the claim that the discourse is used to dismiss violent masculinities is not true of the way the discourse is used in the exploration of South African masculinities post-1994. Walker (2005), as an example, specifically infuses the discourse with a discussion of violent masculinities and even to explain the assertion that masculinities have become more violent since 1994.

Hamber (2010: 81) claims that the 'crisis of masculinity' discourse suggests that masculinities can be relatively easily changed. This critique has more merit. The discussion of 'masculinity in transition' suggests that masculinity is in the process of changing from one state to another despite the fact that it is clear that the transformation of masculinities is an on-going process. Masculinity in South Africa has been hailed as in transition for well over a decade (Chadwick & Foster, 2007: 28). Chadwick & Foster (2007: 35) found that men seemed largely unchanged by post-apartheid shifts:

> "*The effort to redefine or rearticulate masculinity (which dominated the majority of interviews) was almost always linked to a reiteration of essentialism and innate gender difference*".

There are problems with Chadwick & Foster's (2007) interpretation of their results as they devalue the significance of men's re-articulation of masculinity (including a rejection of "*macho*" versions of masculinity) and neglect the significance of more progressive forms of masculinity. Instead, Chadwick & Foster (2007) call for the rejection of masculinity altogether. However, we can draw from their work that it is more appropriate to understand masculinity as undergoing multiplication, fracturing and re-articulation, rather than a process of finite change (Macleod, 2007: 10).

As well as a sense that the post-apartheid era has resulted in 'new' non-violent masculinities some of the literature suggests that violent masculinities are different post-apartheid. Specifically, that masculinities are more violent in the present. Walker (2005: 227-8) argues that "*violent masculinities of the past have, if anything, become more violent in the present*" as domestic and sexual violence against women has increased. Similarly, Reid and Dirsuweit (2002: 103) assert that 'gay-bashing' has increased post-apartheid. The claim that masculinities have become more violent in post-apartheid South Africa is difficult to substantiate. An increase in reported rates of domestic and sexual violence may indicate, not that masculinities have become more violent, but that forms of violence are shifting, for instance, from 'political' to 'criminal' violence. Further, it is highly problematic to compare statistics due to increased possibilities for reporting particular forms of violence post-apartheid. Cahn & Aolain, (2009: 19) note that "*increased reporting at the end of the conflict may not mean absolute empirical increases in violence per se; rather, it may simply mean that reporting is possible where it was not previously.*" As a specific illustration of shifts in the space for reporting, Posel (2005: 128) notes that during apartheid sexual violence in the home was not seen as a site of political concern unless it crossed racial boundaries. In contrast, post-apartheid sexual violence became a matter of the right to be free from violence and the subject of mounting awareness and controversy (Posel, 2005: 128-9, 135). As a result, the possibilities for reporting sexual violence post-apartheid have increased. Neglecting socio-political context can lead to assertions of shifts in masculinities that are not

substantiated by evidence, overemphasising changes that have occurred during the transitional period.

Claims of a 'new man' should also be met with caution as they suggest that gender equitable and non-violent masculinities are a post-apartheid phenomenon. This suggests that gender equitable and non-violent masculinities need to be imposed from the outside (i.e. we need a liberal democratic construction of masculinity to offer an alternative to violence). In opposition, Wood and Jewkes (2001: 329) note that young men in Ngangelizwe (a township in the Eastern Cape, South Africa) were able to look to traditional teachings delivered by community elders to male initiates in the bush to construct non-violent masculinities. Young men were taught that non-violence defines 'manhood'. This point is reinforced by Hamber (2010: 80) who notes that 'struggle masculinity' took multiple forms, including progressive, and that indigenous feminist thought within South Africa's liberation movements also challenged violent masculinities.

Hamber (2010: 81) argues that the 'crisis of masculinity' discourse suggests that masculinity has only just come under threat. In actuality, masculinity has been challenged and has been shifting throughout the 20th Century (see Whitehead & Barrett, 2005). Masculinity is subject to a "*continual process*" of change whereby men adapt over the course of their lives and with each generation (Whitehead & Barnett, 2001: 9-10). Swart (2001: 86) notes that "*masculinities confront continual crises arising from transforming socio-political contexts*" (also see Kimmel, 1987; and MacInnes, 1998: 11). To suggest that masculinity is confronting a singular crisis risks obscuring the way that masculinities are shifting prior to a point of political transition. For instance, women adopted roles during conflict that were previously prohibited, posing a challenge to gender relations. [47] Further, to imply a singular crisis suggests particular 'threats' are more significant in challenging masculinities

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[47] A single crisis also constructs a stable past that can justifying inflexibility in constructions of identity and legitimises conservatism (Morrell, 2001: 26). Swart (2001: 86) notes, for instance, that the Afrikaner Resistance Movement (AWB), a South African, far right, separatist political and former paramilitary organisation, draws on a re-fashioned image of Boer male identity to validate its position.

e.g. the threat posed by the imposition of legal norms rather than on-going threats posed to masculinities by enduring economic insecurity.

There are a number of valid critiques of the 'crisis of masculinity' discourse for its theoretical incoherence, its neglect of continual crises and its overstatement of the changes brought about by a singular crisis. Connell (2005) provides an alternative way to explore masculinities in a transitional or post-transitional context, talking instead of 'crisis tendencies' of the gender order. Connell (2005: 84) argues we can map crisis tendencies by looking at three structures of the gender order that implicate, and may disrupt, masculinities. First, *power relations* – tensions created over a collapse in the legitimacy of patriarchal power (fuelled, for instance, by the women's liberation movement). Second, *production relations* - tensions created by inequalities in men's chances of benefitting from production (e.g. as some men benefit from new technologies whilst others are excluded through unemployment). Finally, relations of *cathexis* (emotional attachment) – tensions created by increased acceptance of gay sexuality and woman's rights to sexual pleasure and autonomy (Connell, 2005: 85).

Crisis tendencies can be used to explain high levels of sexual violence in post-apartheid South Africa as the legal codification of gender and sexual rights, women's contributions to the labour force, high levels of inequality and unemployment, and shifts in relation to sexuality and sexual rights implicate masculinities (Hamber, 2007; Posel, 2005; Reid & Dirsuweit, 2002; Walker, 2005). However, this framework allows us to map crisis tendencies historically, rather than locating them at a single period of transition. It is important to note that this will only occur if the framework is applied in a way that avoids focusing exclusively on crisis tendencies at a narrow period of transition. Significantly, by recognising we can have a crisis of the gender order as a whole (rather than a crisis of masculinity) Connell (2005) theoretically allows us to account for different responses to transforming socio-political contexts. Crisis tendencies may provoke attempts to restore dominant masculinities (potentially meaning some men resort to violence) or lead to support for equal rights (potentially leading some men to reject violence and champion feminist agendas) (Connell, 2005: 84).

Structure versus Agency

The second half of this chapter is divided into two parts which each explore structure versus agency: the capacity of individuals to act as free independent agents versus recognition of individual's behaviour as constrained by social structures (Barker, 2005: 448). The first focuses on actuality versus perception. The second seeks to further tally the benefits of a masculinities framework.

Actuality versus Perception

This section highlights four ways the masculinities literature can enhance our understanding of sexual violence, by drawing attention to: the relationship between structural oppressions, the significance of perceptions of power, the importance of actual and felt disempowerment and the diversity of men's practice.

Studies exploring the relationship between measures of gender equality and violence against women (of which sexual violence is one component) demonstrate mixed results. Hunnicutt's (2009: 561-2) identifies, from a review of the literature, that empirical macro-level studies seeking to predict violence against women through indicators of gender inequality (often using socio-economic indicators) came up with a range of results. Some studies claim to demonstrate that gender equality decreases violence: suggesting that as structural measures in gender equality are improved women are safer. In contrast, other studies claim to demonstrate that gender equality results in higher rates of violence against women: indicating that as structural measures in gender equality are improved women experience higher levels of victimisation (Hunnicutt, 2009: 561-2).[48]

As dominant feminist explanations view rape as a product of women's broader status in society such results are confusing. The results suggest that a blanket approach to improving women's status risks exacerbating sexual violence, as opposed to alleviating it (Goldfarb, 2002: 251-2). One explanation for why improvements in

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[48] Some studies also illustrate that gender equality variables have insignificant explanatory value.

gender equality may increase violence, which appears within both feminist and masculinities' literatures, is the 'backlash' hypothesis (Morgan, 2005: 228; Morrell et al., 2013; Whaley, 2001). This refers to the belief that some men react to a loss of power by attempting to reclaim power (sometimes through the use of violence) (Hunnicutt, 2009: 562). However, this explanation leaves a number of questions unanswered: Why do men seek to reclaim power in some situations and not others? And, if women remain disempowered (if inequalities endure) why do men need to reclaim power? The masculinities literature provides some answers.

First, in order to understand why men seek to reclaim power in some circumstances and not others it is necessary to look at the relationship between structural oppressions. Hunnicutt (2009: 562-3) suggests that patriarchy fails to capture the distinction between structural inequality and patriarchal ideology. Improvements in structural conditions for women do not necessarily improve women's wellbeing as patriarchal ideology can exist distinctly. The South African context provides a case in point where improvements in women's legal status have not correlated with positive shifts in attitudes towards women (Robins, 2008). There is not a causal relationship where improvements in one area of women's rights necessitate advances in another.

The words of a male participant in a study by Hamber (2007: 384) are revealing:

> *"So I think that's the reason why you'd find that incidents of violence against women… not that they were not there in the past… but right now they are so in the open because it's the only weakness that you can now use against women. You can't use financial resources against them because they are pretty much earning more than us."*

The statement reinforces that indicators of women's empowerment in one area (financial) do not necessarily correlate positively with indicators in another (attitudes towards women and women's risk of violence). The participant's comment also reveals that in order to understand violence we need to understand the status of both men and women. This is a point supported by the broader literature. Jewkes (2002: 1424) notes that women's financial independence, in some settings, reduces women's level of risk of violence as it can increase women's capacity to leave violent partners. However, studies have also shown that in households where a

women is working, but a man is not, women are at higher risk of violence (Jewkes, 2002: 1424). This suggests that economic inequality is more important than the absolute level of poverty in a relationship, in terms of the risk of intimate partner violence (Jewkes, 2002: 1424). Significantly, women's empowerment approaches no not address the need to consider men's, as well as women's, potential disempowerment. The need to address the relational status of men and women may also be neglected by rights based approaches which tend to place more emphasis on rights' absolute status (as opposed to issues of distribution) (Kennedy, 2002: 109).

Secondly, the masculinities literature reveals the significance of perceptions of power. Some scholars indicate that the threat felt by some men is a result of shifts in gender and sexual rights. Posel (2005: 138), for example, asserts that "*black women's growing knowledge of sexual issues and recognition of new rights to sexual assertiveness, sexual pleasure and the right to resist male sexual advances, are seen to undermine established norms of sexual authority and destabilize the very bedrock of masculinity*".[49] In contrast, a number of scholars exploring masculinities indicate that the critical factor in men's sense of threat is not an increase in the realisation of rights on the ground but men's perception that the rights of particular groups (significantly women and sexual minorities) have increased (e.g. Hamber, 2007; Walker, 2005). One male participant, cited by Walker (2004: 227), notes:

> "*We are seen as the enemy now. Women are advancing in education, economically. Men feel threatened*"… "*I know women who provide for themselves now and that threat is actually what maybe [is] evoking a lot of violence*".

Perception does not necessarily bear on the reality of economic security. Women in South Africa are, in fact, far more likely to live in poverty, be unemployed and have lower educational status than their male counterparts (Walker, 2005: 227).

Perception is not something that is captured by rights based approaches which focus on the actual status of rights, as opposed to the way rights are felt (Kennedy, 2002: 110). It is important, however, not to overly 'psychologise' a political issue

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[49] There is a similar focus on the actual status of rights in empirical work (such as Jewkes, 2002) which focuses on actual indicators of equality.

(Hamber, 2010: 81-2). Perception is often grounded in shifting discourses and actual changes that typically occur during and post-conflict. Conflict disrupts gender roles (e.g. women may become economic providers) and in post-conflict environments gender roles may be renegotiated even if this is principally a top-down process divorced from tangible changes to women's lives. Nevertheless, Kimmel (2006) notes that it is how power is felt by individual men that is significant. Kimmel (2006: 218) describes this as a "*wind chill effect*"- "*it doesn't matter what the actual temperature is; what matters is what it feels like*". This explains why individual men can feel under threat even if men collectively continue to hold power. It is what is felt by an individual man which is important. This is a key point as it explains why men seek to 'reclaim' power when they continue either as a collective, or as individuals, to hold it. A point which is obscured by some feminist explanations due to their focus on men's collective power - and neglect of men's voices.

Thirdly, masculinities studies recognise that men can perpetrate violence as a result of actual or felt disempowerment. This is obscured by some feminist perspectives which posit that men use violence as a tool to reinforce their position of power (Hunnicutt, 2009: 559). Men may experience disempowerment through a range of structural oppressions which increase the status difference between men. Connell (2005: 83) notes that oppressed groups can use violence as a means of asserting or claiming masculinity in group struggles. Hunnicutt (2009: 560) claims that the disempowerment resulting from racial and class oppressions can become reconfigured and asserted as misogyny (and sexual violence), a way to compensate for a loss of power in other areas of an individual's life (Hunnicutt, 2009: 560). Men's own grounded experiences of oppression (economic, racial etc.) can feed into a perception that they are threatened by shifts in gender or sexual norms (Hamber, 2007: 389). Jewkes (2002: 1424) therefore asserts that sexual violence perpetrated by men against women is not just an expression of men's power and dominance, but is also "*rooted in male vulnerability*." This vulnerability stems from the fact that the social expectations of manhood are unattainable (because of poverty, for instance). Despite a number of studies suggesting it is men of low economic, occupational, and educational status that perpetrate the majority of violence we do need to be wary of the political implications of such conclusions which can demonise men of a lower social status. Davis (1982: 199) suggests that statistics are skewed in a way that

obscures sexual violence perpetrated by men who hold higher social status precisely because this status protects them from being reported, or convicted, of rape.

Finally, it is worth reiterating diversity in men's practice and the relevance of this for our understanding of sexual violence. A key failure of many explanations for violence (including feminist explanations and those that focus on structural causes) is their inability to account for why many men don't use violence (Hunnicutt, 2009: 553). Masculinities studies, as well as revealing why some men perpetuate violence, also questions what causes men to reject and oppose the use of violence? There are, of course, many reasons ranging from men's own identity and experiences (their sexual orientation, their own sense of injustice at the hands of other men, a sense of shared oppression) to men's ability to look beyond their own experience (an outrage at inequality, horror at men's use of violence, a commitment to a wider political ideal) (Kaufman, 1994: 70). Men are able to exercise agency in choosing to reject violence, even if we recognise that behaviour is often shaped, and sometimes constrained, by social structures. Significantly, masculinities literatures have documented factors that act as an impetus for change (e.g. men's contradictory experiences of power) and revealed how activists have sought to incorporate these in to programmes which support men's capacity to reject violence (Kaufman, 1994, 2001; Horowitz, 2001).

Masculinities: the value added

The final section of this chapter seeks to further tally the benefits of considering masculinities, in lieu of the costs associated with popular rights and feminist perspectives.[50] The section, drawing heavily on Kennedy's (2002) article weighing the costs of the human rights movement, reveals how masculinities can encourage us to take a more rounded and nuanced view of structure and agency than provided by other perspectives. Specifically, the section demonstrates how masculinities studies can encourage us to: a) look to a more complex array of identities in relation to

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[50] Of course the language and tools provided by each theoretical approach are used in different ways by different people and groups. The costs and benefits discussed here are general, intended to highlight opportunities and risks rather than predetermined outcomes.

sexual violence (beyond a passive female victim and deviant male perpetrator); b) look beyond the state and legal machinery as defining the problem of, and solution to, sexual violence.

Beyond victims and violators

Kennedy (2002: 111) observes that rights discourses construct identities in concrete terms of good versus evil. Human rights' "*theater of roles*" (based on the idea that rights can identify a clear victim and violator) categorises individuals as either "*victims*", "*violators*" or "*bystanders*" (Kennedy, 2002: 111). Human rights vocabulary is often seen at its most powerful when victims are viewed as passive and innocent, in opposition to cruel and deviant violators (Stemple, 2009: 629-630). In this view victims lack agency in contrast to violators as agents. In rights discourse there is little room for a more "*ambivalent constellation of characters*" - it is only bystanders that feature in more uncertain terms (Kennedy, 2002: 112).

Within radical feminist scholarship we can observe a similar, albeit gendered, theater of roles whereby female victims are pitted against male violators. Paradoxically, patriarchy as an explanation can overemphasise men's agency on the one hand whilst denying it with the other. Men are seen to act as agents, choosing to perpetrate violence (Ellis, 1989: 11). Brownmiller (1986: 16, 209) writes: "*The typical American perpetrator of forcible rape is little more than an aggressive, hostile youth who <u>chooses </u>to do violence against women*" [emphasis added]. However, these men are also seen to lack agency as their use of violence is constructed as biologically and historically predetermined (Brownmiller, 1986: 16, 209). Men become the ultimate and most hopeless deviants – posited as inevitable perpetrators whilst also making a conscious choice to act.

Human rights and radical feminist scholarship construct a way of understanding sexual violence based around simplistic dichotomies - of knowing victim and violator, harm and remedy, just and unjust, women and men - that neglect the everyday realities (Kennedy, 2002: 116). These dichotomies obscure the agency of survivors of violence (to define their own experience and identity, in seeking to resist violence, or in other areas of their lives) and the agency of men (who can choose to

resist dominant conceptions of masculinity, reject the use of violence, or become activists against violence) (Peacock et al., 2009; Skjelsbæk, 2006; White, 2001).

These dichotomies also negate the interplay between structure and agency, the potential for perpetrators of violence to be both actors and acted upon, and the range and complexity of oppressive structures which shape violence (i.e. beyond a structure of male domination and female subordination) (Hunnicutt, 2009). The narrow view of structure and agency captured in dominant rights and radical feminist vocabularies impoverishes our understanding of sexual violence. It serves to delegitimise the suffering of those whose identities do not conform to a narrow range of identity markers. This affects any woman whose identity and experience challenges the notion of the passive, innocent female victim (Miller & Vance, 2004: 11). Consider the women who fights back or the woman with a sexual history. It also affects any man who has experienced sexual assault whom, by the very fact of being a man, is seen to deviate from 'the ideal victim' (Stemple, 2009: 630).[51] It is also significant to note that, in the case of male-male rape, a number of scholars have sought to draw attention to male victims by pointing out the potential for these victims, if their needs remain unaddressed, to become perpetrators of sexual violence in the future (Gear, 2007: 221-2). This means that men's victimhood becomes tied to men's use of violence, stigmatising victims and further distancing them from constructions of passivity and innocence (Gear, 2007: 222).[52] In addition, to label those who perpetuate sexual violence as violators, although true, obscures the fact that these individuals may themselves also be victims (of sexual violence, of socio-economic oppression etc.).

Masculinities studies offer vocabularies for understanding sexual violence that cast characters in more ambivalent terms, providing a more accurate and nuanced picture of men's relationship to violence. Connell (2005) provides a framework that recognises that men can perpetrate (and are often complicit in) violence whilst also

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[51] This is because adult men are assumed to be the aggressors. Where men are raped in a prison context or are homosexual (due to stereotypes about gay promiscuity and deviance) they typically garner even less sympathy (Stemple, 2009: 630).

[52] It is important to note that violence is by no means a necessary response to victimisation. This discourse serves to place attention on the male victim, rather than the perpetrator of such abuse (Gear, 2007: 222).

recognising that men can be vulnerable and victimised. Masculinities scholarship can reveal that men as a group suffer and are acted upon, as well as gain, from violence. For instance, although men typically control the means of violence they are also the main targets of criminal assault (Connell, 2005: 246). A focus on the everyday realities of men's lives (as provided, for instance, through the micro-analyses of masculinity provided by ethnographic work in the field) challenges men as absolute agents. By socially and historically locating men's use of violence, acts of violence are contextualised. This can reveal how they are often, at least in part, a product of socio-political context and individuals life histories (e.g. Xaba, 2001; Wood & Jewkes, 2001). Masculinities frameworks suggest that radical feminists reduce men's agency – neglecting that men have the capacity to reject and act against violence. It is also clear, by accounting for change in gender relations, that individuals' relationships to violence can shift over their lifetime, challenging fixed labels.

There are a number of opportunities provided by the vocabularies offered through masculinities studies. First, the framework transforms men's relationship to sexual violence. Men's role as potential activists is facilitated by a framework that, whilst recognising that it is frequently men who perpetrate and benefit from violence, acknowledges that men can suffer from, and work to prevent, violence (Connell, 2005). This approach has the potential to facilitate vocabularies that are supportive of social change – vocabularies of duty, responsibility and collective commitment (Kennedy, 2002: 108).

Secondly, the vocabularies offered by masculinities studies may make those who use it more capable of solidarity (Kennedy, 2002: 113). The field's literature on male victims of sexual violence, for instance, draws attention to the similarities in motivation for, and experiences of, the rape of both men and women. By identifying the way work with men can support feminist projects (and vice versa) masculinities studies can build solidarities between men and women. Included in this is the ability to identify structures of oppression that intersect with gender to shape sexual violence (e.g. race, class, sexuality) that offer broader opportunities for solidarity. Thirdly, masculinities as a vocabulary situates sexual violence within a context and community as opposed to a description centred on discrete and insular individual

identities (Kennedy, 2002: 112). This may facilitate vocabularies of collective responsibility, as mentioned above, as it builds articulation of a shared community.

Finally, the framework provides other ways of understanding harm and response (Kennedy, 2002: 108). When victim and violator are cast in less certain terms we raise questions about what justice means, and how it can be achieved. The vocabulary of masculinities suggests that justice cannot be found in responding to acts of violence in isolation. Instead, we need to explore what justice means when violence is something embedded in on-going histories of intersecting oppressions. This provides a less clear way of knowing which facilitates more open ended possibilities (Kennedy, 2002: 116).

Beyond the state

Human rights has been criticised for treating the state as the primary source of violation for harms, foregrounding harms that are caused explicitly by the government to groups or individuals (Kennedy, 2002: 109). The human rights movement has increasingly recognised that intimate partner violence and sexual violence against women are violations of women's human rights (Keck & Sikkink, 1998: chapter 5). However, Kennedy (2002: 109) argues that the human rights movement's state-centric framework leaves harms that are indirectly caused by the government or that are brought about by private parties "*largely unaddressed and more legitimate by contrast*". In seeking to emphasise the way state action or inaction cause harm particular narratives of sexual violence can become privileged over others. It is much easier to identify state culpability when rape is carried out by a member of state forces, in comparison to rape perpetrated within the context of an intimate relationship.

As well as emphasising the state as the source of violation the human rights movement has emphasised the state as the source of redress. Even in cases where human rights do address private harms the emphasis is typically placed on public remedies (Kennedy, 2002: 109). The forms of redress for sexual violence, within a rights based framework, are likely to emphasise top-down legal and institutional approaches – the development of legislation, gender machinery etc. (Kennedy, 2002:

116). Legal and institutional approaches form an important part of the response to sexual violence. However, there is a danger that the legal formulation of rights becomes viewed as an end in itself and that it crowds out other ways of understanding recompense (see the exploration of 'top-down versus bottom-up' approaches in chapter 2 for a more in-depth discussion of these issues).

Further, human rights reports privilege acts of sexual violence that can be easily identified as forming part of a wider pattern of abuse (Kippenberg, 2011). In part, this may be because the identification of a pattern of abuse points to a structural cause (that can be linked back to state responsibility), as opposed to a case of individual pathology. Significantly, this has led to narratives of male rape being left out of reports by human rights organisations as practitioners have struggled to link individual narratives to a broader pattern of abuse (I. HRW, 2011). This is both a product of the challenge in acquiring such narratives, linked with the associated degree of stigma, and the challenge of fitting narratives of male rape in to pre-existing frames used to emphasise structural oppressions (e.g. violence against women) (Sivakumaran, 2005; 2007).

Examining masculinities in relation to sexual violence encourages us to look beyond the state as the source of violation and redress. Although masculinities studies considers the way social conditions (structures) affect experience and behaviour, they often take a micro-analytical approach that focuses on the lives of individual, or groups, of men (Connell, 2005: xiv). The result is that examining masculinities in relation to sexual violence can lead to an emphasis on the individual (as opposed to the state) as actor. This can open up spaces for narratives that do not fit into dominant rights frames (e.g. the 'theatre of roles', 'violence against women'). Furthermore, it can lead to a focus on men's, rather than the state's, responsibilities in relation to sexual violence (Peacock et al., 2009). This shift in focus can point to alternative strategies for social change.

Another point of differentiation between rights based approaches and those informed by masculinities is the treatment of socio-political conditions. Rights-based approaches 'background' social and political conditions (Kennedy, 2002: 110). In line with claims to universality and neutrality the movement pays little attention to

the meaning of rights in particular contexts, shifting focus away from socio-political conditions and towards the legal recognition of rights (Kennedy, 2002: 110). In contrast, masculinities studies as a field was built up in the 1980s and 1990s through descriptive accounts of the construction of masculinities in specific settings, and continues to feature a wealth of ethnographic studies raising questions about global difference (Connell, 2005: xiv- xv). Hamber (2007: 390) argues that examining masculinities can encourage us to look beyond *"legal and institutional rebuilding or formal equality"*. It is evident from the literature on South African masculinities that, in contrast to rights based approaches, masculinities studies explores the significance of what rights mean to individuals (e.g. Walker, 2004). This is evident in the way masculinities studies shifts attention away from the legal formulation of rights toward the way men have felt about, and reacted to, these changes. Masculinities studies has the potential to develop ways of understanding harm and recompense that are bottom-up and grounded in local contexts.

Conclusion

Explanations for sexual violence have rarely captured the complex dynamics of continuity, change, structure and agency that shape acts of violence. Patriarchy as an explanation overemphasises continuity, neglecting shifts in patterns of gender relations and violence over time and space. On the other hand, the 'crisis of masculinity' overstates change, making unsubstantiated claims that masculinities and patterns of violence have been transformed or are undergoing a process of transformation. Both explanations neglect difference by falsely homogenising women's versus men's experiences or suggesting there is a 'single masculinity'. Patriarchal explanations for violence can neglect the way race, class, gender and sexuality create sites of intersecting oppressions. Paradoxically, patriarchy as an explanation both overemphasises and denies men's agency. A 'crisis of masculinity', although criticised for 'psychologising' violence, has in fact revealed structural oppressions whilst recognising the way power is felt (Hamber, 2010: 81-2). However, by focusing on a single point of crisis, rather than on-going crises, the explanation privileges particular structural explanations for violence over others.

Further, the explanation denies agency: the way individual and various groups of men react differently to their environment.

Masculinities can substantially enhance our understanding of the nature and impact of sexual violence. Our understanding of sexual violence is enhanced by recognising that sexual violence is a product of: intersecting oppressions, relations among men (as well as between men and women), patterns of continuity and change, power and disempowerment, grounded and perceived threats, and a result of both structural oppressions and individual agency. Still, it is clear that the vocabularies we select from the masculinities literature and the way we apply the literature is of central importance. Both feminist and rights-based perspectives retain relevance. These perspectives can help ensure that power relations between men and women are not obscured, and that the state's role in sexual violence is not neglected. Developing from this discussion, the next chapter explores how understandings of sexual violence have been translated into a range of advocacy strategies that seek to tackle sexual violence.

Chapter 2

Tackling Sexual Violence

This second literature review chapter explores key approaches to tackling sexual violence within the masculinities and human rights literatures. Specifically, the chapter seeks to explore theories of change pertaining to how women's rights come to be recognised by states, how engaging men can promote gender equality, and how sexual violence against men comes to be recognised and addressed. [53] As such, the chapter reflects on the key theories of change within the literature on human rights and applied masculinities, and a sub-set of literature addressing sexual violence against men.[54] These theories of change can help explain the approaches of a range of actors working to address sexual violence, as well as ideological and pragmatic tensions that emerge from differing approaches to this work.

The purpose of this chapter is to make explicit what are often implicit and partially formed theories of change that shape the advocacy practice of NGOs working in the 'gender sector'(Gready & Vandenhole, 2013: 1).[55] Theories of change provide a way to view organisational activity: to better understand the perceptions and beliefs about the process through which change will happen.[56] The focus here is on outward-looking change - the way organisations seek to bring about change through their programmes, campaigns and services (Gready & Vandenhole, 2013: 2).[57]

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[53] Theories of change are defined here as establishing "*underlying assumptions about the relationships between desired outcomes and the way proposed interventions are expected to bring them about*" (Aragón & Macedo, 2010; Gready, 2013: 1340).

[54] Applied masculinities research is the application of research and theory on masculinities to the field of social practice (Connell, 2007: xiv).

[55] For an interesting and relevant exception, see Peacock's (2013: 133) explicit discussion of the theories of change informing Sonke's work.

[56] The 'theories of change approach' is now a pervasive part of development practice. Examining theories of change can create a space for critical reflection. Here, the approach is used to consider the key theories unpinning different approaches. It is also used as a lens through which to consider some of the risks or unintended consequences of particular approaches to change. However, there is a danger of theories of change approaches being applied superficially without critical reflection and used as a funding, rather than learning, tool (see Stein & Valters, 2012; Valters, 2014).

[57] This chapter seeks to draw from the discussions of theories of change within two key texts: Gready and Vandenhole (2013), and Gready (2013).

The chapter is divided into three sections that each address key theories of change associated with a particular body of literature, and a central associated tension. First, dominant theories of change within the human rights literature are explored with reference to beliefs about how women's rights come to be recognised by states. This theory of change reveals a tension between ***top-down and bottom-up*** approaches. Can rights be imposed or do they need to be claimed through forms of domestic mobilisation? Secondly, the theory of change that underpins the work of masculinities and human rights NGOs is examined, as this is the dominant approach to tackling sexual violence within the applied masculinities literature. Here, the ideological differences, between masculinities-based and women's empowerment approaches are explored, with reference to the tension over whether emphasis is given to ***male or female agency***. Can sexual violence be addressed without directly empowering women? Finally, the theory of change underpinning the literature on male rape is examined to identify beliefs about how sexual violence against men comes to be recognised. Reference is made here to a tension between ***inclusivity and effectiveness***. Can NGOs advocate more inclusively for male rape victims whilst maintaining approaches that are effective in advancing women's rights?[58]

The chapter reveals that theories of change are often partial. Each of the key theories examined here fails to adequately address gender-based violence, either failing to look beyond women's rights or failing to adequately address the needs of female rape victims. However, by revealing some of the risks and limitations of key theories of change, the chapter seeks to identify what best possible practice may look like.

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[58] This chapter could have been framed in terms of debates within the human rights literature. The discussion of male and female agency overlaps with debates within the human rights literature pertaining to the degree of emphasis that should be placed on process, as opposed to outcome (see, for example, discussions of participation in human rights work). The discussion of inclusivity versus effectiveness in relation to male rape is also a debate that emerges from the broader literature on human rights advocacy. The choice, within this chapter, to frame the discussion in relation to the masculinities literature reflects a desire to link the masculinities literature to broader debates about rights and advocacy. This can help to reveal where key human rights literature is lacking (e.g. in its failure to concertedly address male rape) and where the masculinities literature could be developed (e.g. the male rape literature needs to consider what makes human rights advocacy effective). In addition, it is important to note that, in relation to sexual violence, practitioners in South Africa do frequently appear to discuss a tension between process and outcome in relation to disagreement between masculinities and women's rights activists (as opposed to in relation to a disagreement between human rights practitioners) (e.g. I. anon 11, 2013).

Transnational Agenda Setting

The first section of this chapter explores dominant theories of change within the literature on human rights advocacy. Initially, advocacy to address 'violence against women' is explored. Subsequently, the tension between top-down and bottom-up approaches is considered.

Recognition of Women's Rights

The dominant theories of change associated with the literature on human rights advocacy and sexual violence explore how states come to take action to recognise and address violence against women. The most influential theory in this regard is the model of transnational activism provided by Keck and Sikkink (1998).[59] Keck & Sikkink's work continues to be frequently cited and seen to have utility in explaining forms of international human rights activism (Bassano, 2014; Thomas, 2014). Three key components of this theory of change are explored here: the role of transnational advocacy networks (and NGOs as engines of these networks), the state-centric focus of this approach and the role of issue framing.

Keck and Sikkink (1998) identify that states are often unresponsive to the issue of violence against women, and to activist's attempts to enact change through domestic pressure. Given opportunities arising from globalisation, activists have built transnational advocacy networks (broad coalitions which link local and global spheres) around the issue of violence against women in order to *"multiply the channels of access to the international system"* (Keck & Sikkink, 1998: 1). These transnational advocacy networks have worked by building pressure on states from the outside. Individuals and domestic groups have connected to international allies

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[59] There are a range of other, less developed, theories of change that can be drawn out from the human rights literature. In contrast to the dominant rights-based theories of change discussed here, Pantazidou (2013), for example, identifies the role of *"everyday decentralised citizen activity"* in claiming rights. Of particular relevance to the discussion of the state-centric approach taken by Keck and Sikkink (1998), other texts look beyond the state to consider the need to hold non-state actors accountable for human rights violations (see for instance, Farrior, 2009 or Clapham & Jerbi, 2001). There are also a number of texts that challenge the embedding of sexual violence within a 'violence against women' framework, pointing, for instance, to the need to address sexual violence within a broader consideration of socio-economic harms (see Miller, 2004 or Nelson & Dorsey, 2008: 135).

who have been able to amplify their demands and echo these back in to the domestic arena. This is a process of change described as the 'boomerang model' (Keck & Sikkink, 1998: 12-13). The ultimate aim of the social change described by Keck and Sikkink (1998) is to change state behaviour through a process of persuasion or socialisation, as opposed to a method of 'naming and shaming' (Keck & Sikkink, 1998: 16; Roth, 2004). Keck and Sikkink's (1998) theory of change is state-centric.[60] Sexual violence is seen to be addressed as activists leverage outside pressure to: a) shift states' perception so they see violence against women to be in their interest to address; 2) get states to publicly change their discursive position; 3) use the aforementioned changes to effect procedures, policies and state behaviour with a focus on the advancement of women's rights (Keck & Sikkink, 1998: 3).[61]

Keck and Sikkink's (1998) theory of change takes as a prior assumption that human rights activists have adopted, and are willing to champion, the issue of violence against women. However, valid rights claims are not always allocated resources by the human rights movement (Bob, 2009). Historically, violence against women was not recognised within international law or by key human rights organisations (Keck & Sikkink, 1998: 166). As such, it is useful to understand that prior to the change described by Keck and Sikkink (1998), rights need to make their way on to the human rights agenda (Bob, 2009: 2; Carpenter, 2007; Nelson & Dorsey, 2008). Bob (2009) described that new rights are recognised when: 1) claimants (groups holding grievances) or champions (those speaking on claimants behalf) frame

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[60] Human rights scholars are increasingly recognising that changing state behaviour involves negotiating complex relationships with governments. Often social change involves both working with states but also challenging them when appropriate (see, for example, Nelson & Dorsey, 2008: 8).
[61] Risse and Sikkink (1999: 1-38) draw on the 'boomerang model' to outline a 'spiral' model of change which can be used to explain how international laws and norms become internalised and implemented in domestic practice. The 'spiral model' consists of five phases of change which seek to bring about change by pressurising the state from above and below. These phases are: 1) repression on behalf of the state, and domestic NGOs documenting violations and highlighting them to the international community; 2) the norm-violating state responds to the accusations of abuse, typically with denial; 3) the state makes tactical concessions (e.g. enacting policies aimed at curbing human rights abuses and incorporating human rights discourses into domestic political discourse); 4) states make substantive change, confronted by fully mobilised human rights networks; 5) rule-consistent behaviour emerges as states internalise norms into actual state practice. Different actors are important at different stages - transnational advocacy networks are seen as key in the early stages but later on domestic actors become more important. It is a complex array of factors that are seen to support this socialisation process:1) processes of adaption and strategic bargaining (governments adapting to pressures by making tactical concessions); 2) processes of moral-consciousness raising, 'shaming', argumentation, dialogue, and persuasion; 3) processes of institutionalization and habitualisation (Gready, 2004: 21).

grievances as rights claims and attract gatekeepers; 2) gatekeepers at the core of the human rights movement (principally NGOs) choose to embrace a claim; 3) gatekeepers pressure states and international bodies to accept new norms, and national institutions to implement them (e.g. through transnational advocacy networks) (Bob, 2009: 4).

Rights-based theories of change pertaining to sexual violence give a key role to NGOs and women's organisations. According to the literature on 'new rights', NGOs can act as champions, acting 'on behalf' of particular victim groups to seek to place their rights concerns on the agenda (Bob, 2009: 8). NGOs (particularly those with large budgets, numbers of staff and high levels of credibility) act as gatekeepers, screening to decide whether to adopt or reject 'new' issues (Bob, 2009: 6). If these gatekeepers embrace claims, rights are more likely to receive recognition and resources (Bob, 2009: 1, 3). However, frequently gatekeepers reject claims. This may be due to risks associated with expanding mandates, linked to concerns over having to address too many issues with limited resources, and/or finding unfamiliar claims trivial, irrelevant or unenforceable (Bob, 2009: 7, 10). Here, despite a reputation as moral actors, NGOs are seen to have roles as both enablers and resisters of rights (Bob, 2009: 2-3). Furthermore, NGO's influence is seen to vary. Due to inequity amongst actors a few key NGOs hold particular influence in shaping the issue agenda and potentially creating sector wide change (Nelson & Dorsey, 2008: 34).[62] NGOs are also seen as the "*engines*" of transnational advocacy networks (Keck & Sikkink, 1998: 9). Nonetheless, networks can be composed of a diverse range of actors including, social movements, foundations, the media, regional and inter-governmental organisations, governments etc. (Keck & Sikkink, 1998: 9).

Although transnational advocacy networks are defined as "*relevant actors working internationally on an issue, who are bound together by shared values, a common*

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[62] There are other key concepts that speak to the key role NGOs can play in the emergence of new rights (Gready & Vandenhole, 2013: 10). Goodman & Jinks (2004: 636) speak of NGOs as 'norm entrepreneurs': agents of change who manipulate frames to resonate with target audiences. Tarrow (2005: 183-200) notes that NGOs can act as 'brokers': linking previously unconnected social sites and mediating the relationship between sites. Engle Merry (2006) speaks of NGOs as 'translators': translating discourses and practices from the arena of international law and legal institutions to specific sites of suffering.

discourse, and dense exchanges of information and services", they are typically conceptualised in terms of their work on a specific issue (Keck & Sikkink, 1998: 2). In this case, work to address sexual violence (as a component of violence against women) is seen to be carried out by transnational "*women's networks*" (Keck & Sikkink, 1998; chapter 5). Organisation and pressure from autonomous women's organisations is seen as necessary if rape is to make its way onto the state agenda (Keck & Sikkink, 1998: 174). Having said this, Nelson and Dorsey (2008) note that human rights advocacy is increasingly utilising new cross-sector alliances (as networks draw across issue-areas) and convergent methodologies (where activists combine rights-based strategies with those from other fields).

The literature identifies that a number of strategies contribute to network success. For Keck and Sikkink (1998: 16-25) these include transnational networks' ability to engage in: information politics (the ability to move and generate "*politically usable information*"), symbolic politics (the ability to use symbols, actions and stories to appeal to a distant audience), leverage politics (the ability to call on a stronger actor, when an affected group is weak, to enact influence) and accountability politics (efforts to ensure powerful actors act in adherence to previous commitments to policies or principles). Keck and Sikkink (1998), as well as the broader literature, give a particularly central role to framing in explaining the comparative success or failure of transnational advocacy networks: shaping what issues are recognised by activists and gain broader traction (e.g. Haywood, 2009: 15, 18; Karp, 2006; Shawki, 2011; Yanacopulos, 2011). Successful frames are viewed as those which are able to build a shared understanding of issues between network actors and are able to establish a clear political agenda which acts as a call to action (Jordan & van Tuijl, 1998; Smilie, 2004). Rights-based discussions of advocacy around sexual violence give a central role to two advocacy frames: 'women's rights are human rights' and 'violence against women' (Bunch, 1990; Keck & Sikkink, 1998: 165-98). Since the 1990s 'violence against women' has emerged as the dominant frame used to advocate around sexual violence (Keck & Sikkink, 1998: 165-98). The frame has been particularly successful at placing the issue of sexual violence against women on the agenda of the human rights movement and the state (CWGL, 1993; Keck & Sikkink, 1998). In part, this derives from the fact that the frame is able to draw together activists working on disparate forms of violence experienced across

contexts (including sexual violence, domestic violence, female genital mutilation etc.) and evokes a shared value pertaining to the bodily integrity of women and girls (Keck & Sikkink, 1998: 171-2; CWGL, 1993: 24-5). The frame also serves as a call for action: seemingly giving a clear sense of direction and making individuals feel like they could do something about the issue (Keck & Sikkink, 1998: 171).

Top-down versus Bottom up

The key tension that arises from theories of transnational agenda setting pertains to whether top-down processes of change can really serve to address sexual violence. Critiques of Keck and Sikkink's (1998) work point to the fact that their theory of change gives inadequate attention to the role of domestic mobilisation and social movements, and can result in network inequalities and a compliance or implementation gap.[63]

Although Keck and Sikkink (1998: 175) make mention of the fact that the transnational network to address violence against women had roots in "*local action*", as a whole their model of change "*inadequately registers the fact that transnational civil society campaigns are invariably built on national campaigns*" (Gready, 2004: 23). Keck and Sikkink (1998) focus on how transnational activism creates domestic shifts but fails to recognise that process of change are often generated in national contexts and then move outwards to shape "*international norms, governments, TNCs, IGOs and international NGOs*" (Gready, 2004: 23). Nelson & Dorsey (2008: 15) note that to secure rights, claims need to arise from social movement mobilisation but, subsequently, legal codification is needed to influence national and international policy. In actuality, change is a "*two-way process*" where the "*local and the global can be mutually constitutive*" (Eschle & Stammers, 2004: 354; Gready, 2004: 23). Relatedly, Eschle & Stammers (2004: 340) critique Keck and Sikkink (1998) for obscuring the relationship between transnational advocacy networks and social movements. Although Keck and Sikkink (1998) acknowledge that there are connections between social movements and transnational advocacy

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[63] It is important to note that the literature on transnational advocacy has largely emerged from the US and is unlikely to have the same resonance with practitioners in the Global South.

networks they do not explore the nature of this relationship, focusing instead on the role of NGOs, state agencies and international institutions. As a result, Keck and Sikkink (1998) neglect the need for rights to be claimed through movements: rights are seen to be embedded through formal, institutionalised forms of advocacy (Eschle & Stammers, 2004: 340). For Bob (2009: 13) aggrieved groups can play, at least an initial role, in making rights claims. However, Bob (2009: 13) notes that rights can also emerge as gatekeepers initiate claims and then look for 'local victims' who exemplify such violations. As such, dominant rights-based theories of change suggest that sexual violence may be addressed through top-down 'elite' driven advocacy, as opposed to processes through which rights are necessarily claimed by a broader constituency. This neglects best practice: Gready (2004: 23, 7) notes that where transnational campaigns are built on national civil society campaigns and social movements, transnational advocacy is more likely to be *"rooted in local realities, contexts, activism and longer term commitments."*

Where transnational campaigns focus on the institutionalisation of rights there are risks. One of these risks is the danger of creating network inequalities, and a distance between the concerns of transnational activism and those of local women. Top-down approaches to change tend to privilege particular civil society actors - those with knowledge of rights mechanisms and institutions, and with particular management styles (Bob, 2009: 9; Eschle & Stammers, 2004: 349-50; Mihr & Schmitz, 2007). This can mean that particular INGOs emerge as *"market leaders"* and that rights are more likely to become the preserve of elites, isolating the human rights movement from marginalised groups and social movement struggles (Bob, 2009: 9; Eschle & Stammers, 2004: 349-50; Mihr & Schmitz, 2007; Stammers, 1999: 996-1000). Mutua (2004: 196) notes that even where human rights movements have developed in Africa these movements are often comprised of *"narrow urban elites"*, lacking integration within the fabric of African societies (Mutua, 2004: 196). This concern is echoed by Cornwall & Molyneux (2006, 1184) who note that a focus on national and international policy arenas *"has distanced them* [activists] *from the grass-roots, from the needs and concerns of local women"*. By focusing on the state as rights guarantor, feminists are drawn into forms of advocacy that can pull them away from the constituencies they purport to serve (Cornwall & Molyneux, 2006: 1185).

The distance between activists and 'local women' can be particularly exacerbated within transnational advocacy networks. There is a body of literature that examines the accountability of transnational networks (e.g. Piper & Uhlin, 2004 and Jordan & van Tuijl, 1998). Scholars in this field have expressed concern that there is no formal mechanism for NGO accountability, and that the unequal distribution of power in transnational networks raises particular concerns about 'constituent's interests' (Piper & Uhlin, 2004: 17; Hudson, 2011; Smith, 2004). Within transnational advocacy networks, northern actors, who are often well educated and middle-class, often dominate (Thompson, 2002; Piper & Uhlin, 2004: 17). Mutua (2004) argues that the human rights movement in Africa is often dependent on the resources and priorities of Northern actors as the movement lacks local beneficiaries and charities to turn to. Despite this, transnational networks often claim to be representative based on their links to more marginalised groups who, in practice, may be excluded (Piper & Uhlin, 2004: 18). As such, Jordan & van Tuijl (1998) assert that forms of representation need to move from the local, to national and international levels, and vice versa.

Another risk of institutionalism is the danger that activism leads to a compliance or implementation gap. Cornwall & Molyneux (2006, 1185) note that feminists have questioned the effort that goes into working in state arenas when the impact on violence against women is so meagre. A "*gulf*" exists "*between elegant laws and the indignities of women's everyday realities, and between being accorded a right and being in any position at all to make use of it*" (Cornwall & Molyneux, 2006: 1185; also Cornwall, 2006: 1176). It is important to note that further risks are revealed through an examination of the masculinities literature. Not only do legal advances often fail to 'trickle-down' but legal shifts may lead to an increase in rates of violence against women (see chapter 1).

Cornwall & Molyneux (2006) note that there are questions about whether sexual violence, as a component of women's rights, can be addressed through engagement with the state. Governments, in practice, typically act to perpetuate male bias, although they may adopt rhetoric which appears to support efforts to address violence against women, this is often applied selectively and without commitment to feminist principles in practice (Cornwall & Molyneux, 2006: 1185). The broader

human rights literature on the "*compliance gap*" is supportive of this point, noting that there is a danger of states adopting rights rhetoric, or ratifying human rights treaties, without commitment to the principles in practice (Hafner-Burton et al., 2008; Taylor, 2013; Thomas, 2014). A large number of states ratify treaties, or pass legislation, because there are clear immediate gains (reducing peer pressure and avoiding criticism) whist costs to the state are unclear or distant (Simmons, 2009; Thomas, 2014). This raises an important question, only briefly touched on in current literature, about whether transnational dynamics are necessarily conducive to human rights protection? Thomas (2014) argues that states use transnational dynamics to shield themselves from human rights pressure through "*defensive legitimation*" e.g. by embracing human rights norms on paper but ignoring them in practice, or by embracing national human rights institutions but providing them with weak mandates and insufficient funding.

Surprisingly, although the literature on human rights advocacy recognises that states often don't implement rights promises on paper, there is a literature gap when it comes to how civil society can effectively advocate to secure implementation. This may be, in part, linked to the risk of 'partial successes' (Gready, 2004: 11). Legal reform is an indicator of success for campaigns and can provide a point of orientation for implementation efforts. However, there is a risk that focusing on legal reform can foster disillusionment amongst civil society actors if progressive norms are not internalised and implemented. As such, law reform can limit the long-term sustainability and transformative potential of campaigns, and the chances that advocacy addresses everyday realities. Gready (2004: 10) notes that there is a need for "*on-going civil society mobilisations*". Civil society mobilisation needs to occur "*before, during and after norm creation and official political commitments*" and locate human rights in both political and legal processes (Gready, 2004: 10). The literature on 'policy entrepreneurs' (from policy studies) provides some insight in to how activists can secure policy implementation, pointing to the importance of working collectively, the significance of how problems are frames (or defined), the need to exploit windows of opportunity and display social acuity, and the need to demonstrate the workability of proposed change (Mintrom & Norman, 2009; Meijerink & Huitema, 2010; Ridde, 2008). There are overlaps here with the

strategies emphasised in the literature on transnational advocacy networks, which also recognises, for example, the significance of framing.

In summary, the top-down processes of change described in the transnational advocacy literature neglect the importance of grounding change in local realities and on-going forms of social mobilisation.

Attitudinal and Behavioural Change

The second section of this chapter explores the dominant theory of change within the literature on masculinities and human rights. Initially, the theory of change underlying the work of self-proclaimed masculinities and human rights NGOs is explored. Subsequently, a key tension between process and outcome is examined which can help explain tensions between masculinities NGOs and women's organisations.

Men as Gatekeepers

The dominant theory of change adopted by civil society actors, who explicitly adopt a masculinities and human rights framework, seeks to address sexual violence by changing the attitude and behaviour of men.[64] This is a theory of change strongly associated with global shifts to recognise men and boys as potential allies in the fight for gender equality (associated with developments at the UN) (Connell, 2005a). In contrast to the model of change focused on collective advocacy (described above), this model of change is focused on advocacy that occurs through the organisational practice of NGOs. Although some cursory references are made to partnerships, and the literature describes global shifts, this literature tends to consider the advocacy work of NGOs in isolation (e.g. Barker et al., 2005; Kaufman, 2001). There are a number of key features of this approach that are outlined here: the role given to men as gatekeepers of change, the use of gender-based violence as a framework and the

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[64] See the UNDEF, the MenEngage Alliance, The White Ribbon Campaign, Sonke Gender Justice Network, Instituto Promundo etc.

emphasis on educational workshops as a central strategy for enacting change. Barriers to behavioural change (and the degree to which they are addressed through this approach) are also briefly explored.

The masculinities and human rights literature conceptualises men as gatekeepers to change as their attitude and behaviour is seen as key in shaping family dynamics and interpersonal relationships (Kaufman, 2004: 19; UNDEF, 2012). This derives from a theoretical recognition that in the gender order men tend to hold a dominant position whilst women are subordinated. As a result, men are seen as a barrier to (and enabler of) women's rights. This approach is conceptually linked to Connell's (2005: 67-86) framework (the 'social organization of masculinity'). Consistently with Connell's (2005) theorising, masculinities are viewed not as a natural character type but as conducted through processes and relationships. The identity men hold is seen to have the potential to change over time (in this case, supported by NGO intervention).

In contrast to dominant rights-based advocacy models (which focus on the relationship between state and citizens), the focus here is on addressing sexual violence through horizontal relationships (Galant & Parlevliet, 2005: 115-6).[65] Sexual violence is seen to be addressed by promoting more gender equitable attitudes amongst men and tackling men's views of violence. This is seen to promote more gender equitable and non-violent forms of relating with other individuals (particularly with partners, children and peers) (Barker et al., 2004: 149).[66] As such, this approach foregrounds 'private' harms and has an explicit preventative orientation.

Within masculinities and human rights NGOs, sexual violence is addressed as a component of gender-based violence (as opposed to violence against women). However, in practice, this framework is contested (Ruxton, 2004). Whereas some

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[65] In contrast to rights based theories of change the outcomes of masculinities and human rights programs are not always framed in terms of rights, often seeking outcomes that go beyond legally codified rights e.g. looking beyond the absence of violence to seeking to promote healthy and gender equitable relationships (Barker et al., 2004: 154).

[66] Some NGOs combine this approach with more conventional rights based strategies. Sonke, for instance, utilises conventional forms of legal and policy advocacy alongside conducting educational workshops with men (Peacock, 2013).

masculinities and human rights NGOs use the term 'gender' to reference the fact they engage men as activists to tackle violence against women (primarily or exclusively), other actors argue that men's vulnerability or victimisation should be addressed alongside women's rights as an important outcome in and of itself (Kaufman, 2004; Peacock et al., 2009; Ruxton, 2004: 2-3). Masculinities and human rights NGOs often, at least in part, recognise men's vulnerability as part of a strategic approach (Kaufman, 2004: 20, 22). This can be for a number of reasons. Acknowledging men's vulnerability or victimhood can be a hook. By recognising men's own experiences, men may be more willing to engage with women's rights concerns. It can also be used as a tool to promote more gender-equitable behaviour amongst men, a way to draw attention to the contradictory impact of power (where hegemonic masculinity entails costs for men as well as women). Furthermore, there is some suggestion within the literature that men's use of violence can be linked to their actual or felt disempowerment (see chapter 1). As such, addressing men's actual or felt vulnerability may lead to a reduction in levels of violence.

As with models of transnational activism, NGOs are seen to be central to this work. However, a less central role is given to women's organisations. Women's organisations are viewed as potential, and often desirable partners, but are no longer considered the central change-agents in addressing sexual violence, even where programs have a prime or exclusive emphasis on addressing women's rights (Kaufman, 2004).

The key strategy for promoting change is seen as educational work with men, often taking place in the context of workshops (Ruxton, 2004; Keating, 2004).[67] Workshop environments are seen to offer a space to facilitate a change in men's attitudes and behaviour by providing a safe space for men to talk and reflect, including on sensitive topics and on their emotions, and an alternative male peer group that stresses gender equitable and non-violent modes of relating (Kaufman, 1997; 2004: 24-5; Keijzer, 2004: 37-41). The aim is for workshops to provide a nurturing and non-competitive environment that, with facilitation, encourages male participants to

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[67] Educational work can take other forms e.g. distributing leaflets, creating materials for curriculums (e.g. manuals, educational videos), conducting social marketing campaigns (Barker et al., 2004: 150-4; Kaufman, 2004: 23).

question dominant norms about what it means to be a man (and, as such, question acts of violence and discrimination) (Kaufman, 2004: 25; Dworkin et al., 2013).[68] This theory of change makes an implicit presumption about the relationship between reflection, attitudinal and behavioural change. For instance, in programmatic evaluations outlined in the literature there are examples where program's aims are based around actionable change. Yet, programmatic evaluations rely on participant responses to 'attitude questions' (e.g. see Barker et al., 2004: 154-7). Change is seen to come about as: a) spaces are created where men are exposed to, and can explore, alternative conceptions of gender roles; b) reflection and peer support leads to attitudinal change amongst men (for instance, improving their respect for women's rights and recognition of the harm caused by sexual violence); c) attitudinal change leads to changes in male behaviour (e.g. reducing men's perpetration of violence) (Barker et al., 2004; Ruxton, 2004). Yet, Firmin (2013) notes that this assumption doesn't necessarily hold up in practice. Individuals may hold patriarchal attitudes that do not result in violent acts. Or, individuals can know that acting violently is wrong but feel they don't have a choice but to act in a particular way (Firmin, 2013).[69]

As a model of change, prime emphasis is placed here on men's agency to change their behaviour. There is an underlying assumption here that men are able to change and have the capacity to change themselves. However, the theoretical literature reveals that masculinities, and patterns of sexual violence, are shaped by both agency and the broader socio-political environment within which an individual is situated (Segal, 2007: 228). Programs are challenged by the fact that beyond an educational

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[68] There are overlaps here with human rights education. Although human rights education is a rights-based strategy, this form of work has received relatively little attention from the human rights movement (Mihr and Schmitz, 2007; ODIHR, 2009). A critical tension within human rights education pertains to the role of the state, as legally states have a responsibility to provide human rights education (see article 13 of the ICESCR). The dominant model adopted by NGOs that engage with men and boys in this area has been to offer educational programs themselves, often primarily funded by large international donors (e.g. Sonke's 'One Man Can' campaign, the White Ribbon Campaign).
[69] Discursive changes are not always applied to new ways of living or relating, and individuals can deliberatively apply discursive shifts (regardless of internalisation) if they think it will produce more favourable responses (Kaijzer, 2004: 39). Problematically, where measures of impact do seek to identify behavioural change these measures are typically of self-reported behaviour (e.g. a participants self-reported use of violence against their partner) (Dworkin et al., 2013). One response to this is to use triangulation where possible (e.g. speaking to partners of participants to cross-reference participant claims) (Baker et al, 2004: 158).

setting attitudes and behaviors that support violence and gender discrimination often continue to have traction. As Keijzer (2004: 37) observes:

> "*Every workshop tends to unsettle a significant number of participants. What happens after this shake-up depends very much on the support or resistance encountered at home from partners, extended family, peers, and co-workers.*"

This can explain why there is evidence that educational workshops have a short term impact on attitudes but that attitudinal shifts do not necessarily hold up over time (Barker et al., 2004: 157-9; Barker et al., 2007: 16).[70] Often programs attempt to address the structures in which men are embedded by developing alternative peer groups so participants can receive support from fellow program participants (e.g. Keijzer, 2004). Some programs have also recognised the need to include women, recognising that the responses of women (e.g. as partners) can affect whether a shift in men's attitudes holds up over time.[71] Moura (2013), of masculinities NGO Promundo, notes that the organisation now takes a 'synchronised approach' i.e. has developed programs that engage both men and women.

The degree to which programs are able to affect change is clearly shaped by how they are operationalised. Case studies reveal that 'educational work' varies considerably in its depth. Kaufman (1997) notes that even within the actions of a single campaign (the White Ribbon Campaign) interventions vary from fifteen-minute classroom activities, to two hour workshops, to a series of workshops, to interventions integrated within the daily life of schools. A number of NGOs engaging men now claim incredible reach. Sonke, for example, claims to reach 40,000 men and women a year with workshops and face to face interactions, asserting that "*research indicates that participants change their attitudes and practices as a result*" (Peacock, 2013: 134). However, those who acknowledge the limitations of this work point to the challenges in changing behaviour. As Barker et al., (2004) note,"*Given the short timescale of many interventions with young men, it is often unrealistic to expect changes in behaviour*". In reality, where there are

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[70] It is worth noting that most impact studies of this kind of work are conducted by practitioners involved with the organisation in question, and often produced to highlight the impact of an NGOs work to donors.

[71] Theoretically, Connell's (1987: 183) concept of "*emphasized femininity*" is relevant here (see chapter 1). Women can act in ways that promote gender equality but they can also act to uphold patriarchy.

positive outcomes these often involve minute, although not insignificant, actions, such as talking to someone else about the issues of sexual violence raised within a workshop (Peacock, 2013: 134).

By seeking to address men's views of sexual violence, this theory of change is more focused on societal mobilization and local ownership over rights than models of transnational activism. However, workshops that engage men have varied in the role they prescribe to participants - from participants being taught key ideas[72], to participants being able to express their opinions and have some control over the learning environment[73], to processes of learning shaped by a more dialogical process.[74] As such, the degree to which workshops are able to develop participant's sense of ownership over rights is likely to vary.

Male versus Female Agency

Although some of the tensions inherent in this work have already been briefly explored above (structure versus agency and depth versus breadth), a core tension arising from the work of masculinities and human rights NGOs pertains to the emphasis on male versus female agency. Can sexual violence be addressed without directly empowering women?

The targeting of men as gatekeepers is often seen as in tension with theories of change premised on women's empowerment (e.g. Marchese, 2008; Win, 2001). Women's empowerment work is linked to feminist approaches, with strong associations with women's organisations and the rape crisis movement (Cambell & Shaw, 2011). Broadly speaking, women's empowerment as a theory of change can be seen to focus on the process of a victim becoming a survivor. However, in women's organisations, this process has typically been applied exclusively, or at

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[72] Peacock (2013) notes, "*our workshops teach that men's violence against women does not occur because men lose their temper or because they have no impulse control*" [emphasis added].
[73] Barker et al., (2004: 152-3) notes that Program H uses activities (e.g. role plays, brainstorming exercises, videos as discussion prompts) which encourage participants to express their viewpoint and reflect.
[74] Keijser (2004: 29) notes that the NGO Salud y G(e)nero draws on Paulo Freire's theories of conscious raising and participation in education.

least predominantly, to processes which aim at emphasising and building female agency (Cambell & Shaw, 2011: 112-3; Griffin, 2013: 6). Women's empowerment approaches are conceptually linked to patriarchy as an explanation for sexual violence. The targeting of women is drawn from an understanding of rape as an act that victimises women and is perpetrated by men (see chapter 1). The focus is on supporting victims to become active participants in their recovery and, more broadly, enabling women to exercise choices and act to affect the course of their lives (Cambell & Shaw, 2011).[75]

Organisations that are built on women's empowerment approaches typically stress three necessary components of efforts to address sexual violence. First, that women's agency is promoted through the maintenance of women-only spaces, enabling women to organise and act in positions of leadership (Marchese, 2008: 59; Win, 2001: 115). Secondly, that discussions are focused on women's issues and the reality of men's violence against women (Stemple, 2009: 629). Finally, that resources are ring-fenced to promote women's rights (Chant & Gutmann, 2002: 270). The process of women's empowerment work is, in itself, seen to disrupt patriarchy as systems of male domination and female subordination are challenged by building women's capacity to organise, act and affect change. Ultimately, this process is seen to tackle sexual violence by bringing its disproportionate impact on women to the fore, and by ensuring the resources needed for women to act to address sexual violence are available.

In contrast to women's empowerment approaches, approaches which target men as gatekeepers, seek to promote women's rights through recognising and building men's agency. This theory of change does ultimately seek to empower women but indirectly through men's activism. Correspondingly, some practitioners express concern that targeting men as gatekeepers undermines women as agents, distracts attention from women's issues - and serves to deny resources to women (Marchese, 2008: 59; Win, 2001: 115). Concerns regarding women's agency pertain to the fact

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[75] For instance, it is not assumed that reporting an assault and pressing charges is the right decision for an individual – individuals are given the information and space to explore their options and the implications of the decisions they make (Cambell & Shaw, 2011: 112; Griffin, 2013: 13).

that the work of masculinities and human rights NGOs tend to involve male staff.[76] Although women also constitute the staff of such organisations, men typically assume leadership positions (see, for instance, Sonke Gender Justice Network). The integration of male activists stands in opposition to calls to preserve women-only spaces. Concerns have also been expressed that a number of 'key players' who work with men reproduce hegemonic masculinity (which they ultimately aim to challenge) in their educational campaigns (e.g. Keijzer, 2004: 44). A number of NGOs who work with men to promote women's rights do so by drawing on a traditional stereotype of a strong, brave and powerful masculinity to separate 'real men' from 'rapists' (Masters, 2010: 39). An example being the campaign slogan 'my strength is not for hurting' which emphasises men's strength (and agency) in order to promote more gender equitable ways of relating. As such, the end result of these campaigns (the outcome) is privileged over the process of achieving it (opting for a frame with resonance over one that is potentially more transformative). Such approaches are strongly criticised in the women's empowerment literature. Murphy (2009: 7) notes that these campaigns can perpetuate the idea that "*men act and women appear*", ultimately reinforcing patriarchy and re-establishing hegemonic masculinity (also see Masters, 2010).

Similarly, by shifting the discourse from one of women to that of gender, masculinities work is seen to divert attention from women's issues and obscure the power dynamics that shape violence against women (Connell, 2007: xivxiv; Cornwall & Molyneux, 2006: 1180). Attention is seen to be diverted away from women because considering men is seen to 'messy the agenda' (Win, 2001: 115). In this train of thinking activists are both given too much to do, and engaging men is seen to "*cover up*" men's sexual violence against women (Win, 2001: 115). The other facet of the argument is that attention to men is problematic given the endurance of patriarchy. There is seen to be a danger of co-option of gender work as

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[76] Chant & Gutmann (2002: 277) claim that when seeking to target men, other men are "*more likely to be successful in communicating and gaining acceptance of new and alternative notions about gender*" paves the way for an increased recognition of the need for men in gender work.
In terms of male victims, there remains a question over whether male victims have a preference for male staff. In the author's experience of working for an organisation that offers services to male (and female) survivors of sexual abuse and assault, male victims differ in their gender preferences for staff contact. Some male survivors want to meet with male staff and other male survivors (in an all-male support group context), whilst others have a preference for interaction with female staff only.

patriarchal values are so entrenched. White (2000: 36) expresses fears that the "*limited terrain won for women… will be eroded*". In this sense, engaging men is seen as too much too soon – as a fraught endeavour until women achieve equality (Chant & Gutmann, 2002: 279; Win, 2001: 115).

Concerns are also expressed that focusing on work with men, leads to a diversion of scarce and finite resources away from women and women's issues (Connell, 2007: xivxiv; Ruxton, 2004: 4). Win (2001: 116) argues that work with men has served to deny the validity of women-only spaces. Win (2001: 116) critiques what she describes as donors insistence of incorporating men within women's groups as part of a "*new agenda*", asserting that "*some have withheld funding outright unless the groups show they will work with men.*" The concerns here relate both to a shift in donor funding and a related denial of the legitimacy of women only spaces. These critiques of the work of masculinities and human rights NGOs pertain to process (e.g. that women are pushed out as key advocates). However, they are also ultimately seen to impact on outcomes: if the process of working reinforces hegemonic masculinity, the structures which underpin sexual violence cannot be transformed.

A central problem with available critiques is their tendency to homogenise all forms of 'work with men' and failure to engage with the strategic dilemmas that underpin practice. Distinctions are often not made between the targeting of men as perpetrators of violence, activists opposing violence, or as victims themselves. For White (2000: 34) the mode of engagement with men is irrelevant "*whether men are or have problems, it still results in problems for women.*" Stemple (2009: 629) notes that "*some have gone so far as to argue that the acknowledgment of male rape victims via more inclusive laws and policies 'is part of a backlash against feminism'".* Those opposing masculinities work often make generalised critiques: failing to engage with the distinct ways NGOs have applied a masculinities and human rights framework in practice (e.g. Win, 2001; White, 2000). As a result, the critical question of how masculinities and human rights may be engaged to support efforts to address sexual violence is neglected. Critics also tend to ignore the strategic dilemmas that shape the work of NGOs in practice. As an illustrative example of this, Murphy's (2009) article, which criticises the posters of a US rape prevention campaign targeted at men, is challenged by a response piece. The

response piece is written by the Vice President of Communications of the NGO in question (*Men Can Stop Rape*) (McGann, 2009). McGann (2009) argues that Murphy (2009) fails to contextualise his work in lieu of practical constraints. For instance, Murphy (2009: 132-3) argues that the visuals in Men Can Stop Rape's posters need to be considered in lieu of their audience (the fact they have been produced to appeal to young males), the fact that they have been constructed in response to feedback the organisation has received, the role of the posters as one component of the NGOs broader work and the economic limitations that shaped the poster's production. Succinctly, critiques of work with men need to engage with the perspectives of practitioners who carry out this work, and tensions inherent in practice.

Male Rape on the Agenda

The final section of this chapter explores the theories of change within the small body of literature examining sexual violence against men. Although the theories of change within this body of literature are often implicit, partially formed and fragmented they are important for understanding how civil society may advocate around male rape, and the challenges this may pose for advocacy focused on addressing violence against women. Initially, the components of a theory of change within the literature on male rape are explored. Subsequently, a tension is examined between inclusivity and effectiveness. How can sexual violence against men come to be recognised whilst maintaining effective advocacy for female victims?

Building Inclusive Frames

District theories of change about how sexual violence against men comes to be addressed are difficult to identify. This is partially a result of the fact that the body of literature in this area is small and focused on clinical studies examining the nature and impact of male rape, as opposed to strategies to enact social change (Davies, 2002; Davies & Rogers, 2006; Walker et al., 2005). It is also a result of the fact that key texts on male rape draw heavily on rights-based theories of change, meaning there is substantial overlap between the transnational advocacy model (described

above) and understandings of how male rape comes to be recognised (e.g. Stemple, 2009). The reliance on rights-based advocacy frameworks can be partially understood as a reflection of the lack of documentation, or perhaps a lack of concrete and concerted advocacy by or on behalf of male rape victims (Sivakumaran, 2010: 260).[77] For scholars as activists, drawing on rights-based theories of change may also be a strategic tool – a way to place male rape on the agenda of the human rights movement. There are a number of assumptions made within the literature on male rape about how change happens that borrow and build on the literature on transnational human rights advocacy. However, at times, the male rape literature also challenges components of the transnational advocacy literature. Three key features of the male rape literature are discussed here: the central role to women's organisations and NGOs, the emphasis placed on attitudinal change amongst frontline workers, and the call for inclusive framing within international legal documents.

Within the literature on sexual violence against men, an underlying assumption is made that change happens through building inclusive responses to the issue of male rape amongst front-line services and practitioners (Davies, 2002; Donnelly & Kenyon, 1996). Theories of human rights advocacy note that key individuals and organisations may act as 'gatekeepers' (determining which rights issues make it on to the human rights agenda) (Bob, 2009: 4). In contrast, the literature on male rape tends to see frontline services and practitioners as important as the target of change in and of themselves (e.g. Davies, 2002). Building inclusive responses by practitioners is seen to directly improve the services provided to male rape victims. Having said this, a number of key texts do view the inclusive responses of practitioners as primarily instrumental in that practitioners' acceptance is seen as necessary if male rape is to be placed on a global agenda (e.g. Sivakumaran, 2005; Stemple, 2009). The male rape literature places a particular emphasis is placed on women's organisations and the staff that work for them (e.g. Donnelly & Kenyon, 1996). Women's organisations are also given a central role in human rights advocacy

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[77] There are a handful of organisations who visibly advocate for particular groups of male victims. See, for instance, Just Detention International's (US) work on male rape in prisons or the work of the Refugee Law Project (Uganda) on sexual violence against men and boys in conflict. Also see the work of Sonke (outlined in chapter 6).

to address sexual violence (facilitating activism for women's rights). However, in contrast, the male rape literature tends to see women's organisations as opponents (the targets of change), as opposed to the champions of change. This is due to the fact that practitioners within these organisations are often seen to be particularly reluctant to respond to the needs of male victims (Donnelly & Kenyon, 1996). Similarly, NGOs are given a central role but, unlike dominant approaches to human rights advocacy, NGOs are principally seen as 'part of the problem'.[78] NGOs are typically discussed in relation to their collective ignorance of male rape as an issue (Davies, 2002; DelZotto & Jones, 2002; Oosterhoff et al., 2004; Russell, 2007; Sivakumaran, 2007).[79]

Within the literature on male rape there is a heavy emphasis on the attitudes of practitioners (a discussion that is only implicit within the broader literature on human rights advocacy). Numerous studies point to the fact that practitioners are susceptible to male rape myths (Donnelly & Kenyon, 1996; DelZotto & Jones, 2002; Russell, 2007). These include practitioners holding beliefs that men can only be raped if they want to be, that women are victims and men are perpetrators of rape,[80] and that male rape is not a problem because victims are not approaching services[81] (Donnelly & Kenyon, 1996: 444-5). This is often traced back to feminist theorising (particularly radical feminist approaches arising in the early 1970s) which was shaped by a narrow understanding of masculinity and power, depicting rape as something exclusively experienced by females and perpetrated by males (DelZotto & Jones, 2002). This narrow construction of male dominance continues to inform the approaches of frontline practitioners, including NGOs (DelZotto & Jones, 2002). As such, the literature contains an implicit assumption that male rape will come to be addressed as a result of shifts in the attitudes of frontline workers and organisations. Donnelly & Kenyon (1996: 445) explicitly suggest a correlation between less

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[78] Although NGOs are acknowledged to potentially block rights claims within the literature on human rights advocacy (see Bob, 2009), they are more generally discussed as facilitators of rights-based advocacy (for instance, playing a key role in transnational advocacy networks).
[79] The responses of a broader array of actors are touched upon within the literature. For instance, Zarkov (2001) explores media reporting on sexual assault of men.
[80] These beliefs are linked to the assumption that men should be able to prevent themselves from attack: masculinity is believed to be antithetical to victimhood (Sivakumaran, 2007: 256, 268).
[81] This clearly neglects the possibility that the organisation is not responsive to the needs of male victims (Donnelly & Kenyon (1996: 444).

stereotypical attitudes amongst frontline workers, recognition of the barriers male victims face in speaking out and organisations acting to address the needs of male victims.[82] This points to the need to educate frontline workers as a central strategy for change, with an emphasis on building more complex and nuanced understandings of gender and power (see chapter 1).

The male rape literature focuses on frontline workers, those who may first witness disclosures of rape or may potentially recognise the signs of sexual violation of men. This is because male victims frequently do not make it further through 'justice' processes (Sivakumaran, 2007: 256, 259). For instance, very few male victims go on to engage with legal processes and the voices of male victims are typically not amplified within NGOs advocacy campaigns (even when individual narratives of violation are recognised) (Del Zotto & Jones, 2002; Sivakumaran, 2007: 259; I. HRW, 2011). As such, the literature gives little sense of how advocacy to address sexual violence may progress once the issue comes to be accepted by frontline workers. The exception here is a small selection of articles that explicitly address male rape and human rights (Stemple, 2009; Sivakumaran, 2007; 2010). Drawing on theories of transnational advocacy, these articles focus on international documents (with some discussion of the jurisprudence of international tribunals). As such, the implicit assumption is that male rape comes to be recognised through top-down processes of change initiated by key individuals and NGOs, operating in the 'global arena'.

Within the male rape and human rights literature the adoption of male rape as an issue by frontline practitioners and organisations is seen as a precondition to global shifts. As Sivakumaran (2005: 1280) notes:

> "*One reason why male/male rape has not attracted any significant attention, especially at the international level, is that there are very few organizations that advocate or lobby on the issue at that level. Yet, frequently, it is only when organizations already exist and lobby intensively that an issue is able*

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[82] Donnelly & Kenyon (1996: 445) do not prove cause and effect: it may be engagement with male victims that leads to less stereotypical attitudes (rather than the inverse relationship).

to attract attention… transnational norm entrepreneurs are a necessary part of the chain."

Once organisations adopt male rape as a focus of advocacy, the literature states that change occurs through advocacy targeted at international law (Stemple, 2009; Sivakumaran, 2010; Lewis, 2009). The focus here is on broadening the language of human rights treaties beyond a female-specific approach (where men and boys are not included as the subject of protection), to account for sexual violence against men (Sivakumaran, 2010; Stemple, 2009).[83] Interestingly here, this theory of change draws on mainstream human rights approaches which stress the importance of framing (e.g. Merry, 2006; Mertus, 2007). Yet, the male rape literature critiques frames which are seen as central to addressing sexual violence within the transnational advocacy literature (i.e. the framing of sexual violence as a form of 'violence against women' and as a form of torture). In opposition to advocacy seeking to address women's rights, which has sought to establish that rape is a form of torture, activists in this area stress the need to move beyond a framing of male rape as torture. Sivakumaran (2010: 273) notes that where male rape is recognised it tends to be characterised as torture, beatings etc. As such, there is the need to move male rape outside of a torture frame, in order to ensure men are recognised as susceptible to forms of sexual or gender-based violence (Sivakumaran, 2010: 273; Stemple, 2009: 637-639). Once the scope of human rights instruments is broadened, the next step is seen to be organisations advocating for the translation of UN sentiments in to practical initiatives (Sivakumaran 2010: 261, 265). As a result of shifts at the UN level, accompanied by forms of civil society mobilisation, it is believed that the pressure on states to address male rape would be increased. In short, inclusive human rights instruments would enable governments to be held to account (Stemple, 2009: 637).

Importantly, advocacy to address male rape is seen to emerge by broadening the shared goals of advocates who focus on related issue areas. A particular emphasis is placed on women's organisations (or feminist groups), human rights organisations and LGBT actors (Stemple, 2009: 649; Sivakumaran, 2005: 1281). Articles in the

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[83] As noted in chapter 1, dominant rights-based approaches are informed by a narrow understanding of sexual violence premised on the belief that women are victims and men are perpetrators.

field explicitly eschew the notion of developing separate responses to male rape. This is due to concerns that a distinct response to sexual violence leads to a sex-bifurcated treatment of rape (Stemple, 2009: 649). However, it can also be understood as a strategic approach which enables advocates seeking to address male rape to draw on the resources of pre-existing organisations and alliances, and the legitimacy of well-established frameworks. Bob (2009: 10) notes that new rights are most likely to become accepted when they draw on a gatekeepers pre-existing mandate.

Inclusivity versus Effectiveness

The theory of change that emerges from the literature on sexual violence against men can be subjected to similar critiques to the literature on transnational advocacy. For example, the need to build some level of popular support domestically to effectively address male rape is notably absent. The theory of change outlined here can also be critiqued in relation to process. NGOs and practitioners are seen to act for survivors, with almost no discussion of survivors' potential agency. However, a distinct tension emerges in the male rape literature between inclusivity and effectiveness. Specifically, a tension arises from the apparent need to broaden advocacy frameworks to ensure they account for male victims of sexual violence, and a practical concern about whether this can be done whilst maintaining the effectiveness of advocacy to address violence against women.

The male rape literature acknowledges that concerns exist about broadening the scope of sexual violence advocacy to address male rape. Specific issues reflect many of the concerns outlined above in relation to 'work with men'. Namely, that resources will be lost as female victims of sexual violence have to 'compete' with men for funding, and that a focus on women's rights would be lost as the violence against women debate is 'hijacked' by concerns regarding male victims (Donnelly & Kenyon, 1996: 446-7; Stemple, 2009: 629; Sivakumaran, 2010: 265-6). The literature responds to these critiques by stressing the ways advocacy to address male and female rape is part of the same problem. As Sivakumaran (2007: 260) notes: "*looking into the issue of male sexual violence will not take away from female sexual*

violence for ultimately it forms part of the same issue." Male and female victims are understood to experience similar challenges. For instance, both groups experience mental health issues, experience challenges in reporting and are often stigmatised by the communities in which they are located (Chapleau et al., 2008; Sivakumaran, 2010: 265-66; Walker et al., 2005). Responding to male rape is seen to deepen understandings of sexual violence generally including violence against women. Both male and female rapes are understood to be shaped by gender hierarchies and the devaluing of women (see chapter 1). Competition between male and female victims is posited to be damaging generally: feeding into a victim hierarchy whereby particular victims, due to identity characteristics or the nature of the violence, are seen to be more deserving of recognition and resources (Stemple, 2009: 646).

Despite heavily drawing on the literature on transnational human rights advocacy, the male rape literature does not fully acknowledge the choice practitioners may have to make between inclusivity and effectiveness.[84] In expanding organisational mandates, the broader literature recognises that NGOs can face a tension between the moral imperative to expand and the dangers of expansion (Gready, 2013: 1343; see Roth, 2004 and Rubenstein, 2004). Even though male and female rape is part of the same phenomenon, organisations that offer services to male and female victims may end up over-stretched, reducing the overall quality of their work. Similarly, although male and female rape is interrelated, changes to an organisation's methodology can go to the heart of organisational identity. This means the adoption of a broader remit can leave organisations floundering with an incoherent mandate (Nelson & Dorsey, 2008: 34). The identity of women's organisation's is typically premised on the fact they are services run for and by women (Donnelly & Kenyon, 1996: 446-7). Furthermore, although a gender-based violence frame can draw attention to the interconnections between forms of violence, it may also involve a trade-off. 'Gender-based violence' provides a less clear agenda for action than 'violence against women' as an advocacy frame. As Engle Merry (2006: 41) asserts, "*resonance is a costly choice*", it can involve "*sacrificing ideals, limiting demands*

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[84] For an exception see Sivakumaran (2010: 276) who at one point acknowledges: "*There is also the difficult question of, and at times tension between, addressing sexual violence against men and boys and combating sexual violence against women and girls. There may be real reasons to focus on one particular aspect of the problem.*"

on authorities, and possibly excluding significant groups and their demands from the movement."

In sum, the male rape literature makes an important contribution to the transnational advocacy literature. The theories of change within the male rape literature call into question the desired outcomes of dominant approaches to sexual violence advocacy, reveal the ambiguous impact of NGOs and women's organisations, and question the utility (and morality) of well-established advocacy frameworks. That said, the male rape literature seeks to respond to concerns regarding a tension between advocacy for male and female victims by suggesting practitioners need to think differently. Ultimately, it is implicitly assumed that if practitioners recognise that male and female rapes are part of the same problem, they will adopt more inclusive responses (Stemple, 2009). Although a reconceptualization of sexual violence is important, it does not address the fact that in practice there may be trade-offs involved in more inclusive advocacy (e.g. in choice of framing).[85] As such, the literature does not address how practitioners may negotiate the difficult choices that arise in seeking to balance the needs of male and female victims; inclusive mandates and effective advocacy.

Conclusion

This chapter identifies a range of different advocacy processes which each aim to advance the rights afforded to rape survivors. Despite appearing to be broadly working towards the same end-goal, these approaches in fact vary in their method, engagement with men (or masculinities) and intended outcome. The theories of change identified here range from top-down processes which target state behaviour to educational work that aims to instil respect for rights within inter-personal relationships. There is disagreement about the role of men in this change. Within the dominant rights-based advocacy model (focused on women's rights) men are only

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[85] The literature on male rape too readily dismisses concerns that advocating on the issue of male rape impacts on advocacy for female rape victims. Stemple (2009: 629), for instance, quickly dismisses concerns on the basis that they constitute a "*weak argument*".

implicitly engaged. Masculinities and human rights NGOs engage men as gatekeepers of change. In contrast, the body of literature on male rape positions men as a group needing protection. There are divergences in the intended outcomes of change, and beliefs about what constitutes success, from shifts in a 'global agenda', to legal and policy change, to changes to the everyday realities of vulnerable groups or survivors. The three core tensions discussed within this chapter (top-down versus bottom-up, male versus female agency and inclusivity versus effectiveness) help to explain areas of contentious debate amongst organisations seeking to address sexual violence.

Each of the theories of change explored here is partial. Theories of change focused on getting women's rights on transnational agendas neglect the importance of rights being embedded and claimed in local contexts, and the fact that activism to address sexual violence needs to look beyond women organising for women's rights. Similarly, the approaches of masculinities and human rights NGOs appear to deny women's agency through modes of working. Theorising about how male rape gets on the agenda neglects the trade-offs that may be involved in building inclusive responses. Ultimately, the aim of advocacy to address sexual violence is not that a singular organisation or network does everything for everyone. Instead, the aim is to build best possible practice, seeking to balance what are often competing demands of advocacy processes. From the discussion here we can anticipate that demands may include the need to balance legal/ policy change with efforts to develop broader forms of social mobilisation, state engagement with independence, the need to engage men alongside efforts to build women's agency and, balance the competing advocacy demands of male and female rape victims.[86]

Before moving on to the discussion of field data, it is pertinent to explore the issues that emerged from the fieldwork process. The following chapter explores the ethical and practical challenges that arose when seeking to collect data to address the research questions.

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[86] In addition, there is the need to balance preventive interventions with support to those who have already experienced violence, breadth and depth of interventions and, attempts to address structural constraints and build individual agency.

Chapter 3

Mind the Gaps: Researching Masculinities and Civil Society Advocacy

This chapter reflects on the process of conducting research for this thesis. The discussion aims to be of general interest to those conducting fieldwork as it reflects on common challenges pertaining to research design, ethical practice and the interpretation of field data. However, the discussion should be particularly insightful to those interested in researching masculinities and civil society advocacy as it centres on ethical and empirical challenges that arose when collecting data, and writing, on this subject.

The chapter is divided in to three sections. The first addresses the method and rationale for the process of data collection and analysis. The second addresses ethics, discussing the challenges that arose from observations of poor NGO/network practice, and considering how the research for this thesis reproduced pre-existing inequities in South Africa's 'gender sector'. The final section addresses masculinities and human rights research, exploring how assumptions made by practitioners obscured 'mainstreamed' masculinities work, and how the current literature fails to account for the locally defined nature of masculinities work in practice. The gaps between theory and practice explored within this chapter reveal tensions between the 'high ground' of academic theorising (where "*problems lend themselves to solution through the application of research based theory*") and the reality of 'the swamp' (where "*messy, confusing problems defy technical solution*") (Schön, 1983: 1).

Research Process and Rationale

The first section of this chapter provides a discussion of how data was collected and analysed for this study in order to explain why and how interviewees were targeted and how the researcher interpreted the data gathered. The discussion seeks to make clear how the researcher navigated the challenges that arose through the research process (e.g. initial biases in the sample, apparent contradictions in the research

data). The discussion also sets the stage for the dilemmas discussed in the subsequent sections. For instance, by explaining how the researcher came to gather critical perspectives on NGO practice and how 'bad practice' is understood in the context of this study.

Targeting interviewees

Potential interviewees were targeted in various stages (outlined in table 1). Generally speaking, the central concern with targeting interviewees was speaking to members of the network (the NWGSO/ Shukumisa campaign) that had played a central role in advocacy around the SOA (2007) and staff of 'masculinities and human rights' NGO (Sonke). This is because speaking to individuals with a direct understanding of the activities of this network and NGO allowed a picture to be built of the research case studies which, as discussed in the introduction, provide significant cases for exploring the research questions. The targeting of interviewees also aimed to gather a broad range of perspectives on the cases in question. This was to ensure an understanding of each case was built from data gathered from a diverse range of perspectives but also to reveal key areas of debate in relation to civil society advocacy. Interviewees were targeted in stages with the rationale for targeting particular groups shifting through the process of data gathering. This was partly as a result of initial interviews providing information (e.g. on key actors) that allowed subsequent interviews to be targeted at key players. It was also a response to issues that emerged through the process of data gathering. For instance, more rurally based organisations within the NWGSO/ Shukumisa campaign were targeted as it became clear the sample was strongly biased towards more urban NGOs.

Table 1: Overview of process of targeting interviewees and rationale

Step	Case study 1: Enactment and implementation of the SOA (2007)	Case study 2: Sonke	Rationale
1	'Key and accessible staff members' of organisations identified as members of the NWGSO and/ or the Shukumisa campaign	Key gatekeeper within the prison team	Gather overview of project, NGO and/or network, the key associated challenges and actors involved
2	Focus on key players and actors with different ideological perspectives within the NWGSO/ Shukumisa campaign	Other members of the prison team	Increase range of 'internal' perspectives on activities and key challenges
3	More rurally-based members of the networks and those based wider afield	Alternative voices within Sonke (e.g. those with strong connections to women's organisations)	Addressing biases of sample: addressing broader range of 'internal' perspectives
4	Broader commentators (e.g. academics, donors, parliamentarians) on the network and law reform process	Broader commentators (e.g. members of Sonke's partner organisations, academics and donors)	Gather perspectives of 'external' actors
5	Network leadership	Sonke's leadership	Opportunity to gather responses to critical perspectives and test emerging findings

For the first case study, initially (see step 1), Hodes et al., (2011) article on the NWGSO was used as it provided a list of organisations who were members of the NWGSO (at the moment the SOA was enacted). The website of the Shukumisa

campaign (2014) was also used to identify organisations to contact as it provides a relatively up-to-date list on current members of the campaign. Using these two 'documents' a google search was used to gather email addresses of 'key staff members' of organisations in the list i.e. staff who it could be identified were directly involved with the network or directors of organisations (as they typically had an awareness of organisational activities or were able to direct the researcher to the most appropriate member of staff). A priority was given to contacting potential interviewees within easy reach of the centre of Cape Town. This lead to a number of biases in the initial sample of interviewees towards urban organisations, larger and more professionalised organisations (with internet presence, publically available contact information and regular access to email), actors that were involved with the campaign at two particular points in time (2007 and 2014) and individuals that held leadership roles within their perspective organisations. Significantly, the sample was biased towards those who had remained with the campaign or were currently involved: some organisations who appeared on the 2007 list had closed down but even when organisations were still active those who were no longer acted in the campaign tended to be more reluctant to interview (either as individuals previously involved with the campaign had moved on or because the work of the campaign was no longer of interest). This method of selecting interviewees resulted in an initial round of interviews that enabled the identification of 'key players' within the networks (i.e. those that had been particularly active or performed key roles in the network) (see step 2). These 'key players' were then targeted as they tended to be able to provide a large amount of detailed information about the network and process of seeking to enact, and implement the SOA (2007).

In recognition of the fact the network was comprised of diverse actors attempts were made to speak to a range of voices as interviewees were targeted from different areas of work (e.g. around children's rights, sex workers rights, LGBT rights). It also became clear at this stage that the voices of more rurally based members of the network were missing from the sample. This was as a result of location (the researcher was based in Cape Town) but also due to the fact rural actors tend to rely less on email and telephonic communication as a result of more time out of the office. As a result, a particular effort was made to pursue interviews with rural actors (i.e. following up interviews with phone calls and using network events attended by

the researcher to arrange interviews through face-to-face contact) and to travel outside of Cape Town for these interviews.[87] However, the majority of interviewees whose voices are reflected in this thesis are based within urban NGOs.[88] This is largely a result of the fact interviews with rural actors were much harder and more time-consuming to arrange.[89]

Once a range of interviews had been conducted with members of the NWGSO/ Shukumisa campaign an emphasis was placed on gathering the perspectives of 'external' actors (i.e. commentators that have not been campaign members) (step 4). This is in recognition that members of a campaign are only likely to be involved if they see some value in the campaign's activities and, as such, the opinions of campaign members are likely to be broadly positive about the campaign's work. Speaking to a broader range of commentators opened up the space for alternative and more critical perspectives. This raised important questions about the campaign's work (which were not always highlighted by speaking to 'internal' actors) but also increased the data gathered on the campaign's 'bad practice'. Final interviews were conducted with those who oversaw the work of the campaign (step 5). This was important to gather responses to critical perspectives (e.g. to allow a member of the campaign to respond by explaining the thinking behind a particular approach) and to test initial analysis (i.e. asking for a response to initial research findings).

For the second case study, as Sonke's prison team was small (with five members of staff) it was possible to speak to each member of the team. The decision to speak to members of Sonke's staff beyond the prison team (step 3) was significant as it enabled the discussion of Sonke's work in the prison context to be contextualised within the work of the organisation as a whole. The targeting of broader

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[87] Attempts were made to broaden the geographical spread of interviewees by conducting a number of telephone interviews. Yet, due to rural actors tending to spend more time out of the office, telephone interviewees broadened the overall geographical scope of interviews but are also biased away from rural actors.

[88] It was also harder to arrange interviews with NGOs suffering from extreme resource shortages (as these were operating in crisis mode faced with the threat of closure). Although rural actors were often the most impoverished actors, the researcher was also unable to arrange interviews with some urban NGOs who were currently in a state of crisis.

[89] On one end of the spectrum, one interview involved a brief exchange of almost instantaneous emails and a short trip (of less than 20 minutes) to the centre of Cape Town for an office-based interview (I. WLC, 2013). On the other end, to achieve a separate interview, initially an email was sent, a series of telephone calls were made, a 2 hour drive was made to attend an all-day event where a place and time for the interview were established and finally, a 40 minute drive was made to undertake the interview at the interviewee's home (I. WoF, 2013).

commentators (including Sonke's partners) enabled Sonke's work to be further contextualised within South Africa's 'gender sector' (step 4). Having said this, the targeting of interviewees outside of Sonke's prison team, and the organisation, opened up the space for more divergent and critical perspectives. This was intentional as the researcher was interested in identifying key points of debate and dilemmas in relation to masculinities and human rights work. However, as discussed below, it also raised ethical dilemmas around gathering data on 'bad practice' as 'external actors' can be more critical than those that are themselves involved in driving the area of work in question.

Not all attempts at securing interviews were successful. In relation to attempts to speak to broader commentators efforts were made to speak to Sonke's partner organisations, academics, parliamentarians and donors. However, the researcher had little success in speaking to parliamentarians and donors. This was partially a reflection of the researchers own contacts (which tended to be academics or NGO practitioners). One parliamentarian who was interviewed was very concerned about being identified and wanted to ensure all his details, and comments, were anonymised. The researcher also struggled to secure interviews with Sonke's leadership who appeared busy and in demand. Significantly, this means that Sonke's leadership did not have an opportunity to respond to some of the critiques raised by other interviewees.

Analysing data

After interviews had been conducted they were transcribed. These transcripts were then analysed by the researcher along with notes made through observations (of Sonke's work and network activities that involved members of the Shukumisa campaign) and a series of collated documents (parliamentary briefs produced by the Shukumisa campaign, NGO websites etc.). The process of analysing the data involved identifying key themes that emerged across interviews, observation notes or documents that were relevant to the research question. In this sense, themes were not determined a priori but allowed to emerge from encounters in 'the field'. However, themes were only considered as far as they fell within the broad parameters of the

study (i.e. were of some interest to understanding civil society advocacy, masculinities and human rights work).

The data was analysed from an interpretivist perspective. Thus, the data was explored with a view to assessing the meaning civil society actors assigned to particular strategies that are used to enact social change, or to key moments in change processes (Orlikowski and Baroudi, 1991). Particular attention was paid to where individuals perceived strategies, groups or key events differently in order to understand key points of tension between actors or critical areas of debate. The researcher recognised that her own positionality affected both the way information was presented to her but also the way it was subsequently interpreted. As Astley (1985: 498) state: "There is no direct access to reality unmediated by language and preconception." Whilst analysing the data the researcher sought to consider how her own identity characteristics (as a white, English woman) shaped the way interview 'subjects' presented their perspectives (see, for instance, the discussion of the researcher as 'insider' and 'outsider' later in this chapter). Similarly, the researcher sought to be self-aware and reflect on how her life experience and assumptions (such as working for a UK charity that supports both male and female survivors of sexual abuse) shaped her interpretation of the data. Although subjective interpretation is inevitable, the researcher attempted to approach the data with an 'open mind' and to understand the reasoning for different approaches (even where these were not aligned with the actor's own).

The use of mixed methods revealed a number of 'contradictions' (e.g. where information from documents suggested a different approach to one described by an interviewee). Contradictions were not seen to necessarily invalidate findings but to reveal areas that required further analysis to understand why an apparent contradiction had emerged. For instance, a number of contradictions emerged in NGOs treatment of male rape victims such as where organisational documents appeared non-inclusive yet interviews and observations revealed NGOs were providing services to victims. As a result, reasons for these contradictions were explored: there was data to suggest this may be a result of the 'multiple realities' of NGOs, the strategic positioning of male rape within particular NGO projects and contradictions between organisational identities and a desire to respond to presented needs. Essentially, exploring contradictions with a view to understanding why they

may have emerged resulted in a more in-depth analysis and overall picture of civil society advocacy.

Ethics, Critique and Voice

The second section of this chapter explores research ethics. The section explores two research dilemmas in turn: How do you respond when you observe bad practice? How do you recognise the work of women's rights activists within masculinities research?

Reflecting on Bad Practice

The most pressing ethical challenge that arose when conducting fieldwork pertained to data gathered on bad practice. Examples of bad practice emerged from interviews that reflected on the advocacy efforts of the NWGSO/ Shukumisa campaign, as well as observations of Sonke's work. These examples of bad practice included a range of actions which were interpreted as being problematic in line with the network and NGO's own objectives (Sonke, 2014c; I. Sonke 2, 2013; I. Shukumisa, 2013). With the NWGSO/ Shukumisa campaign, examples of bad practice included issues such as the network not incorporating survivors' voices, marginalising rural actors through their advocacy efforts, and the network's lack of coherent political agenda. Within Sonke, examples of bad practice included NGO staff not challenging sexist statements, and the denial of women's agency through organisational modes of working. As such, a research dilemma emerged: how do we ethically respond to, and write about, bad practice?

There are multiple risks that may arise as a result of publishing critiques of an NGO's work. First, there are implications for the NGO itself, which may include a negative impact on the NGO's reputation and organisational partnerships, including those with donors. As a result, there is a risk that vulnerable groups experience a loss of services as projects are withdrawn or the NGO's work is scaled back (O'Flaherty, 2007: 77). In the case of Sonke this is a concern. The NGO does not provide 'direct

services' such as counselling. However, the NGO does work directly with impoverished and marginalised groups and often its 'education work' also includes a support-based component (Observation 3, 2013). Similarly, critiques of the Shukumisa campaign may impact on the network's reputation and funding (and, by association, that of its member organisations).

Critiques may place NGO personnel at risk where they are traced back to the comments or actions of particular individuals. There is concern relating to the psychological consequences of highlighting bad practice for research participants. Critiques may prompt negative reactions to the staff in question internally, or the staff featured in the research study may feel the researcher's critique amounts to a betrayal of trust. This risk remains present, but is less acute, with critiques of network activity. This is the result of the fact that critiques, contained within this thesis, reflect on the network's collective approach. In contrast, critiques of Sonke are focused on the practice of the NGO and include reflections on the work of individual members of Sonke's staff.

There is also a risk that reflecting on bad practice 'spoils the field' for future researchers (as well as damaging the researcher's own relationships 'in the field'). 'Spoiling the field' is typically understood in relation to researchers not abiding to ethical commitments (O'Flaherty, 2007: 84). Yet, it may also result from the production of research outputs that make practitioners more likely to be wary of engaging with researchers in the future.

For all that, there are ethical imperatives for publishing critiques of NGO's work. The "*deceptively simple idiom*" 'do no harm' is, in fact, "*devilishly difficult to apply in practice*" (O'Flaherty & Ulrich, 2010). Harm may result through both action and inaction. In this situation, it was useful to follow Darling's (2014: 203) assertion that ethical practice needs to be based on "*situated judgements which exceed procedural models of ethics.*" The result of bad practice may be harm to the intended 'beneficiaries' of advocacy processes. In the case of Sonke, observations reveal the potential for the NGOs activities to cause harm. For example, harm may be caused through the NGOs reinforcement of gendered inequalities or as a result of continued damaging interactions between some members of Sonke's staff and male rape

survivors (see chapter 6). There is a critical moral imperative that derives from NGOs accountability to their constituencies (Jordan & Tuijl, 2006). Research can be one mechanism for testing and promoting such accountability. Sharing examples of bad practice can provide constructive criticism that supports NGOs and networks in improving their practice. Critique of one NGO or network can also provide lessons for others, stimulating reflection and ideally making it less likely that other actors will repeat the same mistakes. Lewis and Opoku-Mensah (2006: 669) note that our understanding of NGOs is currently limited because of a tendency for researchers to celebrate and promote NGO practice.

As well as these general imperatives for including critiques of NGOs or networks in published outputs, there are some specific characteristics of the actors examined within this thesis that shaped the decision to openly reflect on their practice. Sonke is large, well-funded and internationally profiled. As such, it needs to be open to criticism. As the NGO holds considerable power in South Africa's gender sector, and internationally, there is a particular imperative to look at the NGOs practice (I. anon 14, 2013). This is because the NGO is held up as a practice model for masculinities and human rights work and plays a key role in shaping 'gender work' in South Africa (Peacock & Levack, 2004; Peacock, 2013). Furthermore, Sonke's resources and size mean it has the 'voice' to respond to, and challenge, critique (including through published forums). The NGO has published a range of academic articles highlighting its approach and advocating for work with men and boys (e.g. Peacock & Levack, 2004; Peacock, 2013). This means the NGO does not simply fit into a conventional research model where the researcher holds power over the researched. Although significantly, there does still remains a power imbalance between the researcher and individual members of Sonke's staff (Fujii, 2012: 718). Shukumisa's work is also significant given the fact the network is the largest network of civil society actors addressing implementation of the Sexual Offences Act. As a result, there is a particular imperative to reflect openly on the network's practice. Similarly, the network has the 'voice' to respond to critique: the network is comprised of a number of large member organisations (including Sonke) and has access to public forums (including its own website).

Models of research ethics require researchers to build in protections to guard against any risks for research participants (O'Flaherty & Ulrich, 2010). For this research, such protections included an informed consent process and various levels of anonymity for research participants (see Appendix). However, such protections proved limited when faced with the complexities of practice (Darling, 2014: 212-3; Gready, 2014: 198).

There were two particular issues that came to the fore in the engagement with Sonke. First, was the issue of the implicit expectations that underlay the 'informed consent' process (Fujii, 2012: 719). Although I was viewed as an outsider (affiliated to a foreign university, a British national), I was simultaneously seen as an organisational insider (Wamai, 2014: 217-8: Rubin, 2012). I had previously worked with Sonke, was using the data I collected to provide the NGO with a case study (as well as to inform my own research) and was completing 'masculinities and human rights' research (in keeping with Sonke's identity as a masculinities and human rights NGO). It would have been a logical presumption to view me as sympathetic to Sonke's work. This blurred the lines between researcher and participant, academic and activist (Darling, 2014: 207). This may have been a factor in my ability to obtain access to the NGO and was implicit in the informed consent process. In sum, there were tensions between research imperatives to build trust, rapport and gain access, and the ethical imperatives of truly informed consent.

Secondly, although the name of Sonke's staff was not to be included in research outputs it was not possible to guarantee anonymity. In academia, knowledge is given legitimacy by references to evidence (e.g. examples, quotes) and details (e.g. around organisational or socio-political context) to build credibility of academic argument. This means that Sonke's name and the name of the project where observations took place have been included in research outputs as these would be clearly identifiable anyway through the provision of some basic information about the context of observations. Although attempts have been made to remove identifying details (e.g. the location and exact dates on which observations took place), the project within which observations took place is run by a small team. This means staff can still be identified with careful reading (at least to their colleagues and organisational management). Furthermore, staff who spoke to me and critiqued Sonke have also

raised similar concerns internally. Even where actions and quotes cannot be explicitly traced back, anonymity "*does not guard against rumours*"(Fujii, 2012: 718). Although the limits on anonymity were explained to participants it is hard to grasp how far such provisions were truly understood. Particularly, when I worked with participants who are not fluent with research processes. Fujii (2012: 718-9) warns that many participants will not use the 'protections' informed consent processes seek to provide (e.g. the offer to ask questions) "*for reasons of language, background or bureaucratic fluency.*"

Procedural ethics also provide little guidance in shaping how we write about bad practice (beyond dictating that a researcher check the use of quotes, provide some protections on anonymity and ask for participant's comments on findings prior to publication). Yet, in writing about bad practice there may be a range of other measures that facilitate ethical responsibility in analysing data and 'writing up'. In the process of analysing and writing about observations of bad practice, four principles were applied. These included an emphasis on 1) constructive criticism; 2) contextualisation; 3) multiple realities and; 4) good intentions.

For observations of bad practice to lead to improvements in civil society practice there is the need to link criticisms to suggestions as to how practice can be improved (i.e. provide *constructive criticism*). One strategy, applied within this thesis, was to identify examples of good practice by NGOs or networks and highlight how these can be built upon. For instance, in discussing Shukumisa an emphasis was placed on how best practice would build from processes of restructuring that were already underway. *Contextualisation* (i.e. locating individual, NGO and network actions within a broader picture) also proved to be ethically important. This included, for instance, recognising that practice falls short (in part) because of an ambitious social change agenda or resource constraints. In essence, it was deemed important to locate practice within the strategic dilemmas and trade-offs that shape the possibilities arising from NGO or network action. Contextualising NGO practice with reference to ideological differences proved particularly important when exploring masculinities work. An acknowledgement of ideological debates served to shift the discussion from one of NGO failings, to an acknowledgement that there are trade-offs that arise from particular ideological approaches. A consideration of *multiple*

realities across an NGO's practice also proved to be a useful framework in order to avoid making overgeneralisations (Hilhorst, 2003: 217-8). That being said, it became clear in the process of writing up, that recognition of multiple realities needs to be considered alongside the contextualisation of practice. For example, it was important to acknowledge that it was more manageable to unpack complex issues in educational sessions where more time was available. Without acknowledging the structural constraints on sessions bad practice risks becomes individualised (i.e. seen as the product of different skill levels amongst members of staff). Finally, it was helpful to approach the data giving *consideration to good intentions*. For example, as opposed to assuming that sexist comments were not challenged by staff because of staff's unwillingness to hold individuals to account, we may consider the possibility that such inaction is the result of a strategic dilemma (the need for staff to 'pick their battles'). Basically, that it is impossible for practitioners to do everything for everyone.[90]

The discussion here suggests that responding to observations of bad practice is a 'swamp' where ethical imperatives can conflict (Schön, 1983: 1). In this case, there are tensions between the imperative to protect research subjects from risk and the desire to hold relatively powerful civil society actors to account. Frameworks that seek to mitigate for risk (e.g. informed consent and anonymity) are frequently inadequate in truly protecting the reputation of NGOs and well-being of their staff. Commonly used 'protections' also do not address the ethical responsibility researchers have in constructing narratives of critique (Gready, 2010). As such, researchers need to be clear about their purpose for including examples of bad practice in published outputs and the capacity of the NGO in question to withstand critique. Researchers can utilise the 'protections' on offer to mitigate risk, whilst considering 'responsibility to the story' as a further tool in the application of ethical practice (Gready, 2010).

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[90] These comments owe a particular debt to Paul Gready – who provided me with a range of useful suggestions in responses to my initial draft of chapter 7.

Research and Exclusion

The second ethical dilemma that arose in the process of doing research pertained to how to conduct research without reproducing pre-existing structures of exclusion. Specifically, how to recognise the work of women's rights activists within masculinities research?

Christensen (2004: 166) notes that "*power is inherent to research*" and that "*research is a practice that is part of social life rather than an external contemplation of it*". One concern, expressed by women's rights activists, is that recent interest surrounding a 'new' masculinities agenda comes at the expense of traditional women's rights work (I. anon 2, 2013; I. anon 11, 2013). In adopting an explicit masculinities framework there were ways this research served both to challenge, and reproduce, gendered inequalities in the field. When initially approaching the research, the researcher served to implicitly undermine the value of traditional women's rights work. In justifying the adoption of a masculinities framework claims were made that masculinities work may offer something 'new' or innovative, implicitly devaluing the importance of investment in 'traditional' and well-established strategies. This reasoning can ultimately serve to reinforce the substantial interest and funding already being directed towards particular forms of masculinities work (I. anon 2, 2013; Connell, 2005).[91] Subsequently, within this thesis, these initial claims have been contested. For instance, this thesis seeks to embed masculinities work within traditional forms of women's rights work and contests assumptions that masculinities work is necessarily better than well-established strategies. Given the risks of this area of research, a particular obligation arises for masculinities researchers to consider connections to women's organising and question the assumptions made by champions of masculinities and human rights as a field.

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[91] The researcher would stress the need to treat the funding of male rape victims as a distinct issue to the current interest in engaging men to respond to the issue of violence against women. There is a lack of evidence of an overemphasis on funding for male victims of sexual violence. In fact, both male and female rape victims in South Africa continue to struggle to access basic services (I. anon 1, 2013).

The choice of case studies and methods of data collection adopted within this thesis also served to reproduce inequalities. Due to the adoption of a masculinities and human rights framework for the research, the work of Sonke emerged as a case study of particular interest. This was due to the NGO's explicit adoption of a masculinities and human rights framework. In order to gain access to Sonke, the researcher agreed to produce documents for Sonke's use (in exchange for time with their staff and permission to observe their work). This is in keeping with the ethical imperative for research to involve reciprocity (some degree of giving back) (Gready, 2014: 199). Yet, at the same time, it served (in a small way) to reproduce resource inequities that already exist within South Africa's 'gender sector.' Masculinities work tends to be well-funded whilst some organisations doing traditional forms of women's rights work have been faced with the threat of closure (I. anon 3, 2013).[92] Furthermore, by including an in-depth discussion of Sonke within this thesis, focus is drawn to the organisations work and away from forms of women's organising. Here, the reproduction of pre-existing inequalities within South Africa's gender sector is partially a product of dominant understandings of a masculinities and human rights framework. As this field is associated with targeted forms of masculinities work, it means those who explicitly adopt a masculinities framework emerge as significant research sites. Nevertheless, there are ways the research design could have been amended to address this issue. One option would have been to explore the work of a women's organisation in depth, alongside the work of a masculinities and human rights NGO. Another would have been to explore masculinities work as 'mainstreamed'. For instance, to look at (in more depth than done here) how masculinities are engaged through the work of women's organisations.

With masculinities and human rights work there are particular dangers with regards to our 'responsibility to the story'. In academic research, the researcher "*is sanctioned (or self-sanctioned) to speak on behalf of others, to tell the story*" (Gready, 2010: 182). Yet, there is a substantive risk here of erasing participant's voices and denying them agency (Madlingozi, 2010; Pitt, 2006). Even when 'traditional women's rights activists' are asked to speak in research exploring

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[92] If more time were available the researcher would also have produced a similar output for other organisations.

masculinities and civil society advocacy there is a danger that their voices become obscured. The danger here is that activist's priorities and language are translated in keeping with a 'masculinities script' (Christensen, 2004: 170). In the interviews conducted for this study, women's rights activists (before being asked directive questions) did not tend to explicitly talk about masculinities (or about work with men and boys) (e.g. I. WLC, 2013; I. CLC, 2013). It could be argued that, implicitly, masculinities were being addressed through broader discussions pertaining to sexual violence, women's rights and women's organising. As such, participant's voices could be, in the writing up of this research, translated to fit with the masculinities frame selected by the researcher (e.g. participants' discussions of patriarchy could be written about in terms referring to hegemonic masculinity). However, this approach can be seen as problematic if: a) we pay attention to the importance of participant's voice and agency; b) we recognise that some women's rights practitioners explicitly reject the use of masculinities as a frame; c) we appreciate that a 'masculinities script' is gendered ('masculinities' work and frames are commonly adopted by male activists whilst 'women's empowerment' framings are more frequently adopted by female activists) (I. anon 1, 2013). Two strategies are used here to address the tension between participants' voices and a 'masculinities script'. First, direct quotes are used fairly extensively throughout. Secondly, two chapters within this thesis deliberately depart from an explicit 'masculinities script' (chapters 5 and 6). These chapters tell a story of women organising for women's rights (i.e. masculinities and 'work with men' is removed from centre-stage).

The issue of research reproducing inequalities that are present within broader social life is relevant to research into civil society generally (as well as into masculinities work in particular). As described above, the research method adopted here privileged the voices of urban NGOs, as opposed to other forms of rural civil society actors. Fieldwork for this study was carried out in and around Cape Town. Cape Town was chosen as a research site as one of Sonke's main offices is based in Cape Town city centre and Cape Town is one of two areas where members of the NWGSO/ Shukumisa campaign are clustered.[93] In addition, this area enabled the researcher to

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[93] Sonke's other main office, and the second key area where members of the NWGSO/ Shukumisa campaign are clustered, is in Johannesburg.

access a network of academics (from UCT in particular) and those working in South Africa's Parliament. Being based in an urban centre often makes sense for research that explores legal and policy advocacy. However, this led to a bias away from rural actors.

Particularly problematically, a bias away from rural actors reproduces racial and class divisions. The identity demographic of office-based NGOs in South Africa is not reflective of South African society. These NGOs are overwhelmingly a relatively elite preserve of highly educated, white women (Robins, 2008a: 15). As a result, the sample for this study underrepresents the voices of community-based organisations, black and working-class women. This is reflective of enduring divisions within South African civil society, and the network case study explored (see chapter 4). A bias away from rural actors is often inevitable in research examining legal and policy advocacy (which tends to direct researchers towards urban centres). The exclusion of more rural actors could have been mitigated by more time in the field and greater funding which would have facilitated more extensive travel throughout South Africa. Still, the exclusion of rural actors is not just an issue of locale but also the degree to which such actors are able to speak to legal and policy processes. As rural actors tended to have been less involved with the network explored, they often had less to say about the network's work (I. anon 13, 2013).

In summary, researchers need to consider their research frame, methods of data collection and how they write up their research. With research into masculinities and legal (or policy) advocacy there are particular dangers that research implicitly marginalises women's rights work and the voices of rural actors. The researcher has found ways to mitigate for these limitations by considering traditional modes of women's rights work, engaging with critiques of masculinities work, travelling to speak to more rural actors (where possible) and, openly reflecting on the exclusions reproduced within this research.

Conceptualising Masculinities (and Human Rights) work

The final section of this chapter explores a research dilemma: How do you research masculinities when the term is inherently loaded? Initially, the section discusses the forms of mainstreamed masculinities work that can be obscured through questioning practitioners about masculinities. Secondly, the section examines the importance of a research design that accounts for the fact that masculinities work is defined in relation to local politics.

Targeted versus Mainstreamed

One key challenge that arose when conducting fieldwork was constructing questions that facilitated an exploratory discussion of masculinities, and their relevance to forms of civil society advocacy. Two lines of questioning were used in order to facilitate a discussion about masculinities work, and its relevance to civil society advocacy. These lines of questioning included questions that asked practitioner's directly about the relevance of masculinities to their work (conducting civil society advocacy) and questions that asked practitioner's about their (and other organisations') work with men and boys in particular. Both these lines of questioning only partially revealed interconnections between masculinities and civil society advocacy.

On one hand, interviewees conceptualised the relationship between masculinities and their work broadly. Masculinities were seen as relevant in terms of a connection with patriarchal societies, that shape (predominantly) women's safety (I. NWGSO, 2013; I. WLC, 2013). In response to the question "*do masculinities have any relevance to the work you do?*" interviewee responses included:

> "*Absolutely – all the time. We work within a system that is very much still (despite our Constitution which is exemplary in many ways) we still live in a very patriarchal, conservative and traditional society…. It's all just very patriarchal. So masculinities absolutely impact on our work on a daily basis – you can't get away from it. It's there and you have to try and deal with it*".
> (I. WLC, 2013)

"Other than the kind of normal gumpf – everyone's from a patriarchal society and all that kind of stuff I think that's that really. And I also think that that's where the power sits – it's obviously where all of the power sits in that so called norm… And I think masculinities have everything to do with the lack of safety that women and children operate in the world. To either a greater or lesser extent – if you are in Rwanda you're certainly in far more trouble than if you're sitting in Sweden but violence is there always lurking."

(I. NWGSO, 2013)

The results of such comments are revealing. By linking masculinities to patriarchy, practitioners are recognising that masculinities can be 'mainstreamed' (i.e. that masculinities are connected to forms of women's rights work which are not framed with explicit reference to masculinities). However, the challenge here is that such responses give a lack of concrete sense of how masculinities shape NGO work and advocacy except in broadly feeding in to "*social systems and social arrangements that reinforce domination*" (Hunnicutt, 2009: 554). As such, this line of questioning provided few entry points to explore how a masculinities framework may support civil society efforts to address sexual violence. Masculinities, through patriarchy, are relevant "*all the time*", shaping women's experiences from Rwanda to Sweden (I. NWGSO, 2013; I. WLC, 2013). As practitioners view masculinities as a component of a patriarchal framework, the potential value added of a masculinities framework is lost. Masculinities are understood as relevant to explain male domination and female subordination (i.e. patriarchy). However, a more nuanced application (that also accounts for relations of domination/subordination and marginalisation/authorisation between men) is not used (see chapter 1).

Similarly, a line of questioning focused on work with men and boys revealed some connections between masculinities and civil society advocacy but obscured others. Whereas questions about masculinities were linked to civil society advocacy in extremely broad terms, questions about work with men and boys were associated with specific forms of targeted masculinities work. This framing was helpful in discussing with practitioners the work of NGOs, such as Sonke. Sonke was seen to "*obviously work with men and boys*" as the NGO explicitly evokes a masculinities framework (I. WLC, 2013). However, questioning about work with men and boys was limited for two reasons. Questioning about work with men and boys is limited

theoretically (as masculinities are not what men inherently are). As such, this line of questioning reflects the challenges of translating a theoretical masculinities framework into comprehensible research questions for practitioners. In addition, it emerged that practitioners often discursively distanced, or did not recognise, their own work as a form of work with men and boys (I. Mosaic, 2013; I. RAPCAN, 2013; I. WLC, 2013; I. WoF, 2013).

A staff member from one women's organisation, in response to the question "*Do you do any work with men and boys?*" replied:

> "*We are very much a feminist organisation which operates on feminist principles and to that extent we don't (it's not that we don't work with men and boys) it's that we will work with men and boys when a particular man or boys issue is going to impact on women in South Africa*"(I. anon 11, 2013).

Interestingly, the interviewee associates 'work with men and boys' with a particular type of work: work through masculinities organisations that explicitly target men and boys to promote an array of social justice issues. As a result, the researcher found it important to ask follow-up questions, specifically prompting interviewees to identify any work they themselves do with men and boy. In addition, it was important to ask a range of more general questions about civil society advocacy. As a result, it became clear that many NGOs carry out forms of 'mainstreamed' masculinities work that is often not conceptualised by practitioners as masculinities work per se. For instance, an interviewee from Women on Farms noted how men are reached through women who attend the groups' workshops (as the women take their learnings home):

> "*Even before Sonke, women would say I started in my own home. I want my kids to know about it, I want my husbands to understand. Because the husband would ask – well what did you do for the weekend and they would share with them and they came to understand*" (I. WoF, 2013).[94]

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[94] Responses revealed that masculinities work is often a component of broader work on gender-role socialisation, education and outreach, work with community leaders, women's empowerment approaches and children's rights work. Such work may be intentionally addressing masculinities or not, conducted by women or men, and targeted at mixed (as well as single-sex) groups (I. Mosaic, 2013; I. RAPCAN, 2013; I. WLC, 2013).

There are important implications here for those seeking to research masculinities. In designing comprehensible research questions, researchers may have to adopt terms that do not fully capture what masculinities are. Furthermore, researchers need to be aware that practitioners may understand terms, and interpret interview questions, in particular ways. This has important implications in the analysis of data. For instance, when considering the impact of masculinities work on women's organising there are significant differences if masculinities work is understood to be work explicitly targeting men or, if it is understood to encompass a broader range of work (such as where men are reached as an indirect product of women's empowerment programmes) (I. WLC, 2013; I. WoF, 2013). Although the literature associates masculinities and human rights work with a 'new' agenda, asking practitioners a range of questioning makes clear that the parameters of masculinities work are essentially contested (Connell, 2005).

Literature versus Practice

The final section of this chapter further considers the question of how you research masculinities when the term is inherently loaded? The section explores the local politics that shape understandings of masculinities work, and the way this affected the collection and analysis of fieldwork data.

Practitioners' responses to questions about masculinities or work with men and boys reveal that masculinities work, in South Africa at least, is "*inherently loaded*" (I. anon 2, 2013). Often, practitioners' responses to questions about masculinities or 'work with men' contained explicit expressions of disdain, anger and frustration (I. anon 2, 2013; I. anon 7, 2013; I. anon 11, 2013).[95] To illustrate, one practitioner, in response to the question of "*what do you understand by the term masculinities?*" states:

> "*I think it's about understanding maleness within that context and how maleness plays out in society. I believe it should be if it isn't – I think it is – in analysis in the context with women. And my understanding is that*

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[95] Interviewees' responses to questions about masculinities work or work with men frequently involved a higher number of expletives than found in relation to other interview questions.

masculinities studies rose out of or in response of women's studies programmes. And the danger of masculinities studies is the tendency to – which is unsurprising given patriarchy – it's dangerous side is where it is used to a) support the status quo and; b) take an apologist approach – the poor men, the pity parties. And it is used, I know it's used in practice in service of that … we've listened to the masculinities guys go on about how we give them no space and it's really hard because society expects so much. You can hear my disdain for that" (I. anon 7, 2013).

Although practitioners, as in this case, may acknowledge that masculinities as a theoretical discipline is linked to women's studies and incorporates women through theoretical analysis, the concern is that this is not how masculinities studies bears out in practice. As a result, there is a tension between literature-based conceptions of masculinities and human rights as a field open to theoretical possibilities, and practitioners' conceptions of the field as grounded in current realities.

The embedding of masculinities work in local politics has implications for collecting research data. It was found to be helpful to ask questions initially that avoided reference to masculinities and showed an interest in women's rights work. This was both a way to build trust (in anticipation that questions pertaining to masculinities could provoke hostility) and a way to ensure a range of data was gathered as discussions of masculinities work tended to lead to in-depth responses given the strength of feeling about this area of work.

Recognition of local politics and the "*inherently loaded*" nature of masculinities work in South Africa also affected the nature of follow-up questions and subsequent interpretation of field data (I. anon 2, 2013). One discussion with an interviewee, pertaining to male victimisation, is illustrative. Initially, the practitioner made comments indicating a hostility to working with male victims:

"But when you're talking about scarce resources – which we are talking about – are you honestly saying to me that it's appropriate that a male victim of assault must also receive a service – we're not in the UK we're in South Africa – must also receive a service when a rape survivor needs that service. … why are you telling me we need to give services to people because they're men and victims too?" (I. anon 7, 2013)

However, when a follow-up question was asked (*"Do you think there can be any space for both male and female rape victims?"*) the practitioner's response strikes a different tone:

> *"Yes there's space. It's part of the understanding – it's not an add-on – men rape men, people rape men. I think the fact remains that the quality of services to any rape survivors is hideous*" (I. anon 7, 2013).

The practitioner's responses need to be read here within the broader context of the interview, and current politics surrounding masculinities work in South Africa. The initial response reflects the fact that victimisation discourses are imbued with practitioner's broader frustrations and concerns that 'masculinities work' has led to an appropriation of discourses of female victimisation (I. anon 7, 2013; I. anon 11, 2013). Yet, in the later comment, when addressing sexual violence against men specifically, the interviewee suggests that we need to recognise and provide services for male rape victims. These seemingly contradictory responses can be partially understood as a result of the terminology of 'male victimisation', which obscures differing levels of victimhood (it is used to refer to men who are victims of sexual violence but also men who stress they are more broadly victimised because of pressures on 'being a man'). In discussing masculinities, an understanding of local politics and the use of follow-up questions were particularly important in understanding field data. It was also pertinent to recognise that these issues may be particularly pronounced where I was perceived as an 'outsider' (I was from outside of South Africa and outside of the women's sector) (Wamai, 2014: 217-8). As is clear from the initial quote provided above ("*we're not in the UK we're in South Africa"*) the interviewee seeks to address how my identity as an 'outsider' may have shaped my understanding of the resource constraints faced by South Africa's women's sector (I. anon 7, 2013).

The significance of local sector politics in understandings of masculinities also relates to the direction of social change. Within the literature, conceptions of masculinities and human rights point to a field defined through the 'global arena' (predominantly at the UN) (Connell, 2005). Yet, shifts at the UN level were of little interest to practitioners working in South Africa. In part, this is due to the fact that respondents saw domestic organisations as instrumental in shaping global change (as opposed to viewing changes as deriving from the 'global arena') and because

practitioners' understandings of masculinities work were derived from local sector politics. One member of Sonke's staff commented:

> *"I think in many other ways Sonke relates and shapes what happens there* [at the 'international level', at the UN] *because we are the ones going there with all this messaging… I mean I really view that kind of work as normative marketing. That's what it is. It's not for accountability. It's normative marketing – I don't think you can view it as any more than that."* (I. Sonke 2, 2013)

This is not to say that global shifts are of no relevance to practitioners understanding of masculinities work. Interviewees made frequent references to international donor interest in work with men and boys and some NGOs referenced the role of international organisations as project partners (supporting their work with men and boys) (I. Mosaic, 2013; I. RAPCAN, 2013). Yet, the direction of change here is markedly different from the top-down theory of change described within Keck and Sikkink's (1998) theory of transnational advocacy, and key masculinities and human rights literature which puts an emphasis on change within the 'global arena' (Connell, 2005a).

The role of local sector politics on masculinities work has implications for research design. Framings are clearly significant. Adopting an explicit masculinities frame can help to reveal sector politics. Yet, if researchers are keen to explore how masculinities can support women's rights work it may be better to adopt a different research frame where the associated politics are less divisive; for instance, exploring gender-role socialisation work (where masculinities are implicitly addressed) (I. anon 2, 2013). In addition, the role of local politics suggests that researchers need to understand masculinities work at a local level in order to understand global shifts and responses to global change.

Conclusion

In conclusion, this chapter has looked at three research dilemmas. Dilemmas pertaining to responding to bad practice, recognising women's rights within

masculinities research and, researching masculinities when the term is inherently loaded. Attempts have been made to mitigate for these dilemmas through the research process. In arranging interviews attempts were made to travel to speak to rural actors and to include the voices of women's rights activists. In conducting interviews, a range of questions were asked to attempt to capture the breadth of masculinities work and ensure deeply politicised discussions were clarified. Furthermore, in the analysis and write-up a framework was followed in responding to bad practice. Attempts have also been made to reflect the voices of women's rights activists and to tell a story of women's organising (see chapters 4 and 5). Yet, future researchers need to consider carefully whether the explicit application of a masculinities framework is appropriate. The frame can provide a means to explore forms of targeted masculinities work. But, the term is deeply politicised, can obscure forms of mainstreamed masculinities work and, unless carefully applied, risks marginalising traditional forms of women's organising.

Having considered the research process, the following four chapters turn to a discussion of the fieldwork data collected as part of this study. The first fieldwork chapter considers human rights advocacy to tackle sexual violence through legal reform.

Chapter 4

Sexual Offences Law Reform: Qualified successes of a Domestic Advocacy Network

This chapter explores the collective advocacy efforts of the National Working Group on Sexual Offences (and its predecessor coalition the Western Cape Consortium on Violence against Women). The NWGSO was the largest collection of civil society actors that worked together to progressively shape, and later expedite the passage of, the 2007 South African Sexual Offences Act (SOA) (Hodes et al., 2011: iii). The work of the Coalition helped to shape "*one of the most progressive pieces of* [sexual offences] *legislation… in the world*" (I. UCT 1, 2013). The SOA radically expanded the previous common law definition of rape, created new offences to protect vulnerable groups (such as children and those with disabilities), scrapped the cautionary rule in sexual offences cases and mandated the provision of post-exposure prophylaxis for rape survivors (Republic of South Africa, 2007).[96] The story of the NWGSO is important in and of itself as a narrative of collective advocacy that resulted in significant advances in the rights afforded to rape survivors. However, the successes in this case have broader relevance to those interested in how legal change happens and the trade-offs involved in doing advocacy.

There are a number of articles and book chapters that explore the SOA and advocacy around the process (see Hodes et al., 2011; Artz and Smythe, 2011; Fuller, 2007). However, this literature has tended to focus on the content of the SOA and been written by individuals who were involved in efforts to secure legal reform (e.g. Fuller, 2007; Artz & Smythe, 2011). Where the literature does explore collective advocacy this literature does not embed discussions within the broader literature on human rights advocacy or contextualise the NWGSO's work in relation to the ongoing challenges activists face in securing implementation of the Act (see Hodes et al., 2011). By situating the work of the NWGSO within the broader advocacy

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[96] The cautionary rule requires judicial officers to exercise caution before adopting the evidence of certain witnesses on the ground that the evidence of such witnesses is potentially unreliable. The rule had previously required South African courts to exercise particular care when assessing the credibility of a rape survivor.

literature this chapter seeks to make four contributions to our knowledge of human rights advocacy. First, the chapter seeks to provide a case study of a domestic network (in contrast to the literature's focus on transnational networks). Secondly, the chapter seeks to make explicit, what are often implicit, conceptualisations of network 'successes'. Thirdly, the discussion of the case seeks to broaden our knowledge of gender and networks (considering a range of network actors and exploring how displays of elite masculinity affect political opportunity structure). Finally, the discussion seeks to extend our knowledge of post-transitional advocacy by highlighting the challenges, but also opportunities, that can arise in a post-transitional space. As previously noted, discussions of the NWGSO within this and the following chapter do not start with a masculinities focus. This is primarily a reflection of the exploratory nature of the research. Fieldwork revealed that practitioners did not view masculinities as particularly relevant to the network's functioning or advocacy efforts.

The chapter draws heavily on interviews with members of the NWGSO (as well as the secondary literature).[97] The chapter is divided into two sections. The first provides a broad exploration of the law reform process and NWGSO. The section seeks to embed a discussion of the NWGSO within the broader literature and conceptualise the NWGSO's successes. The second section seeks to explain why the NWGSO's actions resulted in a series of 'qualified successes'. The section explores transition and post-transitional opportunity structures and the nature of the NWGSO's advocacy (as top-down and 'elite' driven). It is asserted that an array of factors (broader socio-political context, network dynamics and strategy) shaped the successes and limits of rape law reform.

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[97] Within this chapter there is a heavier reliance on secondary literature than in some of the later analysis chapters. This is due to a number of factors. First, more literature is available on this process than other areas examined (although, as described above, there are limitations in the approach of the current literature). Secondly, making links back to the current literature on human rights advocacy was seen as revealing (drawing attention to the gap between current theorising on human rights advocacy and the case in question). Finally, the available literature on South African elite masculinities and the Zuma rape trial enabled elaboration on the way South African masculinities affected network advocacy (issues mentioned, but not explored in detail, by interviewees).

Strategies and Success

The first section of this chapter is divided into three parts. Initially the discussion provides a brief overview of the passage of the SOA and describes the strategies adopted by the NWGSO in an attempt to influence rape law reform. Subsequently, the section seeks to contextualise the NWGSO in relation to the broader literature on advocacy networks. Finally, the section seeks to conceptualise the successes of the NWGSO.

The NWGSO and passage of the SOA

Formalised collective advocacy around the reform of sexual offences legislation began in 1998 and continues to this day (over fifteen years later), although now with a more pronounced focus on implementation (I. Shukumisa, 2013). The process of drafting the Sexual Offences Act took just under a decade: an investigation into sexual offences by and against children was initiated in 1998, with the SOA passed by the National Assembly and signed in to law in May 2007 (Fuller, 2007: 5, 9).

The emergence of collective advocacy was facilitated by a range of factors, including: recognition amongst civil society organisations that to influence rape law reform would require co-ordinated efforts, pre-exiting relationships between coalition actors (many had already worked together drafting the Domestic Violence Act (1998)), and the availability of funding (from the Open Society Foundation for South Africa) (Hodes et al., 2011: 5- 6). Early on in the process members of women's rights and legal reform groups (with a strong research and advocacy focus[98]) came together to take advantage of the government's motivation to reform the law pertaining to sexual offences (I. UCT 3, 2013; I. WLC, 2013). This initial grouping was named the Western Cape Consortium on Violence against Women (the predecessor coalition to the NWGSO).

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[98] Members of this grouping included the Women's Legal Centre and the Gender, Health and Justice Research Unit at the University of Cape Town who remain active members of the Shukumisa campaign today.

1999 was an election year and the coalition mounted pressure on the government to reform sexual offences legislation (Hodes et al., 2011: 5). This lobbying contributing to the government's decision to expand the remit of the South African Law Commission's mandate (Hodes et al., 2011: 5). Initially, the then Deputy Minister of Justice (Johnny de Lange) mandated the Law Reform Commission to investigate sexual offences by and against children and produce a series of recommendations to the Minister of Justice and Constitutional Development on law reform (Fuller, 2007: 8). However, in 1999, the Law Commission's project mandate was extended to account for the need to investigate sexual offences committed against adults, as well as children (I. NWGSO, 2013). The SALRC established an 'expert project committee' to draft the Sexual Offences Bill (I. NWGSO, 2013). The 'expert project committee' was comprised of representatives of the Western Cape Consortium, who later went on to found the NWGSO (as membership expanded beyond the Western Cape) (Hodes et al., 2011: 6). The Committee consulted with civil society organisations, releasing reports that outlined the findings of these consultations and issuing a series of recommendations (SALRC, 1999; SALRC, 2000). The final project report (published in December 2002) included a draft Sexual Offences Bill (Fuller, 2007: 8). At this stage, civil society felt the draft Bill was reflective of their input and extremely progressive (I. CLC, 2013; I. UCT 4, 2013).

In January 2003, the SALRC's report and draft legislation was handed to the Minister of Justice and Constitutional Development and other members of Cabinet for their consideration (Fuller, 2007: 8). In July 2003, the Bill was introduced to the National Assembly (Fuller, 2007: 8). From this point, the impact of civil society waned with members of the NWGSO feeling their submissions were not being fully considered and that the power resided with Parliament (I. NWGSO, 2013; I. UCT 4, 2013). Subsequently, the Bill was referred to the Portfolio Committee on Justice and Constitutional Development (of the National Assembly) who, between December 2003 and February 2004, considered changes to the Bill (Fuller, 2007: 8).

During this time, the core strategy, of the now termed NWGSO, consisted of what Hodes (2011: 4) describes as "*legislative advocacy*". The NWGSO sought to shape the drafts of the Bill principally through written and oral submissions to Parliament where the NWGSO made clear their support, opposition and recommendations for

various components of the Bill (I. UCT 1, 2013; I. CLC, 2013). This is a form of 'invited participation' (submissions to Parliament are the primary means through which civil society is 'invited' by government to engage with draft legislation), as opposed to the creation of 'organic' participatory spaces (made by civil society on their own terms) (I. CLC, 2013; Cornwall, 2002: 17). The NWGSO submitted oral comments at public hearings and written group submissions, drawing heavily on network member's legal expertise (Hodes, 2011: 15; I. WLC, 2013).

The NWGSO sought to increase the impact of their submissions by aiming for at least one member of the network to be present at relevant parliamentary hearings to monitor progress (I. CLC, 2013; I. WLC, 2013).[99] The member present at the hearings was able to provide key information to other network members, which allowed the NWGSO to quickly formulate a collective response (in turn, this was collated into a brief and fed back to parliamentarians) (Hodes, 2011: 15). The presence of a member of the NWGSO in Parliament was also a means to demonstrate that the network was monitoring parliamentary progress and provided an opportunity for the member to engage with parliamentarians (I. CLC, 2013). The NWGSO consistently sought to maintain and use political allies to further their influence. As one of NWGSO member states, "*there certainly was an attempt to, whenever there were opportunities, to engage with people in government to advocate for changes in the legislation*" (I. NWGSO, 2013).

Although the Justice Committee's proposed changes were contained in a working document the Committee had recessed for national elections before finalising their review of the Bill. Nothing was then heard about the Bill until early May 2006 (over two years later) (Artz & Smythe, 2008: 7). From 2004 (when the Bill 'vanished') the NWGSO worked concertedly to broaden their support base within civil society organisations and amongst members of the public (Hodes et al., 2011:17). The NWSO attempted to spread information about the content and implications of the Bill: conducting trainings for women's organisations, generating fact sheets around the Bill and producing press statements (Hodes, 2011: 16). One such example of

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[99] Hodes (2011: 15) notes that "*this was difficult to sustain due to the time and staff necessary to maintain a constant presence in Parliament.*"

NWGSO's efforts was its 'Stop the Bus' campaign, launched in 2006 (I. CLC, 2013). The campaign travelled through every province in South Africa, collecting petitions demanding the release of the latest draft of the Bill and generating press interest (Hodes, 2011: 17).

In May 2006 the draft Bill was once again considered by the Cabinet and sent to the Justice Committee. In November 2006, the Bill was presented before the National Assembly but was referred back to the Justice Committee. This was due to advice from parliamentary legal advisors who argued that because of the health clauses within the Bill it would have to be re-tagged and processed through a different procedure (Fuller, 2007: 8). The Bill spent six months with parliamentary and Department of Justice law advisors. The decision was made not to retag the Bill and the Bill was passed by the National Assembly in May 2007 (Fuller, 2007: 5, 9). By the time the SOA passed, NWGSO constituted of eighteen member organisations (primarily NGOs), making it the largest civil society network to have collaborated on rape law reform in South Africa (Hodes, 2011: iii).[100]

The NWGSO and Human Rights Advocacy

There are features of the NWGSO as a network that do not fit comfortably within dominant models of human rights advocacy. These features include the composition of actors who comprised the network and the strategies used by the network in an effort to shape legal reform.

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[100] According to Hodes et al., (2011: 7), the eighteen organisations that constituted the National Working Group at the time the SOA (2007) was enacted were: the Aids Law Project; the Centre for Applied Legal Studies; Childline South Africa; Concerned People Against Abuse; the Centre for the Study of Violence and Reconciliation; Lawyers for Human Rights; Ngata Safety and Health Promotion; Nisaa Institute for Women's Development; Port Elizabeth Rape Crisis; People Opposing Women Abuse; Rape Crisis Cape Town Trust; Save the Children Sweden; the Sex Workers Education and Advocacy Taskforce; Thohoyandou Survivor Empowerment Project; Tshwaranang Legal Advocacy Centre to End Violence Against Women; the Western Cape Network on Violence Against Women; and the Women's Legal Centre.

Since 1990, the literature on collective advocacy has focused on transnational networks (e.g. Keck & Sikkink, 1998; Khagram et al., 2002).[101] As a result, there is a surprising research gap pertaining to the theorising of domestic networks (Evans, 2013: 56, 204). The NWGSO was (in the main) comprised of 'domestic' actors: actors that were based within and focused exclusively (or near exclusively) on rights issues in South Africa. As one interviewee described, the NWGSO was (and remains) a "*national network*" (I. UCT 3, 2013). A couple of network actors can be categorised as 'international' actors. For instance, Save the Children Sweden works across state boundaries and the Centre for the Study of Violence and Reconciliation, although based in South Africa, works sub-regionally. However, the networks' members were predominantly focused on domestic issues. Furthermore, the network's attempts to influence the South African government were focused on pressure from 'inside' (I. UCT 1, 2013). The network did not attempt to utilise pressure from outside states, powerful international actors or transnational constituencies. Although, the network did draw on international framings, for instance, using international legal precedents to make the case for legal reform (Pithey et al., 1999). As South Africa's government became increasingly closed to civil society participation, the network responded, not by generating outside pressure, but by seeking to increase pressure on the state from the inside. The NWGSO shifted from primarily 'speaking to the law makers' to attempting to speak to a broader constituency: seeking to increase the range of voices and amplify calls for progressive legal reform (Hodes et al., 2011: 16). This remained a form of 'invited' participation where a broader constituency (through the dissemination of information and by building awareness of the Act) was invited to participate and show solidarity (Cornwall, 2002: 2-3; Hodes et al., 2001: 16).

Evans (2013: 131) notes that networks may focus on generating 'inside' pressure as a result of resource shortages which limit the capacity of actors to develop strong international ties. This may have been a factor for the NWGSO as the network faced financial resource shortages, limiting the ability of particular network members to participate and the capacity of the network to meet (I. Shukumisa, 2013). However,

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[101] The nature of transnational advocacy networks (as broad coalitions which link local and global) and associated action (the use of 'boomerang' throws to generate outside pressure on states) is described in chapter 2) (Keck & Sikkink, 1998; Risse & Sikkink, 1999).

in this case, the prime reason for the NWGSO's domestic focus appears to be network members' perception that the NWGSO had plentiful access to non-financial resources within South Africa. Members of the NWGSO describe that the prime reason for their domestic focus has been that "*women's civil society*" in South Africa has a "*very strong foundation*" due to the involvement of women in the apartheid struggle (I. UCT 1, 2013; I. NWGSO, 2013). As one member of the NWGSO states: "*that's why it's very localised… the expertise and knowledge is here*" (I. UCT 1, 2013). Another interviewee (I. Shukumisa, 2013) suggests that the domestic nature of the network is also a result of the network's focus on a domestic piece of legislation. The domestic character of the network can also be understood as a result of the socio-political context in which the NWGSO emerged. Keck and Sikkink (1999: 93) suggest that transnational advocacy networks are most likely to occur when: 1) channels between domestic networks and governments are ineffective so activists server ties; 2) activists believe networking furthers their mission; 3) international contacts and conferences create links. The network developed in the years immediately following transition when channels between civil society and government were remarkably open (I. NWGSO, 2013). As a result, at this point, activists did not perceive there to be a need to bypass the state or, as outlined above, a need to draw on international expertise. Although the NWGSO did not engage in transnational advocacy, its attempt to generate social change can broadly be characterised as top-down: the NWGSO focused on pressurising the state for legislative reform (as opposed to shifting public attitudes or building change through forms of social mobilisation).[102]

Evans (2013: 82) notes that the literature on networks and transnational activism tends to categorise networks through particular advocacy frameworks e.g. networks are categorised as 'women's networks' or 'LGBT networks'. This framing suggests that networks are comprised of actors who work on similar issue areas or who are working towards advancing the rights of one particular grouping. The NWGSO fits better with the model of advocacy set out by Nelson & Dorsey (2008: 126) who point to a trend towards "*collaborative issue campaigns*" where actors from different

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[102] The discussions pertaining to the risks of top-down approaches to social change (see chapter 2) hold relevance for the latter discussions within this chapter.

sectors work in collaboration. Hodes et al., (2011: iii) describes the NWGSO as a
"*women's coalition*" comprised of "*women's rights groups*" and "*with a focus on
women's rights*". Similarly, a number of members of the NWGSO conceptualise the
network as having focused on the advancement of women's rights (I. CLC, 2014; I.
WLC, 2014). Keck and Sikkink (1998: 7) note that campaigns need a "*common
frame of meaning*". Most members of the NWGSO had at least some degree of
interest or sympathy for women's rights (I. Shukumisa, 2013). However, NWGSO's
members were drawn from a variety of 'issue-areas' including, for example, child's
rights, sex workers rights, health-based and human rights NGOs. As such, the
NWGSO acts on behalf of a range of constituency groups.[103]

Conceptualising Success

The literature on collective advocacy often tells stories of 'success' – for instance,
when a network has succeeded in getting an issue onto the international agenda,
legislation has been successful enacted or a government has changed its behaviour
(e.g. Keck & Sikkink, 1998; Gready, 2004; Bob, 2009). However, there are many
ways to define success in relation to advocacy networks and the results of networks
are often ambivalent (a combination of successes, trade-offs and open questions).

In order to begin to examine the impact of the NWGSO, three measures of advocacy
success (outlined in table 1) are explored below. These are success as defined in
relation to legislative outcomes, legislative process and social change. These three
measures of success emerged within interviews conducted during this study.
Interviewees implicitly used either one or a combination of these indicators to shape
their interpretation of the law reform process and whether or not they viewed it as a
success.

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[103] This discussion has important implications for challenges discussed in upcoming chapters: the
difficulties in conceptualising network aims, the tensions between organisational and network agendas
and the ambivalent nature of the NWGSO's advocacy around particular issue-areas. See chapters 5
and 6.

Table 2: Indicators of advocacy success

Possible indicators of network success for networks engaging in law reform processes	
Legislative outcomes	Content of legislation contains particular rights protections for vulnerable individuals
	Content of legislation is informed by respect for the rights of all individuals
	Delays in passing legislation are reduced or prevented
Legislative process	Previously neglected issues are discussed by state actors
	Alliances between civil society actors are strengthened
	Marginalised groups are given voice
Social change	Advocacy continues despite 'partial success'
	Vulnerable groups are aware of, and able to use, the legislation to claim their rights

Legislative outcomes

One of the most obvious ways to conceptualise advocacy success, where networks are concerned with legal reform, is in relation to legislative outcomes. From looking at the content of the SOA we can conclude that the legislative outcomes achieved by the Consortium and NWGSO were mixed. The SOA has made hugely significant advances in the legal rights of rape victims seeking justice, most notably in the introduction of new sexual offences (I. NWGSO, 2013; Fuller, 2007: 5). The most progressive provisions within the SOA can be directly traced back to the research conducted, and input provided, by members of the NWGSO during the Law Commission investigation (see, for example, SALRC, 1999). Despite these

advances, as the Bill passed through Parliament provisions that would have laid the groundwork for an improved experience for rape survivors were dropped. Provisions that were dropped included the category of 'vulnerable witnesses' (that would have automatically provided rape survivors with protective measures when engaging with the criminal justice system) and the provision of psycho-social support for rape survivors (I. UCT 1, 2013). As one member of the NWGSO states, "*I think to a large extent the current Act – I mean there's a lot of good stuff in it but it's also very disappointing*" (I. NWGSO, 2013).

In addition, the final version of the SOA introduced a range of damaging legal provisions (providing an example of the unintended consequences that can occur even within broadly progressive law reform processes). Included in the range of problems with the legislation is the fact that sections 15 and 16 of the SOA (2007) criminalised adolescent sexuality. Section 15 of the Act criminalised consensual penetrative sex between children (aged 12 to 16) whether or not they were close in age and section 16 punished "*consensual sexual violation*" between teenagers (including kissing). The constitutionality of these sections has subsequently been challenged (upheld by a Constitutional Court judgement in October 2013), as a result of a case taken on by two NGOs - the Teddy Bear Clinic and RAPCAN (a member of the Shukumisa campaign). Despite the ruling, the impact of the legislation has been damaging for children who have engaged in consensual sexual contact. As one respondent from the NWGSO describes:

> "*the social shame, the naming and shaming that happens and the publicising of adolescent sexuality. And particularly the impact on girl's sexuality socially because for a guy it's cool – but for a 14 year old she's a slut*" (I. CLC, 2013).

A further example of the damaging legal provisions within the Act remains in section 5, outlining the mandatory HIV testing of alleged offenders (at the request of an individual who reports a rape) (Republic of South Africa, 2007). Interviewees' prime concern relating to this provision has been that it has damaging consequences for rape victims. Concerns expressed by members of the NWGSO include that the provision removes autonomy from women and children (as it suggests survivors should decide what to do with their bodies based on information about another

person) and does not help survivors make decisions (as there is a risk the HIV test result provides a false negative) (I. NWGSO, 2013). As an interviewee noted, the testing of alleged offenders "*does not make any difference to how you* [a rape survivor] *should look after yourself*" (I. NWGSO, 2013). One interviewee also noted that the provision raises concerns regarding the rights of an alleged offender (who can be mandated to undergo forced HIV testing before being tried of any crime) (I. UCT 1, 2013). A rights-based lens points to the need to assess legislative outcomes both in relation to their ability to offer particular protections to vulnerable groups but also their ability to respect the rights of all individuals.

In relation to legislative outcomes it is also important to note that the passing of legislature, and prevention of delays in this regard, may be a successful outcome in and of itself. As the window of opportunity for shaping the content of the Bill appeared to close, the NWGSO became focused on ensuring the Bill was passed by Parliament without further delay. Although the Bill's passage through Parliament stalled, the continued attention the campaign sought to draw to the Bill appear to have played a role in the fact the SOA was passed in 2007 (as opposed to delayed further) (Fuller , 2007: 22).

Legislative process

An alternative way to conceptualise success relates to process. Process-based indicators of the success of advocacy networks may involve accounting for 'steps' taken towards ultimate campaign goals or recognising components of collective organising that may produce important outcomes in and of themselves.

Keck and Sikkink (1999: 201) talk of networks being effective in different stages that occur prior to policy or behavioural change. For instance, as issues are placed on the agenda or as discursive commitments are made by states. Evaluating the relative success or effectiveness of a network needs to involve accounting for steps that may proceed, or exist without, the achievement of an ultimate campaign objective. As Evans (2013:72) notes:

> "*A network may not be successful in precipitating a particular change in a state's policy for example, but may be successful in raising the issue to be*

considered at all. It is not sufficient to judge networks which quickly effect
policy change as successful and those that do not as failures".

Accounting for a broader array of indicators of success is particularly necessary where networks are functioning in closed political opportunity structures where the achievement of ultimate campaign objectives may be improbable. With this in mind, it is important to recognise that the consortium and NWGSO were able to place a range of issues onto the government agenda (e.g. relating to the psycho-social needs of rape survivors) even when provisions did not make it into the final Act (Pithey et al., 1999).

Keck and Sikkink (1998) do not assign value to collective organising in and of itself whereas Hodes et al., (2011) suggests that civil society organising (that occurs in the process of seeking to enact change) can be conceptualised as a component of advocacy success. Hodes et al., (2011:31-4) include in a list of the NWGSO's successes the fact the NWGSO resulted in "*an establishment and expansion of collaborative networks within the women's sector*", "*strengthened alliances across the women's sector*" (and "*with other sectors*") and led to "*knowledge of legislative reform processes and of civil society's opportunities (or lack thereof) for political participation in these*". Similarly, members of the NWGSO pointed to the value of collective organising:

> "*I think the success really is around holding a diverse group of members*
> *together for so long….And it is a space where people enjoy coming to – you*
> *feel energised, connecting with and hearing from the work of other people.*
> *So it really is – it feels like a real solidarity among that sector*" (I.
> Shukumisa, 2013).[104]

Moult (I. UCT 3, 2013) warns that "*the flip side*" to seeing collective organising as an end in itself is that advocacy networks run "*the risk of just being a talk shop*". However, there does appears to be some intrinsic value in collective organising as linked to the expansion of knowledge, building of alliances between organisations and development of solidarity between social justice actors. Collective organising may also be seen as important as a precondition to social change – not only in

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[104] Another member commented: "*There's a strength in coming together, speaking about problems, hearing different viewpoints but also knowing that you're not the only person that's facing the issues so I think that's a valuable thing*" (I. UCT 3, 2013).

relation to ultimate advocacy objectives but also by building the resources needed for future forms of collaborative action.

A lens on process also raises questions about issues of representation and power within networks. There may be particular value in collective organising where the process builds the capacity of marginalised groups, serves to amplify the voices of these groups or brings marginalised voices to bear on political processes (Gready, 2010). Bearing this in mind, the NWGSO brought the voices of organisations who work directly with rape survivors and marginalised groups into the discussions shaping sexual offences reform (I. RCCT, 2011; I. Mosaic, 2013). As the NWGSO was comprised of a number of organisations who worked to provide direct services to survivors and vulnerable groups, NWGSO members were able to act as "*knowledge brokers*" (Merry, 2006: 40). NWGSO members were able to draw on the understandings they built from direct service work to inform the networks inputs into the law reform process (I. UCT 3, 2013). In this sense, network members 'brokered' between rape survivors and law makers; between sites where rape survivors told their stories and parliamentary arenas. This performed a role in bringing the concerns of marginalised groups to bear on the political process. It functioned as a mode of translation: translating individual survivor's stories into recommendations for legal change (Merry, 2006). Despite this, the NWGSO did not seek to seek to enable marginalised individuals to speak directly to the political process (I. anon 1, 2013; I. anon 7, 2013).[105] Although members of the NWGSO claimed to act as representatives, rape victims, as is often the case in human rights advocacy, were not able to control their own representation (Gready, 2010: 184). In this sense, there were both successes and limitations to the NWGSO process of doing advocacy.

Social change (overcoming 'partial success')

The final frame through which we can assess the success of advocacy networks is through their ability to achieve social change. Here, social change is used primarily to refer to the ability of networks to follow up legal change by securing implementation. As a starting point it may be of value to consider whether a network

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[105] This discussion is developed in greater detail below and in the following chapter.

has overcome the risk of 'partial success' (i.e. sustained momentum after legal change has been achieved) (Gready, 2004: 11). In this area the NWGSO has been remarkably successful. After the SOA was enacted the network met and decided to reconfigure their aims to focus on challenging parts of the law but also to focus on ensuring the SOA was implemented (I. CLC, 2013). As a result, the NWGSO was rebranded as the Shukumisa campaign (see chapter 5).

The NWGSO overcame the risk of 'partial success' for a number of reasons. The core reason was recognition by members of the NWGSO that their work was unfinished (I. CLC, 2013; I. Shukumisa, 2013). As one member states: "*We were all very aware… that there are parts of the law that aren't acceptable*" (I. CLC, 2013). Furthermore, members of the NWGSO recognised that the core work of civil society lies in securing implementation (I. CLC, 2013; I. Shukumisa, 2013; I. UCT 3, 2013). This recognition was a product of the South African context where "*everyone knows the job is implementation*" (I. CLC, 2013). Members knew that "*South Africa has brilliant legislation on paper and implementation has just historically sucked*" (I. anon 3, 2013). As a result, for members of the NWGSO:

> "*It resonated that the work starts now… it necessitates a conversation that's already got purchase in civil society which is the one of 'what is law without implementation?'*" (I. CLC, 2013).

There were three other factors that supported the network's adaption including the composition of the NWGSO. Moult (I. UCT 3, 2013) and Waterhouse (I.CLC, 2013) note that the strength and longevity of network ties (with core individuals remaining in the network from 1998) "*creates a stability that supersedes those traditional falling out points*". In addition, key members of the group had campaigning experience, making them explicitly aware of 'partial successes' as a risky moment for campaigns (I. CLC, 2013). Furthermore, the fact the network was comprised of a range of organisations, including those involved in direct service delivery, meant that the group had always looked beyond issues of legislative content to their impact 'on the ground' (I. UCT 3, 2013). Due to when the SOA was passed, the network still had money remaining in their current funding cycle which allowed them to fund a meeting of network members (I. CLC, 2013). This enabled the network to come together to identify a common activity to move forward (the monitoring of police

stations, health facilities and courts). (I. CLC, 2013; see chapter 5, pg. 163).
Campaigns often weaken after laws are passed, in part due to the challenges of
identifying a new focus (Gready, 2004: 11). The identification of a new activity was
again a product of key individuals' campaigning experience which meant that
particular individuals within the network recognised the need for the campaign to
identify a common activity to enable the network to move forward (I. CLC, 2013).

Although continued civil society efforts to implement legislation do not necessarily
mean networks will be successful in creating social change, continued civil society
mobilisation is most likely a precondition to success. However, as discussed in the
following chapter, the Shukumisa campaign has broadly struggled to convert
legislative reform into changes to rape survivor's everyday realities. It is clearly
structural impediments, as well as civil society mobilisations, that affect
implementation. Having said this, it is still important to contextualise NWGSO
successes against ongoing challenges with implementation.

Opportunity Structure, Key Individuals and Network Actions

The second section of this chapter considers what explains the qualified successes of
the NWGSO. Initially structural issues are considered: how open the socio-political
context in South Africa was to pressure from civil society actors. Subsequently, the
agency of civil society actors is explored: how far did the approach and strategies of
the coalition shape the outcomes of the law reform process?

A Window of Opportunity?

The advocacy literature highlights that context is of critical importance in
understanding the success of campaigns (Keck & Sikkink, 1998: 8; Tarrow, 1994).
As the legislative process, pertaining to sexual offences law reform, spanned
transitional and post-transitional moments, it reveals the impact of a shifting political
opportunity structure. We can look to political opportunity structure to provide part
of the explanation as to why civil society advocacy around sexual offences emerged

and was initially successful in shaping the Bill, as well as to explain why the state became unresponsive as South Africa moved further from the point of transition.

Tarrow (1994) observes that social or political actors receive signals that encourage or discourage them to organise collectively. Some of the most encouraging signals are the opening up of access to power, shifting political alignments, the availability of influential allies and splits among elites (Tarrow, 1996: 54). With this in mind, the transition to democracy in 1994 posed an opportunity for civil society activists concerned with sexual offences reform. In the early years after 1994, members of the NWGSO noted that the response of the state to civil society participation was "*very progressive*" (I. NWGSO, 2013). As one member noted: "*there was a general feeling of openness post-1994 and that it was important to include civil society*" (I. NWGSO, 2013). This was reflected in the fact that NGOs and civil society were given opportunities to make submissions (to the Law Commission) and the fact that the content of these inputs was reflected in early drafts of the Sexual Offences Bill (I. NWGSO, 2013).

In the early years of transition strong ties existed between leading members of civil society and those who entered government (I. NWGSO, 2013). This was a result of the strong presence of civil society organisations within the anti-apartheid movement which had resulted in 'former colleagues' assuming positions at local, provincial, national or executive levels after the democratic elections (Hassim, 2003; I. NWGSO, 2013). As a result, there were a significant number of political elites supportive of the aims of civil society (sympathetic to women's rights issues and, more broadly, work seeking to address sexual offences) (Hodes, 2011; Hassim, 2003). These "*co-operative networks*" enabled leading figures within civil society to meet with political elites and provided an opening for civil society activists to push for sexual offences law reform (Hodes et al., 2011: v). At this point, the government viewed the relationship between state and civil as cooperative and recognised the value of drawing on civil society expertise (Hodes et al., 2011: 5). As one member of the NWGSO noted, the government saw the value in civil society in the years after 1994, in part, because "*there was such a low* [state] *capacity*" at this stage (I. UCT 3, 2013).

Openings for sexual offences law reform were aided by the central role of human rights within the anti-apartheid struggle and the fact that rights were established as a pillar of the new South African Constitution (1996). The government committed itself early on in the transition to the protection and promotion of rights meaning it needed to be seen to be acting to address the extremely high levels of sexual violence that were capturing public and international attention (Hodes et al., 2011: 4). Discussions around sexual offences reform began with the interim Constitution with discussions around the right to be free from violence (I. NWGSO, 2013; Republic of South Africa, 1993). As one interviewee noted, *"that probably formed the basis of continuing that process into the Legal Aspects of Rape",* the initial report released by the South African Law Commission (I. NWGSO, 2013).

The 'international' also played an important role in creating opportunity structures for sexual offences reform. In 1995, a delegation of senior government officials attended the Beijing Conference (the fourth world conference on women) which stimulated the government's impetus to update its sexual offences legislation (Hodes et al., 2011: 4). It was the elites who attended the Beijing Conference who pushed for the South African Law Commission – the body that was subsequently charged with investigating and proposing legislative reform around sexual offences (Hodes et al., 2011: 4). This was a process whereby the international network on violence against women was able to influence South Africa's elites (Hodes et al., 2011: 4; see chapter 2, pg. 72). However, it was also a product of local context. The fact that officials were, at this point, particularly tuned in to international demands for good governance given their interest in playing an increasing role on the international stage. Similarly, the funding that enabled the development of collective advocacy around sexual offences was linked both to local and global spheres. The core source of initial funding for the network was provided by the Open Society Foundation-South Africa (a philanthropic organisation established by George Soros) which was established in 1993 as a response to South Africa's democratic transition.

Over time, the openings for civil society participation in the law reform process appeared to close as the country moved into a post-transitional space. As one interviewee commented:

"*I think before* [at the Law Commission stage] *civil society had been successful in getting a lot of issues that were important into the legislation… after the Bill was introduced to Parliament sadly I don't think that civil society had much influence on the outcome of the Bill*" (I. NWGSO, 2013).

Other members of the NWGSO contrasted the openings available when South Africa's Domestic Violence Act (1998) passed through Parliament to the SOA (2007) (I. UCT 3, 2013; I. UCT 4, 2013). Respondents commented that by the time the SOA reached Parliament the state was much less open to collaborating with civil society:

"*Whereas with the DVA there was a lot more openness to experimenting… I think Parliament had become a lot more conservative*" (I.   UCT 4, 2013).

Members of the NWGSO perceived this closure to be, in part, linked to increasing government concerns over costings but also an increasing perception that civil society expertise was not needed. Waterhouse (I. CLC, 2013) notes that:

"*The politics has shifted over time in terms of the government pushing against the tightness of the constitution and the expense the constitution represents to the state.*"

Moult (I. UCT 3, 2013) notes that increasingly parliamentarians feel *"they have the capacity themselves"*.

Members of the NWGSO observed that reduced opportunities for civil society participation were associated with Mbeki's presidency:

"*In the beginning there was a lot of collaboration and submissions and then everything went silent and I think that may have been around the Mbeki HIV/AIDS denialism stuff*" (I. UCT 1, 2013).

"*I think the opportunities for participation… by the early 2000s were really starting to shut down. This is the Mbeki era*" (I. UCT 4, 2013).

The literature contrasts the gender politics of Nelson Mandela (who retired as president in 1999) to his successor Thabo Mbeki. Mandela was seen to represent a "*new, more egalitarian masculinity*" (Morrell et al., 2013: 7). Using his presidency as a platform to express his gender equitable ideas, Morrell et al., (2013: 7) note that Mandela's "*public representation challenged much of the violent and authoritarian behaviors and attitudes associated with apartheid's white male politicians, some elements within the liberation movement and the patriarchal, traditional African*

masculinities of Bantustan leaders." Although Mbeki officially carried forward Mandela's gender equality program, Mbeki had "*a resistance to the program of gender equality itself*" that wore away support for the masculinity Mandela had sought to develop (Morrell et al., 2013: 7). Significantly, Mbeki interpreted work around sexual offences through a racialized lens (Robins, 2004: 654). As a result, Mbeki publicly claimed that AIDS and anti-rape activism "*reinforced racist 'western' ideas about promiscuous and disorderly African sexualities*", arguing that anti-rape activism fuelled racist representations of black men as habitual racists (Robins, 2006). This was linked to "*a greater discrediting of civil society*" by the state (I. CLC, 2013).

Although the broader socio-political context clearly played a role in shaping the hostile environment faced by activists, the "*very little encouragement*" and "*very real resistance*" civil society faced from the Portfolio Committee was overwhelmingly seen by respondents as being the result of key individuals who sat on the committee (I. anon 8, 2013; I. anon 6, 2013). As one interviewee noted: "*the very personalities that were involved in it had a profound effect on the content of the Bill*" (I. anon 8, 2013). To illustrate, one interviewee contrasted the response civil society received when debating the Child Justice Act (2008) to the experience debating the SOA (2007). Whilst examining the CJA (2008) the Portfolio Committee on Justice and Constitutional Development was viewed as eager to encourage civil society participation – civil society was invited to every hearing and free to speak resulting in "*rigorous debate*" and "*a very constructive process*" (I. anon 8, 2013). In contrast, many of the Sexual Offences Bill hearings were closed and where civil society was allowed to attend there were restrictions on civil society's ability to speak (I. anon 8, 2013). One member of the NWGSO commented:

> "*I'm pretty sure if we'd had a different chairperson – if we'd had the chairperson at the time the same as the Child Justice Act or even the current chairperson that we would have had a very different piece of legislation*" (I. anon 8, 2013).[106]

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[106] Gready's (2010a: 148-9) reading of the passage of the Child Justice Bill suggests similarities between the Child Justice Alliance (a coalition advocating around the CJA) and the NWGSOs' experience engaging with the Justice Committee. This is in contrast to claims made by a member of the NWGSO interviewed for this research who points out differences between the processes (quoted

The role of key individuals is interesting because, although the overall narrative of the SOA supports the literature that sees political opportunity structures closing in a post-transitional space (e.g. Root, 2009), interviewees suggested that it was key individuals that made a decisive difference to the process of law reform. One respondent stated, "*I think that it had everything to do with an individual or two*" (I. anon 8, 2013). This suggests that although there are particular opportunities at the point of transition, opportunities for reform are not necessarily closed within a post-transitional space as the CJA (2008) illustrates. It is also clear that despite an overall political opportunity structure that is less responsive to civil society, opportunities can still emerge that spur on reform.[107] Alongside civil society efforts to move the Bill forward, two major events spurred the movement of the Bill in 2006. The first of these events was the trial of Jacob Zuma, then deputy president of the ANC, on charges of raping 'Khwezi' (the daughter of a deceased friend and comrade). The Zuma rape trial threw issues of rape, masculinities and a patriarchal criminal justice system into the national spotlight.

Zuma used his rape trial as a platform to perform a version of 'Zulu traditional masculinity' – a construction of masculinity that was deeply patriarchal (Robins, 2008: 422). For instance, Zuma argued that as a Zulu man he had no choice but to have sex with his accuser because she invited it in her dress.[108] In fact, Zuma argued, as a Zulu man, to leave a woman in a state of arousal "*was the worst thing a man could do*" (Robins, 2008: 421). He also expressed a willingness to pay 'Khwezi's

above). Gready (2010a: 148) notes that there was a "*tussle between restorative and retributive responses*" and by 2005 the Portfolio Committee had rewritten the Child Justice Bill with a "*retributive rubric*". The Child Justice Alliance similarly faced "*wavering political and public support for more progressive strategies*" over time.

Gready (2010a: 148) does note that civil society managed to reverse loses after a new chairperson took over the Portfolio Committee in 2008. This is where Gready's (2010a) reading of the process and the data collected as part of this research intersect – the chairperson of the Committee appears to have played an important role in the shape of the legislation. Ultimately, with the CJA (2002) there is a sense that civil society activists and the Portfolio Committee managed to find "*balance*" (Gready, 2010a: 148). In contrast, the SOA (2007) is perceived to ultimately reflect the agenda of the Portfolio Committee.

[107] There is a further implicit discussion of opportunities in post-transitional spaces in chapter 6. The chapter explores the new opportunities created by the SOA (2007) for advocacy around male rape.

[108] Zuma claimed that 'Khwezi''s willingness to have sex was indicated by a number of factors including that she had talked to him directly and in a familiar way, she slept in a kanga (a traditional wrap similar to a sarong) without underwear, she had generally sat in an 'immodest' way (i.e. did not cross her legs) and had not verbalized her reluctance to have sex.

family lobola (bridewealth) – an attempt to normalise his sexual behaviour and construct 'traditional Zulu masculinity' as honourable (Robins, 2008: 422). The judge who acquitted Zuma (finding 'Khwezi' to be an 'unreliable witness') has been critiqued by gender activists (Robins, 2008). The judge's comments served to reinforce rape myths. The judge drew attention to what he deemed a number of "*strange*" and "*odd*" features of the rape including that the complainant was not threatened or physically injured and that she did not call for help (Suttner, 2008: 227).[109] The judge failed to question the way asymmetrical power relations between Zuma and 'Khwezi' (shaped by age, gender, family, monetary ties and political position) may have affected 'Khwezi's' behaviour (Robins, 2008: 419, 424). Ultimately, Ross (2010: 71) notes that 'Khwezi' was portrayed as "*temptress, slut, devious, hysterical, mad, irrational, inconsistent*". In contrast, the judge did not draw issue with Zuma's construction of an authentic and essentialised Zulu manhood.

The trial was seen as an important moment for the NWGSO as the media interest around the trial provided gender activists with a space to speak to the national media (Fuller, 2007: 22). The NWGSO was able to draw on the visibility of the 1in9 campaign – a group of radical feminist activists founded specifically to monitor the rape trial. The 1in9 campaign was successful in capturing the media's attention through a range of "*visual advocacy stunts*" such as banging drums and making a ruckus outside of the court (Hodes et al., 2011: 18). Members of the NWGSO saw the trial as a "*galvanising moment*" for the network: pushing them to continue seeking to influence, and expedite the passage of, the SOA (Hodes et al., 2011: 18). The trial brought the delays in passing the SOA back into public view and, partially in consequence, in 2006 the Bill was published with civil society given another opportunity to comment (Fuller, 2007: 22; I. UCT 2, 2013). Despite these positive effects, the trial was broadly damaging. Although the trial brought issues of sexual offences and rape stereotypes in to public view it also served to: re-victimise 'Khwezi'[110], provide a space for the reassertion and reconfiguration of hegemonic masculinity, and reduce survivors' confidence in the criminal justice system.

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[109] Such comments serve to assume rape victims must resist and be self-assertive (Robins, 2008: 424).
[110] Khwezi's experience of the trial was not just psychologically damaging but also led to physical threats. Ross's (2010: 72) notes: "*Her home was burgled twice; she received death threats; during*

The second key event that spurred on reform was a May 2007 judgement by the Constitutional Court which extended the definition of rape to include the anal penetration of girls. The judgement redrew the media's attention to the lack of progress in passing the Act (Fuller, 2007: 22).[111] Both the rape trial and Constitutional Court judgement highlight that particular events can create post-transitional opportunities that can, in turn, be exploited by civil society actors (Collins, 2010).

Network Composition and Strategy

Although, as outlined above, "*there are influences and factors beyond the campaigns control*" the final section of this chapter considers the agency of the NWGSO (I. Shukumisa, 2013). The section considers how far the composition of the network and network strategies may have shaped the qualified successes of the law reform process.[112] The discussion situates the networks' actions in relation to the strategic dilemmas they faced: 1) the role that elites and leaders play in driving forward network action versus the need for campaigns to amplify a range of voices; 2) the necessity of legal and technical expertise versus the need to speak in more politicised terms to a broader audience and; 3) the practical impediments and risks of internationalising versus the potential for this to provide a source of political and material leverage.[113]

Keck and Sikkink's (1999: 95) 'four fields of network action' (information, symbolic, leverage and accountability politics) are applied here in order to explore the outcomes of the NWGSO's work. The focus of this discussion is on two of these

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and after the trial she was part of a witness protection program. Fearing for her safety, she left South Africa after the trial. She has taken a new identity in another country."

[111] This judgement is discussed in more detail in chapter 6.

[112] This discussion is not intended to place the onus on civil society actors. Ultimately, the NWGSO was operating in an extremely challenging political context. The intention here is to provide points of discussion around factors which shape the effectiveness of advocacy networks. It is hoped these will be useful for the network today (as many of these debates retain relevance), and for other networks that may be operating in a similar socio-political context.

[113] These strategic dilemmas build from the discussion on top-down versus bottom-up approaches to social change in chapter 2.

fields of action: information and leverage politics. Evans (2013: 57, 81-2) suggest that many of the same principles used to analyse transnational collective activism can be applied to domestic networks.[114] In a similar vein, Tsetsura (2013) argue that Keck and Sikkink's (1998) theoretical framework can point to possible solutions for local, as well as global, campaigns. All the same, the framework does need to be applied whilst considering the social particularities of a locale: Tsetsura (2013) notes that the strategies of transnational networks are not always effective at the domestic level.[115]

Information politics

Keck and Sikkink (1999: 95) identify 'information politics' as a central network action. Information politics is defined as "*the ability to move politically usable information quickly and credibly to where it will have the most impact*" (Keck & Sikkink, 1999: 95). The NWGSO was consistently engaged in information politics, for instance: using particular members to monitor and keep informed about the parliamentary process, communicating among members to develop collective responses and packaging information for various audiences (in particular the Portfolio Committee but also the press, other civil society organisations and the broader public) (I. NWGSO, 2013; I. CLC, 2013; I. RAPCAN, 2013). However, the NWGSO struggled, in part, due to the identity characteristics of network members who were delivering information to Parliament (I. CLC, 2013; I. UCT 2, 2013)

Hodes (2011: 7) notes that most of the NWGSOs members were well-educated women (often with master's degrees in legal studies) who worked for NGOs and were "*from urban backgrounds and middle to upper middle class families, with business and professional backgrounds*." Most of the NWGSO's members did not openly identify as survivors but came to social justice work through involvement in

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[114] Keck and Sikkink (1998: 9) themselves note that the relationships among networks are similar to those found in domestic activism.
[115] Specifically, Tsetsura (2013) notes that the framing of 'women's rights as human rights' was not an effective framing strategy for women's groups in Russia, as well as other countries in the former USSR. The frame enabled the government to avoid talking about issues in specific terms, lacked legitimacy at the domestic level and failed to support organising (as feminism was not a central organising principle in the region).

the anti-apartheid resistance movement, and engagement with gender equality issues during the transition (I. UCT 2, 2013). In this sense, the majority of civil society actors who comprised the network were relative 'elites' (although this was not universally the case) (Robins, 2008a: 14-5; I. UCT 2, 2013).

NWGSO members were able to claim credibility and legitimacy through their direct work with the constituencies they 'represented' (a number of members worked for NGOs that engaged directly with rape survivors or 'stakeholder communities') (I. CLC, 2013). Furthermore, members saw their legitimacy deriving from their legal/ technical expertise and collective strength (constituted of a large collection of organisations working across issue areas) (I. Shukumisa, 2013; I. NWGSO, 2013). Despite the network representing a broader group, the faces of the network were overwhelmingly white women (I. UCT 2, 2013). As one interviewee acknowledged: "W*e were informed by everyone but not everyone is delivering the message*" (I. CLC, 2013). This affected the network's credibility with parliamentarians, reinforcing the perception that feminism is a white woman's ideology. As one interviewee noted, "*white women are easy to dismiss*" (I. UCT 2, 2013). Given the racialized politics surrounding anti-rape activism during the Mbeki era the racial demographic of the network created an opening for the government to question members' legitimacy to speak (I. CLC, 2013).

A further limitation in the NWGSO's approach derived from the fact the network did not use direct testimony from rape survivors. As one member of the NWGSO noted: "*with the SOA there were no rape survivors that spoke to Parliament – this was all about organisations*" (I. anon 6, 2013). Yet, Keck and Sikkink (1998: 21, 96) note that it is crucial for networks to make links between testimony and technical or statistical information: "*without the individual cases, activists cannot motivate people to seek to change policies.*" As one respondent commented:

> "*I mean throughout it was about people speaking on behalf of other people and that's never an effective way of engaging with Parliament… with the Traditional Courts Bill the submissions that really got through to people, to parliamentarians, are about peoples experiences of living with chiefs*" (I. anon 6, 2013).

To be successful "*networks must be considered legitimate and credible actors*" (Evans, 2013: 74; also Keck & Sikkink, 1998: 29). In the socio-political space the NWGSO was operating the voices of survivors and black women "*would have been politically valuable*" (I. UCT 2, 2013).

In part, the dominance of particular voices within the NWGSO can be understood as a result of advocacy dilemmas the NWGSO faced. These dilemmas pertain to: a) the role of key individuals as drivers of change versus the need for networks to embrace a broader membership base and; b) the persuasive power of legal/ technical expertise versus the need to speak in less technical terms to expand the network's membership.

The NWGSO operated using a centralised structure. A steering group was established which co-ordinated the group, circulated documents and drafted and edited documents from other membership organisations (I. WLC, 2013; I. Shukumisa, 2013; I. UCT 2, 2013). As Hodes et al., (2011: 9) explain, the steering committee "*was formed by the 'core instigators' of the Working Group, whose members heralded from the best resourced and most established organisations, and who were regarded as key players in the women's rights sector*". The steering group "*did the bulk of the work which was then ratified by the rest of the Group*" (Hodes et al., 2011: 9; I. Shukumisa, 2013).

Funding (and other resource issues) meant members were not able to meet regularly so relied primarily on telecommunications (primarily email) (I. UCT 2, 2013; I. Shukumisa, 2013). Sometimes teleconferences were held between key individuals within the network. However, even when the whole network was included in email exchanges this method of exchanging information served to exclude particular network members (I. WLC, 2013; I. anon 9, 2013). Some members of the network struggled to keep up with the email exchanges as frequently multiple emails were sent daily. For smaller organisations and individuals who were not office based this meant they struggled to participate in discussions (I. anon 3, 2013; I. anon 11, 2013). As one respondent explains:

> "*I'm an attorney – I sit at my desk for most of the day and I'm able to retrieve email constantly whereas an organisation that works in the field - that perhaps travels long distances every day and has to go out and*

physically work with clients they are not in front of their computers. So an email sent at nine in the morning may only be retrieved at five in the afternoon which is difficult when you're trying to collate responses from people because what I send at nine is not going to look the same as what I send at twelve. It is difficult to have a conversation in that way" (I. WLC, 2013).

Emails often pertained to parliamentary briefs and the legal process which some member organisations struggled with, lacking the technical and legal expertise to feel proficient in exchanges with other group members (I. anon 9, 2013). Basically, although the network was frequently exchanging information the language and mode of communication was not inclusive of all network members.

Certain members of the network felt its centralised structure, and the role of key individuals as network leaders, was necessary for its functioning (I. UCT 2, 2013; I. anon 3, 2013). Leaders with dynamic personalities were able to hold the network together and drive it forward (I. UCT 2, 2013; I. anon 9, 2013; I. anon 6, 2013). A centralised structure was also seen as necessary because of the law reform process and, in particular, the Justice Committee's attempts to rapidly push through new drafts of the Bill (I. WLC, 2013). Fast turn-around times meant network consensus and outputs needed to be produced quickly. On the downside, the role of key individuals meant the NWGSO was driven by "*a very small, closed community… the people who got on the committee were people who know other people* [in the network]" (I. anon 6, 2013). Some members believed that key individuals dominated the group with smaller organisations only there to enable the network to claim a broader base of support (I. anon 6, 2013). Numerous interviewees noted that the network failed to create a broad membership base, lacking the meaningful inclusion of more rural organisations outside of South Africa's main cities (I. UCT 2, 2013; I. anon 3; I. anon 7, I. anon 6). As a result the NWGSO was not able to claim to be, or have the support, of a broader movement (Mutua, 2004: 196). This was partially a result of a broader membership base not being prioritised (I. anon 7, 2013). Due to the close political ties generated between the state and civil society during transition the NWGSO "*didn't put much effort into engaging* [a broader support base]" (I. anon 7, 2013).

The most successful post-apartheid campaigns have combined more conventional legal strategies with broader forms of social mobilisation (Haywood, 2009). Yet, the NWGSO did not anticipate the importance of developing a broader support base until late in the process (I. anon 7, 2013). The dominance of key figures within the network, enabled the rapid flow of information between a few central organisations and produced technically strong submissions to Parliament. Though, the fact the network was not structured in a more inclusive way and did not prioritise the development of a broader rural support base, affected their capacity to mobilise relevant constituencies and their ability to claim broad legitimacy. As one interviewee from the NWGSO points out:

> "*So it is still true that there's still some power in good information and a good relationship with policy makers/ legislative – MPs or otherwise. But, it's harder to sell a point without a show of popular support.*"

These links back to Nelson & Dorsey's (2008: 7) assertion that the legitimacy and authority of rights advocacy derives from the interaction between rights as legal standards and struggles over social conditions.

The capacity of the network to mobilise a broader membership also derived from the way the network framed information. Keck and Sikkink (1999: 96) note that a central part of the struggle over information "*is whether an issue is defined primarily as technical, subject to consideration by 'qualified' experts, or something that concerns a much broader global constituency*". The legal and technical knowledge of the network enabled it to have impact through the issuing of concrete legal and policy recommendations (I. NWGSO, 2013). However, this core strategy failed to move the debate about legislative reform beyond a technical discussion amongst 'experts' (Gready, 2004: 9).[116] One interviewee argued that the law reform process was "*completely depoliticising*" - "*those discussions about what the police do, about*

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[116] The reform of sexual offences legislation has factors that are both conducive, and unconducive, to the issue acquiring broad resonance. Legislative reform could invoke the right to bodily integrity and issues of legal equality that are often resonant features of successful campaigns (Keck & Sikkink, 1998: 27-8). However, the issue is complex in that it often involves important detail (e.g. the technicalities of a definition) and involves establishing a chain of responsibility (establishing state responsibility in lieu of violations directly committed by non-state actors). There are also particular features of the South African context that make issue resonance particularly tricky, including deeply entrenched patriarchal attitudes, extremely shocking cases of violence (which can make it difficult to draw attention to the 'everyday') and other critical issues which are often prioritised over sexual violence (e.g. extreme levels of economic deprivation) (I. WLC, 2013).

what prosecutors do, how cases are decided – ended up being filtered through a piece of legislation" (I. anon 6, 2013).

In referring to the process being "*depoliticising*", the interviewee points to the fact that the network enabled sexual violence to be treated as a legal problem that could be solved through legal reform, as opposed to a political issue requiring broader state action (I. anon 6, 2013). As decisions were painted as supposedly neutral or technocratic (beyond state control), it became harder for activists to mobilise the public and successfully challenge parliamentarians about their decision making (Keck & Sikkink, 1998). The Portfolio Committee was able to successfully argue, for instance, that the provision of counselling for rape survivors couldn't be legislated for (as it was a 'soft issue') (I. NWGSO, 2013). Parliamentarians were able to justify their decisions on the basis of legal and technical argument, obscuring the political character of their choices. Broadly speaking, the advocacy efforts of the NWGSO highlight the risks of institutionalisation (see chapter 2). As activists engaged with parliamentarians and the law reform process, they appeared to be drawn away from engagement with the constituencies they purported to represent.

Leverage politics

As well as engaging in information politics, Keck and Sikkink (1999: 95) observe that networks engage in leverage politics. The aim here is to change politician's own sense of their self-interest by using forms of moral persuasion, economic and/or public pressure (Keck & Sikkink, 1999: 97; Root, 2009: 453).

During the law reform process the network struggled to persuade the government to adopt their recommendations. In fact, many provisions within the SOA can be traced back to the self-interest of the state. Provisions, opposed by the NWGSO, were included as a result of their 'feel-good' factor amongst the public (e.g. a Sexual Offences Register) (I. CLC, 2013; I. NWGSO, 2013). [117] Other provisions, strongly

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[117] Members of the NWGSO did not support a sexual offences register due to concerns that it was impossible to implement (due to the police not being able to cope with reports and the bureaucracy involved). There was a general sense that a register provides a false sense of security (I. CLC, 2013; I.

argued for by the network, were struck from the Bill largely due to concerns regarding cost (e.g. the provision of psycho-social support for rape survivors) (I. NWGSO, 2013).

In terms of generating moral leverage the preceding discussion is relevant: the undermining of the NWGSO's claims to be representative, its lack of broader membership and its focus on legal/technical framing limited its ability to pressure the state through shaming and in other ways. The NWGSO was also reluctant to leverage through shaming. Early on, the Consortium had made progress through building strong ties with members of government (Hodes et al., 2011: 19). The network success had therefore been premised on working with, rather than opposing, the state. As a result, it was not until towards the end of the process that the network became more explicit in its willingness to criticise the law commission's lack of progress. One member of the NWGSO commented:

> "*For a long time I think we really played the game with the state and said we're here, we're willing to help, we have the skills – give us this opportunity*" (I. UCT 3, 2013).

There is an open question here of when networks should move towards more adversarial engagement with the state (particularly in a context of a dominant one party system)? As Hodes (I. UCT 2, 2013) notes: "*you have to strike the balance between being autonomous, being a government watchdog and not alienating the people who have the real power.*"

One critical form of moral leverage not explored by the network was the potential for leverage to be generated through incentives or sanctions from international actors. Keck and Sikkink (1998: 29) note that "*moral leverage may be especially relevant where states are actively trying to raise their status in the international system*". This is a component of Keck and Sikkink's (1998) framework that may not be applicable given the social particularities of the context. There would have been risks of internationalising the law reform process. A more international network may have further impeded the legitimacy of the network to speak for South Africa's rape

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NWGSO, 2013). As such, one interview observed, "*I think it's one of those feel good interventions*" (I. NWGSO, 2013).

survivors[118] and would have moved the network towards a more adversarial engagement with the state. However, it is worth noting the potential to seek leverage via international actors was not explored by the NWGSO.

To sum up, the 'qualified successes' of the law reform process can be partially understood as a result of the network's struggles: to move human rights beyond a technical and legal terrain; to locate human rights within ongoing civil society mobilisations; and to link rights to political and normative incentives felt by the state (Gready, 2004: 4, 9-10).

Conclusion

This chapter has made four contributions to the literature on human rights advocacy. By focusing on a domestic network, the chapter highlights the potential for a domestic network to enact change by drawing heavily on forms of legislative advocacy that pressurise the state from the 'inside'. The NWGSO case indicates that the literature on transnational advocacy networks retains relevance for understanding domestic networks. In this case, the literature retained relevance in helping to explain why the NWGSO did not work transnationally and in revealing the central role of information politics in network action (Keck & Sikkink, 1998; 1999). Yet, the models of change (e.g. the boomerang model) that have developed through theorising transnational advocacy networks clearly do not apply in this case. Nevertheless, the 'international' does retains relevance as the transnational network for women's rights played a role in initially persuading parliamentarians to investigate sexual offences law reform, international donors played a key role in network funding, and legislative advocacy drew on international precedents (or framing) as a strategy to persuade parliamentarians to enact reform.

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[118] This issue may have been less acute if the network had focused on forms of intra-African cooperation, as opposed to gaining leverage through the development of ties with Northern actors (Mutua, 2004: 197).

Secondly, the chapter has sought to make explicit conceptualisations of advocacy success. As a result, the chapter reveals the potential for advocacy to result in a mixture of opportunities, limitations and unintended consequences. These impacts are understood as a result of both the opportunity structure in which networks operate and network strategy. The NWGSO clearly succeeded in securing various legislative outcomes which have improved the experience of rape survivors who have access to specialised services. However, there are clearly limitations and damaging provisions contained within the SOA, as well on-going challenges in securing implementation (partially related to the NWGSO's top-down and 'elite' driven approach to legislative change) (see the next chapter).

Thirdly, the chapter has broadened our understanding of gender and advocacy. The NWGSO highlights the fact that women's rights can be addressed through diverse issue networks that encompass, but also look beyond, women's rights concerns. The role of the Zuma rape trial and shifts in political leadership reveals that a discussion of masculinities can help to explain the pattern of advocacy to address sexual violence. Patriarchal elite masculinities clearly act as a barrier for activists seeking to address sexual violence. Yet, as the Zuma rape trial illustrates, patriarchal masculinities can also provide opportunities for activists as issues of gender and violence are brought to the fore.

Finally, the chapter has sought to extend our knowledge of advocacy in a post-transitional space. The difficulties the NWGSO faced during the parliamentary process suggest that, in this case and broadly speaking, there is a window of opportunity for civil society actors associated with transition that can rapidly close. Yet, the role of key individuals in shaping legislation in a post-transitional space suggests that this is not necessarily the case. It is also clear that smaller windows of opportunity can continue to emerge. Exploring the NWGSO highlights the challenges civil society actors face as a country moves further from the point of transition. The NWGSO struggled to anticipate, and adapt to, a shifting relationship between state and civil society. As a result of an initially favourable opportunity structure the NWGSO focused on working with the state and did not anticipate that over time they would need to utilise forms of leverage (such as drawing on popular support).

The following chapter extends the discussion of key issues raised here, exploring the Shukumisa campaigns' on-going efforts to secure implementation of the SOA. This addresses how human rights advocacy may address sexual violence through converting legal progress into changes to survivor's 'everyday realities'.

Chapter 5
Implementing the Sexual Offences Act: Collective advocacy and the Shukumisa Campaign

This chapter explores the work of the Shukumisa campaign from when the campaign emerged in 2008 to early 2014 (Shukumisa, 2014).[119] The campaign is significant, currently comprising the largest grouping of civil society actors pushing for implementation of the Sexual Offences Act (2007). Despite the availability of a small body of literature on the National Working Group on Sexual Offences there is a lack of literature that explores the attempts of the rebranded campaign to secure implementation of the SOA (e.g. Hodes et al., 2011). More broadly, there is limited research on how far the SOA has been implemented (Vetten et al., 2010: 17). This literature gap is set alongside the fact that it is broadly recognised that South Africa has some of the most progressive legislation in the world whilst implementation "*has just historically sucked*" (I. anon 3, 2013).

Within this chapter, an exploration of the campaign is embedded within a broader discussion of the available literature. Surprisingly, there is a lack of human rights literature examining how actors are able to secure implementation of domestic legislation. As such, references are made to the available literature on transnational advocacy campaigns (e.g. Jordan & van Tuijl, 1998; Smilie, 2004; Shawki, 2011; Yanacopulos, 2011). This literature reveals a range of cross-cutting challenges faced by transnational campaigns including the need to develop a clear, coherent campaign message and strategy; manage difference and inequalities between actors and; develop incentives for member cooperation. The fact these issues are applicable (with a few observed caveats) to the Shukumisa campaign suggest that it may be possible to apply the insights from the literature on how TANs shape global policy processes to discussions of how domestic networks shape policy implementation.

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[119] The Shukumisa campaign is the rebranded version of the National Working Group on Sexual Offences (see chapter 4).

Given limitations of the human rights literature, the chapter also make reference to relevant policy literature, particularly that which explores the role of 'policy entrepreneurs' (Crow, 2010; Mintrom & Norman, 2009). This literature is useful as it is focused on actors seeking to secure implementation in a national context. Specific reference is made to the four qualities of successful 'policy entrepreneurs', identified by Mintrom & Norman (2009: 652-654).[120] These qualities are the ability to define problems, display social acuity, build teams and lead by example. This framework has been applied as it reflects key themes that emerged in the human rights literature and through interviews (e.g. the relevance of framing), whilst also facilitating an exploration of some of the tensions inherent in human rights advocacy aimed at addressing implementation. This chapter seeks to make a broad contribution by positing that a policy framework may help to explore some of the reasons why human rights campaigns struggle to address implementation gaps.[121]

This chapter is divided into two parts. The first part of the chapter begins by identifying an implementation gap. This is a gap between the SOA and the policy documents that have been developed as a means of implementation, and everyday practice and knowledge of the Act (amongst the public and those tasked with its implementation). Subsequently, dominant forms of human rights advocacy are discussed, with reference to the composition and activities of the Shukumisa campaign. The second part of the chapter explores challenges to human rights-based implementation. Using the four qualities of successful 'policy entrepreneurs', identified by Mintrom & Norman (2009), the discussion draws attentions to the challenges the Shukumisa campaign has faced. Ultimately, the chapter argues that there are a number of tensions inherent in dominant forms of human rights advocacy aimed at securing implementation.[122]

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[120] Although the focus of the 'policy entrepreneur' literature is on key individuals as agents of change, the literature recognises that most entrepreneurship is collective (Meijerink & Huitema, 2010).
[121] Although this chapter focuses on the agency of civil society actors, this is clearly constrained by the context in which actors operate.
[122] The discussion in this chapter primarily draws on data gathered from interviews with members of the Shukumisa campaign and the publically available materials (reports, research, press releases etc.) released by the campaign.

Implementation of the SOA (2007) and the Shukumisa Campaign

The first section of this chapter provides a brief overview of the issues surrounding implementation of the SOA, as well as an introduction to the forms of human rights advocacy adopted by the Shukumisa campaign in an attempt to secure implementation.

The Implementation Gap

Implementation of the SOA requires appropriate interventions from a range of service providers: namely, the police, those involved with the prosecuting sexual offences, social services and health providers. As such, responsibility for implementation of the SOA lies with a number of South African government departments. Primarily the Department of Justice and Constitutional Development (DoJ&CD) (including its sub-programme the National Prosecuting Authority) and the South African Police Services (SAPS), supported by the work of the Departments of Health (DoH), Social Development (DSD) and Correctional Services (DCS). A range of policy documents are intended to provide a framework to assist implementation. These include documents with general applicability (such as the Service Charter for Victims of Crime (2004), the Minimum Standards of Services for Victims of Crime and the Customer Service Charter for Court Users) as well as documents specific to sexual offences (such as the SAPS National Instructions 3/2008 Sexual Offences, the National Policy Framework on the Management of Sexual Offences Matters and the National Management Guidelines for Sexual Assault Care).

Views on this policy framework are mixed. Whereas one interviewee described these documents as "*quite comprehensive*", others pointed to their inadequacy (I. WLC, 2013). Critics point to the limitations of the National Policy framework, describing it as "*vacuous*" and failing to "*give any kind of an implementation guideline*" to frontline workers (I. anon 2, 2013). The literature points to the fact that policy responses have been "*uneven and fragmented*" and the fact that there are notable absences in the policies available (e.g. with no policy framework addressing the

NPA's responses to sexual offences) (Shukumisa, 2013a: 7-8; Vetten, 2012: 176). However, the core issue is seen to lie in the fact that even the available documents are not being implemented in practice: "*Ultimately what we're dealing with is lack of implementation of what we already have on paper*" (I. anon 11, 2013).

The main strategy that departments have used in seeking to support victims of sexual offences has been the establishment of specialist structures (Machisa et al., 2011: 101). The SAPS strategy has focused on specialized detective units (namely Family Violence, Child Protection and Sexual Offence (FCS) Units) (Vetten et al., 2010: 1). Similarly, the NPA has looked to Thuthuzela Care Centres (TCC), which are 'one-stop shops' where survivors can receive a range of medical and forensic services[123], linked to specialist sexual offences courts[124] (Vetten et al., 2010: 60). This approach, as long as it is set alongside a broader response, is generally seen as positive by civil society groups who engage with sexual offence survivors (I. Moasic, 2013; I. RAPCAN, 2013). Within specialised services personnel are more likely to understand the complexities of sexual offences, be trained around the law applicable to sexual offences, follow guidelines for appropriate treatment of victims and be part of a network of other specialist services that reduce secondary victimisation (Vetten et al., 2010: 6, 63).[125] As a result, interviewees commented that within the TCC and SOC there were positive signs that the SOA was being implemented. For example, one interviewee states, "*when you've got a fully functioning Thutuzela Care Centre I think the implementation has been very successful*" (I. Mosaic, 2013).

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[123] TCCs are located in public hospitals and should offer a 24 hour service. The range of services they offer to victims is intended to include: reception of the victim (including information outlining the services and procedures), history taking and a medico-legal examination, post-exposure prophylaxis and treatment for pregnancy and sexually-transmitted infections, a space to take a bath or shower and have refreshments, a change of clothing, transportation home (or to a safe space), referrals and follow-up support. At some TCCs victims can open a case, give a statement to police, receive counselling and other services (Vetten et al., 2010: 60).

[124] The Sexual Offences Courts model requires two dedicated sexual offences prosecutors, a dedicated magistrate, closed circuit television and victim assistance measures (Vetten, 2012: 178).

[125] There is limited data available that explores the impact of specialist services on case attrition. One study, carried out in Gauteng province in 2003, demonstrates that FCS detectives out-performed general detectives across the board: "*making more arrests; having fewer cases withdrawn by either the courts or police; and having more of their cases go trial which were also more likely to result in a conviction*." Whereas 7.9% of sexual offences cases investigated by general detectives made it to trial, 19% of cases investigated by specialist detectives made it to this stage (Vetten, 2012: 4-5). Although the TCC model appears good, the centres have not been subject to independent, external evaluation (Vetten et al., 2010: 61). Vetten et al., (2010: 64) notes that SOC's have "*a steady conviction rate of 65%*". However, no comparisons can be drawn as no figures are available for the conviction rates in ordinary courts.

That said, specialist structures have been plagued by setbacks. In 2006 the FCS units were broken up (by former national Commissioner of Police, Jackie Selebi) only to be restored again in April 2011 (Vetten, 2012: 1).[126] Similarly, despite the NPA and DoJ&CD agreeing on a national strategy to roll out SOCs in 2003, in 2005 the Minister of Justice and Constitutional Development issued a suspension on the establishment of SOCs (citing too great a resource demand and citing concerns regarding magistrates being forced to specialise) (Vetten, 2012: 178). As of 2014, according to parliamentary research, the ratio of FCS units to SAPS stations is "*alarmingly low*": 176 FCS units are servicing 1135 stations when they are needed within each station (Lorenzo, 2014: 6). Research points to FCS units falling short. Although FCS units need victim support rooms, to provide privacy to victims and reduce secondary victimisation, as of 2014 only 14 of 176 FCS units have functional 'victim friendly rooms' (Lorenzo, 2014: 7). The number of specialist detectives is also limited with those available handling large caseloads (Lorenzo, 2014: 6). The DOJ&CD has recently showed an interest, and made steps towards, re-establishing Sexual Offences Courts (DoJ&CD, 2014; I. WLC, 2013). However, from 2005 the numbers of SOCs were significantly reduced, dropping from a peak of 67 in 2005/6 to 40 by October 2010 (Vetten, 2012: 178; Vetten et al., 2010: 4). Although TCCs have been left in place, since the first model was established in 2000, the majority of rape victims who report continue to be seen outside of specialist services as most TCCs are located in urban areas in the Western Cape (I. RAPCAN, 2013; I. Mosaic, 2013).[127] Ultimately, implementation of the SOA has been inconsistent and plagued by significant obstacles (Lorenzo, 2014). Three key issues repeatedly emerge as barriers to implementation of the SOA: a lack of financial resources allocated to implementation, a lack of knowledge and skills amongst those responsible for its implementation and a lack of monitoring and oversight.

Numerous commentators point to inadequate resourcing allocated for implementation of the SOA (Machisa et al., 2011: 87; I. RAPCAN, 2013; I. Mosaic,

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[126] The restructuring of the SAPS under Jackie Selebi's leadership involved shifts away from specialisation.
[127] Rehse (I. Mosaic, 2013) notes that "*There's been a couple* [of TCCs] *that have opened in the other provinces but not necessarily functioning very well.*"

2013). Within key departments, including SAPS and the DoJ&CD, there is a lack of separate budget allocated for implementation (Vetten et al., 2010: 2; Lorenzo, 2014: 17). Rezant (I. RAPCAN, 2013) comments: "*as there is no dedicated funds we're going to keep struggling to implement the Sexual Offences Act*". Given the high rates of crime generally, placing extreme pressure on the criminal justice system, existing budgets are not able to absorb implementation costs (Vetten et al., 2010: 1; Vetten, 2012: 169; I. Mosaic, 2013). To illustrate the kinds of impacts this is having on service provision the SAPS has pointed to a lack of money for fuel meaning they have been unable to travel to respond to cases of gender-based violence (Lorenzo, 2014: 15). The DoJ&CD acknowledges in their 2009/10 report that despite one of their key priorities for the year being the roll out of CCTV at TCCs, as a measure to protect victims, that this has not occurred due to financial constraints (Vetten et al., 2010: 58). Measures to implement the SOA have continued to rely on funding from, primarily international, donors (I. CLC, 2013). The SAPS, for instance, have relied on donations from the US embassy to develop their training around the SOA and a significant proportion of funding for the TCCs is provided by foreign donors (the exact amount covered by the South African government is not publicly available) (I. Mosaic, 2013; Vetten et al., 2010: 58-9). This raises questions about the money being made available for implementing the SOA through South Africa's national budget, and the sustainability of specialist structures if they are relying on donor funds (Vetten et al., 2010: 3).

Implementation of the SOA has been further constrained by the fact that state structures are "*underskilled*" and lacking the knowledge required to implement the Act (Vetten, 2012: 169; Machisa et al, 2011:87). Interviewees note that "*there's really a lack of awareness amongst the very people who are meant to be implementing the law*" which is because "*they're not being trained on it*" (I. WLC, 2013; I. UCT 1, 2013). The SAPS has budgeted money for training around the SOA (2007) and implemented a training program (Lorenzo, 2014: 12). However, SAPS has not collected accurate information about the numbers trained on the SOA or reported on the content and quality of the training (Lorenzo, 2014: 13). The SAPS and FCS units have themselves pointed to a lack of training (Lorenzo, 2014: 16). In a study conducted by Röhrs (2011: 66) in 2011, only 40.8% of the police official interviewed had received training on the SOA. Particularly worryingly, only 41% of

FCS members interviewed had received training (Röhrs, 2011: 66). A lack of training is compounded by general issues with the police's investigative process, such as missing dockets, incomplete witness statements and generally poor standards of evidence collection which hamper police investigations (Machisa et al., 2011: 97; Sigsworth et al., 2009: 38-9, 46; I. Mosaic, 2013). Similarly, research has demonstrated that the majority of health professionals have yet to receive training on the SOA (Röhrs, 2011: 66; I. UCT 1, 2013). Health workers in TCCs tend to have received more specialised training than in general facilities. However, there are still health workers based in TCCs that have not received any training (Röhrs, 2011: 66). Where training has been provided this has been conducted by the National Prosecuting Authority, NGOs or academic institutions - very little training has been carried out by the Department of Health itself (Röhrs, 2011: 66).

In addition, the general public lacks knowledge about the SOA (I. WLC, 2013; I. UCT 1, 2013).[128] The SAPS has some resources available for public education but there are a lack of measures on the outputs and impact of the SAPS public education work (Lorenzo, 2014: 13). The DoJ&CD has prioritised public communication, conducting a series of trainings and releasing information (Vetten et al., 2010: 40). However, Machisa et al., (2011: 86), in a study of Gauteng province, found that only 23% of women knew about the SOA compared to almost 49% of men. This suggests most South Africans, particularly women, will struggle to recognize and claim their rights. It is also important to note that rates of underreporting are extremely high (in part, linked to problems with the criminal justice system) meaning that for most victims the SOA fails to provide any access to justice (I. WLC, 2013). [129] Although the SOA, in theory, provides a framework that challenges violent masculinities, in practice, most individuals are not being held to account for violent behavior.

Implementation of the SOA has been hampered by a lack of monitoring and oversight of the departments responsible for implementing the Act (I. WLC, 2013; Observation 5, 2013). Vetten et al., (2010: 1) note that "*oversight mechanisms such*

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[128] It is important to note that it is seven years since the SOA was enacted and that legislation can take "*a really long time to trickle-down to individual people*" (I. UCT 1, 2013).
[129] A study by Marchisa et al., (2011) found that only 3.9% of women who had been raped by a partner or non-partner had reported the rape to the police.

as the Independent Complaints Directorate and Parliament are generally disregarded." Despite the tabling of documents to Parliament stipulated as a requirement of the SOA, SAPS, the DoJCD and the DoH have repeatedly failed to submit reports to Parliament (Vetten et al., 2010: 1, 5, 23). As opposed to addressing the failings of the structures that are already in place, the state's response has been to introduce new 'oversight' mechanisms (see, for example, the proposed Gender Based Violence Council) (I. anon 12, 2013; I. WLC, 2013). This can be understood as a form of "*defensive legitimation*" by the state, where the state is visibly seen to embrace new human rights institutions that have little impact on human rights in practice (Thomas, 2014). The issues explored here are viewed as fairly typical impediments to implementation within the policy literature which cites a lack of resources, both material and human, as well as inadequate monitoring, as key reasons for implementation gaps (Makinde, 2005; Sabtaier, 1986).

Human Rights Advocacy for Implementation

The Shukumisa campaign responds to the challenges outlined above through adopting classic methods of human rights advocacy, emphasising monitoring and documenting, and an on-going push for legal reform (Nelson & Dorsey, 2008: 17; Roth, 2004; Simmons, 2009). Having said this, the campaign is also, in some ways, reflective of more recent trends in human rights work, as identified by Nelson & Dorsey (2008), including the fact the campaign draws on new cross-sector alliances, and (to some degree) also draws on convergent methodologies.

The Shukumisa campaign was established in 2008 as the NWGSO rebranded (Shukumisa, 2014). As such, the majority of its member organisations have worked together previously around sexual offences law reform and recognise the need to continue advocating to secure implementation of the SOA (I. Shukumisa, 2013; I. UCT 3, 2013; I. CLC, 2013). The campaign has grown since the SOA was passed and currently draws together thirty-one organisations spanning most provinces (I. Shukumisa, 2013; Shukumisa, 2014).[130] Actors reflect a range of organisational

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[130] The current members of the Shukumisa campaign are: Agisanang Domestic Abuse Prevention And Training (ADAPT), the AIDS Legal Network, Childline, ChildLine KZN, the CINDI

types: members are drawn across research, advocacy and service delivery organisations, are urban and rurally based, and range from organisations constituted of *"one person sitting in an office somewhere to big organisations like Rape Crisis and Tshwaranang Legal Advocacy Centre"* (I. UCT 3, 2013; I. Shukumisa, 2013). Although all of Shukumisa's members have some degree of interest in women's rights, Shukumisa is a *"collaborative issue campaign"* (I. Shukumisa, 2013; Nelson & Dorsey, 2008: 142). Members work individually to advance the rights of a range of constituency groups. Interestingly, actors include both NGOs who work with men and boys (and explicitly address masculinities), as well as traditional women's organisations, some of whom are critical of masculinities work (I. anon 10, 2013; I. anon 11, 2013). In contrast to the new human rights alliances discussed by Nelson and Dorsey (2008), the Shukumisa campaign privileges work on civil and political, over economic and social rights. This is significant as Mutua (2004: 196) argues that, in Africa, *"civil and political rights can only be meaningful if addressed in the context of the denials of economic and social rights."*

In shifting its focus towards implementation the network has shifted from being *"purely a legislative reform type of campaign"* to a campaign *"looking at monitoring the implementation and advocacy work around the implementation of the Act"* (I. Shukumisa, 2013). The key activity that the campaign has carried out since its inception, and the activity which involves the most member organisations, is the monitoring of implementation of the SOA. Monitoring and documenting is a classic human rights method (Roth, 2004). Shukumisa has undertaken three rounds of monitoring of police stations, courts and hospitals (Shukumisa, 2008; TLAC & RCCT, 2011; Shukumisa, 2012). This monitoring was conducted by using the SOA and other basic victims' rights requirements to devise a checklist. This checklist was

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Network, Coping Centre, Ekupholeni Mental Health and Trauma Centre, FAMSA Pietermaritzburg, the Gender, Health and Justice Research Unit (University of Cape Town), G R I P – Greater Nelspruit Rape Intervention Project, Ikhwezi Women's Support Centre, Justice and Women (JAW), Lethabong Legal Advice Centre (LLAC), Masimanyane Women's Support Centre, Mosaic, Nisaa Institute for Women's Development, People Opposing Women Abuse, Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), Rape Crisis Cape Town Trust, Rape Crisis Centre Port Elizabeth, Remmoho, Sonke Gender Justice Network, Sex Workers Education & Advocacy Taskforce (SWEAT), Teddy Bear Clinic, Thohoyandou Victim Empowerment Trust, Thusanang Advice Centre, Tshwaranang Legal Advocacy Centre (TLAC), Western Cape Network on Violence Against Women, Women and Men Against Child Abuse, Women's Legal Centre and the Women On Farms Project.

then used by member organisations who visited local facilities to assess their compliance. The findings of this research have been compiled into reports which have been published online and used as an advocacy tool (for instance, in backing up claims Shukumisa members have made to Parliament) (I. Shukumisa, 2013).

Shukumisa's activities are characteristic of a top-down, legislative approach to social change. The campaign has continued to pursue legal reform, with a strong emphasis on making submissions to parliament (I. RAPCAN, 2013; I. WLC, 2013; Shukumisa, 2013e). Some of Shukumisa's submissions have pertained directly to the SOA. In 2013, for instance, the campaign responded to invitations for comments on a Bill that would amend the SOA (2007) to provide for Sexual Offences Courts (Shukumisa, 2013; I. WLC, 2013). However, the campaign's participation also includes involvement in processes that are seen to impact on women's rights more broadly. As a member of the campaign notes: "*the Shukumisa campaign has always engaged with other processes that affect women and not just the SOA*" (I. Shukumisa, 2013). The campaign has recently, for example, issued submissions to Parliament on the Women's Empowerment and Gender Equality Bill (WEGE) (I.Shukumisa, 2013; Observation 5, 2013; Shukumisa, 2014a).[131]

Despite a strong focus on monitoring and documenting, and legal reform, Shukumisa does have characteristics of 'new' human rights campaign (Nelson & Dorsey, 2008). Shukumisa's vision and mission statements are broad, speaking to the need to look beyond the state as a duty bearer (Nelson & Dorsey, 2008: 41).[132] Shukumisa's vision has a specified impact on over ten groups: communities, the public, civil society (as well as NGO personnel and networks), the media, donors, health workers,

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[131] The line between Shukumisa's and individual organisational activities are often blurred as members of the campaign would frequently act wearing 'multiple hats' (I. Shukumisa, 2013).Typically Shukumisa activities involve a small group of members coming together (e.g. to put their name to parliamentary submissions) or are activities completed by individual organisations but publicised through the Shukumisa campaign (e.g. research would be conducted by a member organisation but publicised through Shukumisa's website) (I. RAPCAN, 2013; Shukumisa, 2014). Members of the Shukumisa campaign have acted as friends of the court in order to address limitations of the SOA (2007). For instance, members of the campaign successfully argued that the criminalisation of consensual teenage sexual activity was unconstitutional (see Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another) and persuaded the court that concerns regarding a lack of sentencing provisions in the Act were unfounded (see S v Prins) (I. WLC, 2013).

[132] The full text of Shukumisa's vision and mission statements can be found in the appendix.

police officers, court personnel, victims (and survivors) and perpetrators (TLAC & RCCT, 2011; Shukumisa, 2012). Alongside this, the vision sets out multiple forms of change: shifts to attitudes, knowledge, confidence, behaviour, access to justice, policy, services, gender and other power relations, and social inequality (TLAC & RCCT, 2011; Shukumisa, 2012). Similarly, Shukumisa's mission statement includes a breadth of focus which establishes a range of stakeholders (organisations, communities, campaign members, people and rape survivors), targets a range of sites of change (civil society, local communities, government services, law and policy, 'the system') and introduces a range of activities (capacity building, monitoring, research, creation of materials and trainings, use of ICT and media, information sharing and follow-up actions) (Shukumisa, 2008). Shukumisa's vision and mission statements show signs of drawing on convergent methodologies (Nelson & Dorsey, 2008: 126). For instance, Shukumisa's vision includes a statement that "*effective evidence-based treatment programmes for perpetrators are in place",* an intervention that draws more on health-based, than rights-based, strategies for change. Having said this, as explored below, there are gaps between Shukumisa's vision and mission statements, and the campaigns work in practice.

Challenges of Human Rights-Based Implementation

The second section of this chapter uses Mintrom & Norman's (2009: 652-654) framework to explore central tensions in securing implementation through human rights advocacy. Mintrom & Norman (2009) identify four qualities that are likely to increase the success of actors pushing for policy implementation. These are the ability to: define problems, display social acuity, build teams and lead by example. The chapter concludes by highlighting recent developments in Shukumisa's structure and mode of working, exploring the degree to which these may address some of the challenges the campaign faces.

Defining problems

Mintrom & Norman (2009: 652) note that how problems are defined is crucial for whether issues garner attention and support from relevant actors. Similarly, the

human rights literature notes that successful campaigns need to campaign coherently with a clear political message (Haywood, 2009: 18; Keck & Sikkink, 1998: 204-9; Yanacopulos, 2011: 67). As a concrete example, Shawki (2011) contrasts the 'successful' international campaign to ban landmines (ICBL) with the less successful International Action Network on Small Arms (IANSA). Shawki (2011) argues that, in large part, the ICBL was more successful as it had a relatively narrow focus (focusing on one to two related aims), in contrast to the IANSA which sought to address a wider array of issues (with disagreement amongst its members about its main focus and highest priority). As Shawki (2011) observes, within the IANSA there is an absence of cohesiveness and strong clear message: "*the tendency has been to incorporate the priorities and substantive foci of the full range of IANSA members in the campaign goals, incorporated tangential issues to mobilise all stakeholders*" (Shawki, 2011: 111-12).

The Shukumisa campaign reveals that tensions can arise in human rights advocacy between the need to frame and address issues through building new rights alliances and the need for focused and clear problem-definition. Becker (2013: 7) notes that "*the strongest human rights advocacy efforts are based on broad and diverse partnerships… united around a single goal.*" Members of Shukumisa observed that the campaign's strength derives from both the networks large size and diverse composition of actors (I. Shukumisa, 2013). Drawing across issue areas can support problem-definition by revealing alternative ways to frame issues and by drawing support from actors who may otherwise not be concerned with the immediate scope of the problem (Mintrom & Norman, 2009: 652; Meijerink & Huitema, 2010). Having said this, in Shukumisa's case, drawing across diverse issue areas has resulted in struggles to develop a clear definition of the problem and solution the network seeks to bring about. The campaign has sought to frame its work broadly. As one member comments: "*I mean Shukumisa means shaking it up right so I think also it gives the flexibility to kind of incorporate or jettison issues underneath that*" (I. UCT 3, 2013). The campaign has sought to draw on the range of perspectives of its members which has resulted in the campaign being "*part of whatever is going on*" and lacking its own clear problem-definition (I. anon 2, 2013). As a result, the campaign's framing fails to have broad resonance, giving little sense of sexual

violence as a problem, or the action that is needed to address it (Keck & Sikkink, 1998; Haywood, 2009: 20).[133]

Shukumisa's struggle to develop a clear problem-definition, and response, is captured in its vision and mission statements which are overly broad and complex. As discussed above, the scope of Shukumisa's vision and mission statement is vast with stakeholders including "*all sectors of society*", setting out multiple forms of change and introducing a range of activities (Shukumisa, 2008; Shukumisa, 2012; TLAC & RCCT, 2011). The statements are also internally inconsistent.[134] Whereas Shukumisa's (2008; 2011; 2012) vision statement contains a strong emphasis on addressing underlying attitudes and behaviours, the mission statement contains more reference to law, policy and procedure. There are key components of the vision statement that are not addressed through the campaigns mission (e.g. the treatment of perpetrators) and new issues introduced in the mission statement (e.g. the need for further development of the law). Further inconsistency is created by the fact that the campaign has, in practice, participated in activities that go beyond the scope of the network's mission statement. The mission statement does not identify, for instance, that the campaign has participated in processes impacting on women's rights, beyond those pertaining to sexual offences per se (I. Shukumisa, 2013; Shukumisa, 2014).[135] The lack of clarity around Shukumisa's approach is further evidenced by the fact that although members of the campaign were aware of some of the campaign's activities, most members did not have a clear idea of the campaign's broader focus areas. For instance, most interviewees described Shukumisa's activities exclusively in relation to monitoring and parliamentary submissions, other interviews described campaign focus areas that did not fully align with those identified by the campaign coordinator (I. anon 2, 2013; I. anon 13).

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[133] Hodes (I. UCT 1, 2013) contrasts Shukumisa's appeal with that of the 1in9 campaign which has achieved greater public visibility. The 1in9 campaign similarly seeks to draw attention to issues with South Africa's criminal justice system. Yet, the framing of the 1in9 campaign instantly highlights rates of underreporting of rape (it is estimated that only 1in9 women report to the police), drawing attention to the key problem to be addressed.

[134] The vision itself provides both a picture of the ultimate end-point for the campaign (e.g. where public discourse no longer show prejudicial attitudes) but is also a work in progress (e.g. where training is being carried out to transform gender relations) (TLAC & RCCT, 2011; Shukumisa, 2012).

[135] It is also worth noting that the mission statement contains references to activities that do not appear to have a clearly defined purpose, such as the "*innovative use of ICT*" to "*share information*" (Shukumisa, 2008).

Having developed from a pre-existing network, the Shukumisa campaign has had to work with a huge range of perspectives (I. UCT 3, 2013). Members of the network work with a range of different groups, including: women, women farm workers, men and women who have experienced sexual violence, children, LGBT individuals, sex workers, male perpetrators of violence and HIV positive individuals. As one member of the Shukumisa notes, organisations which span sectors can be "*natural allies*". But, cross-sector alliances can also lead to tensions about what issues should be prioritised by the campaign:

> *"Sometimes you'll find that the children's sector and the women's sector, who are natural allies, don't agree on a particular thing but from an ideological perspective… it's not that we disagree about what the outcome should be but we might disagree on how we're going to get there or the language we use when we talk about it…. And there might also sometimes be disagreement around what is an issue for the campaign to take up and to work on. What should be prioritised and what should be taken up as a campaign issue or a campaign activity?"* (I. anon 11, 2013).

Although Shukumisa's members tend to share some interest in women's rights they come at this issue from different perspectives: RAPCAN, for instance, approaches the campaign with a particular interest in children and young women, whereas SWEAT is particularly concerned about sex workers (with a recognition that most sex workers are women) (I. Shukumisa, 2013). Leading on from this, the diversity of actors in the campaign means that the network lacks a clear community (I. UCT 4, 2013). 'Women' and 'children' as a community remains extremely large, encompassing most of the population. Not only are women and children groups with vastly distinct needs but within these categories there is clearly tremendous diversity. Furthermore, members take very different approaches to tackling the issue of sexual offences, including focusing on: legislative reform, changing men's attitudes and behaviour, empowering women to claim their rights, directly delivering services, building the capacity of marginalised civil society actors to engage in political processes etc. Although members may share an interest in responding to sexual violence, and advancing the rights of women and children, they each have different priorities and rely on

distinct organisational theories of change. Whereas some members focus on grassroots education and mobilisation, other members prioritise top-down strategies focused on legal and policy reform (I. WoF, 2013; I. WLC, 2013).[136] On some issues, such as whether organisations should work with men as gatekeepers to change, there is strong disagreement between Shukumisa's members which can lead to points of contentious debate (I. anon 2, 2013; I. anon 11, 2013).

The literature cites the management of difference, and consideration of individual members in developing network agendas and strategies, as a key feature of successful networks (Levi & Murphy in Tarrow, 2005: 165; Jordan & van Tuijll, 1998). The ICBL, for instance, enabled its members to pursue campaign goals as they saw fit (Shawki, 2011: 108-9). Similarly, the campaign to end the trade in conflict diamonds enabled its constituent members to pursue their own activities whilst cooperating when common strands were required (Smilie, 2004: 185). Shukumisa has attempted to manage difference between its members by enabling groups to choose whether or not they want to be involved with particular campaign actions ("*no one is held to ransom*") (I. WLC, 2013). The campaign has also pursued dual strategies in relation to particular processes. As one member notes, "*there's always then a compromise around taking on little bits of both approaches*" (I. Shukumisa, 2013). [137] For instance, in relation to the networks' engagement with the WEGE Bill the campaign both issued statements describing their rejection of the Bill in its current form, and some members chose not to engage with the parliamentary process, as well as issuing a submission to Parliament on necessary changes to the Bill (Observation 5, 2013; Shukumisa, 2014a; Shukumisa, 2014b). Shukumisa's willingness to allow its members to pursue their own approach helps explains how the network has held together a diverse array of members over an extremely long time-frame (well over a decade). Where the Shukumisa campaign differs from more successful network examples is on the balancing the management of difference with

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[136] See chapter 2, for a discussion of the various theories of change that inform civil society efforts to address sexual violence.

[137] There are debates among Shukumisa's members between those who believe that Shukumisa should pursue "*a more hard-line approach*" and other members who "*may feel no – let's be more diplomatic*" (I. Shukumisa, 2013; Observation 5, 2013).

the need to maintain a coherent agenda. In both the comparative examples cited, members were able to pursue individual strategies but the campaigns themselves were focused around narrow aims. The diversity of Shukumisa's member organisations has made it difficult to develop a clear action frame. A one member notes, "*the more issues you start to broaden out into – it just becomes unmanageable*" (I. anon 2, 2013).

Jordan and van Tuijl (1998) argue that NGOs are not capable of managing a huge multitude of relationships through collective campaigning as it often becomes unfeasible for networks to then find concurrent or interlocking objectives (or at least without developing unyielding visions). All the same, within the literature there are examples of 'successful' large, extremely diverse networks such as the ICBL. The ICBL was comprised of hundreds of members with different focus areas, from different countries and who adopted different organisational strategies (Shawki, 2011). Similarly, the Jubilee 2000 campaign brought together civil society coalitions in over seventy countries (Buxton, 2004: 55). However, the difference with each of these campaigns is that they defined their agendas early on. Subsequently, actors joined the campaigns in support of the campaigns pre-defined objectives (Shawki, 2011; Yanacopulos, 2009: 67). In contrast, Shukumisa has inherited a composition of actors from the campaigns preceding engagement in the law reform process. The campaign has subsequently had to attempt to define an agenda that reflects its diverse membership. As such, there is a particular challenge for networks that have developed to pursue legal reform, and subsequently have to redefine their focus.

Displaying Social Acuity

Mintrom & Norman (2009: 652) recognise that actors need to display high levels of social acuity in promoting change. In particular, actors need to be able to take advantage of 'windows of opportunity' (Meijerink & Huitema, 2010; Ridde, 2008). Shukumisa has actively sought to exploit 'windows of opportunity' to push for further law reform and implementation. However, the campaign's actions reveal the limits of this strategy when adopted through a narrow, top-down, legislative approach to pursuing implementation.

One member of the campaign points to the importance of exploiting 'windows of opportunity':

> "*You have to take every opportunity that comes your way. It really is important to be able to have that flexibility because you never know how important something might end up being…. something that seems unimportant can snowball and become a massive opportunity and so that's one of the lessons – you must take all opportunities*" (I. WLC, 2013).

In practice, this has meant the campaign has sought to exploit openings associated with a range of processes. A number of members of the campaign were keen for the campaign to respond to any issues that arose as otherwise the campaign was seen to be missing potentially valuable opportunities (Observation 5, 2013). This has included seeking to shape the content of a range of legislation, including the WEGE Bill, the Sexual Offences Court Bill, the Victim's Empowerment Legislation and the Traditional Courts Bill ("*particularly its effect for women*"). It has also involved seeking to engage with an array of political processes: the National Development Plan ("*in terms of how it's just not thinking about women at all*"), as well as "*things like budgets, plans and reviews and state of the nation addresses*" (I. Shukumisa, 2013).

As the campaign has tended to exploit windows created by the state (even though the state is challenged through these openings) the campaign has ended up functioning in a "*very reactive*" manner (I. Shukumisa, 2013). As noted by members of the campaign this has meant the "*state essentially dictates the terms of engagement*" (I. anon 6, 2013).[138] The focus on particular types of openings is a reflection of the campaigns focus on legal and policy processes, as well as the fact that "*it's much easier to see a window of opportunity for policy submissions*" than it is to identify openings in other areas (I. UCT 3, 2013). The result of this is that members of the campaign have felt unable to "*deliver a decent argument*" due to the short notice the state gives for civil society participation (I. UCT 4, 2013; I. Shukumisa, 2013). More importantly, as a result of focusing on openings presented by the state, the campaign has ended up focusing on processes that do not address key issues for survivors of

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[138] These issues reflect the risks associated with institutionalisation and are a product of civil society participating in invited spaces (where participation is necessarily framed in others terms) (see Cornwall, 2002: 23).

sexual offences, such as the lack of core funding available for psycho-social services. The campaign has expelled limited resources on openings that ultimately are only likely to have a tangential, if any, impact on the response to sexual offences. For instance, it is widely acknowledged by Shukumisa's members that the WEGE Bill in its current form will do nothing substantive to address the lives of women and that what is needed is not new legislation but implementation of what is already on paper (Observation 5, 2013; Shukumisa, 2014b). Yet, due to a concern about missing an opportunity to input on the legislation, and particular member organisation's investment in participating in legislative and parliamentary processes, the network has responded to WEGE Bill by issuing press releases and by producing parliamentary submissions (Observation 5, 2013; Shukumisa, 2014a; Shukumisa, 2014b). In this sense, the campaign has been drawn into a process that appears to be a form of "*defensive legitimation*" by the state (Thomas, 2014).

Shukumisa's focus on legal and policy windows has diverted the campaigns resources away from efforts to engage a broader audience (Cornwall & Molyneux, 2006: 1185). Shukumisa aims to speak to a broader audience than parliamentarians. Within the campaign's mission statement the campaign describes its aims to enable communities to monitor and hold the government to account, the aim to inform people of their rights and to "*share information*" (presumably with a range of stakeholders) (Shukumisa, 2008).[139] This intention is further evidenced by the fact that one of Shukumisa's three campaign sub-groups is tasked with mobilisation (I. Shukumisa, 2013). In addition, members of the campaign speak to the need for outreach e.g. Waterhouse (I. CLC, 2013) notes that "*people need to know their rights – it remains a very critical aspect of implementation.*" It is only with knowledge of their rights that individuals are able to claim them (I. WLC, 2013; I. CLC, 2013). Despite this it is clear that the campaign has not prioritised speaking to a broader audience (I. anon 7, 2013).[140] While the campaign's work around law and policy

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[139] In a similar vein, the campaign's website explicitly states it is intended as "*an online resource for*" "*rape survivors and their families*", "*concerned citizens*" and "*community activists*" (Shukumisa, 2014).

[140] On occasions, the campaign has reached out beyond parliamentarians. For instance, the campaign sought to use the SAPS release of National Crime Statistics as an "*advocacy vehicle*" for shifting police attitudes (I. WLC, 2013). The campaign initially produced a press release (highlighting

reform was discussed in some depth, barely any time was spent discussing the campaign's efforts to build the capacity of individuals to claim their rights, or on how the campaign had tried to reach out to the general public (Observation 5, 2013; Sonke 1, 2013; I. WLC, 2013).[141] Interviewees discussed the importance of 'community organisations' participating in parliamentary submissions (I. anon 2, 2013; I. anon 3, 2013). However, there was no discussion of equivalent displays of solidarity where NGOs specialising in legal and policy work supported efforts to mobilise relevant constituencies. In contrast, where campaigns have been successful in mobilising relevant populations, networks have prioritised this area of work. The TAC, for example, sought to mobilise the poor and those who were HIV positive from the outset, supporting this work through a 'treatment literacy' strategy, and significant budgeting (Haywood, 2009: 16).[142]

In summary, there is a danger that a focus on the need to exploit 'windows of opportunities', particularly when pursued through a legal/ policy lens, risks drawing

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concerns pertaining to the statistics) and followed up by meeting with the civilian secretariat for police. However, outreach and education has not been systematic.

[141] Having said this, there are also significant structural impediments to the campaign building public knowledge and support for tackling sexual offences These structural impediments include the fact that South Africa is extremely patriarchal with low levels of support for women's rights concerns – and the fact that other social issues are often perceived as being more pressing to members of the public (e.g. severe economic impoverishment and a lack of service delivery) (I. WLC, 2013; I. CLC, 2013).

[142] Shukumisa is missing opportunities to build public support, knowledge or action. For instance, the campaign's website, which acts as Shukumisa's public platform, currently fails to capitalise on opportunities to build public involvement and lacks broad appeal. Shukumisa's website does seek to provide some information to individuals about their rights pertaining to sexual offences legislation and suggests a number of ways individuals can get involved:

> "*You can join us by: Adding your voice to our Facebook discussions; Supporting our activities, or suggesting them; Writing to the media and Government to complain when the law fails rape survivors; Getting involved with organisations linked to the Shukumisa Campaign*" (Shukumisa, 2014).

All the same, there is also a lack of information that enables visitors to take up the suggested actions. For example, the suggestion of writing to the media or government does not provide any support on how to do this or suggestion of potential contacts (Shukumisa, 2014). As such, it relies on individuals already having the knowledge and skills that enable them to participate. The suggested actions also fragment public involvement by setting broad parameters (e.g. by not suggesting individuals target a specific department or issue) and by pointing individuals towards the work of their individual members (as opposed to encouraging the public to become involved with the campaign's collective actions) (Shukumisa, 2014).

More broadly, the website lacks general appeal: there are a lack of visuals and much of the text is dense (written in relatively complex language) (Shukumisa, 2014). In contrast, the ICBL (for example) increased its impact by using forms of visual messaging (photographs and video) to highlight the impact of landmines (Hubert, 2004: 97). Such components are notably absent from Shukumisa's public communications.

networks attention towards the 'urgent need' to input into state processes, and away from education and outreach activities.

Building Teams

The third quality identified by Mintrom & Norman (2009: 653) is the ability to work effectively with others; to make use of networks composed of actors with different knowledge and skills (Meijerink & Huitema, 2010). Shukumisa has struggled to fully integrate its diverse set of member organisations into campaign activities, impeding its ability to act collectively. This can be partially understood as a result of the campaigns central focus on legal and parliamentary advocacy which has marginalised member organisations that lack legal and academic skills (Eschle & Stammers, 2004: 349-350; Mihr & Schmitz, 2007). Another key tension that arose in interviews pertained to the difficulties of working in networks when funding is almost exclusively channelled through NGOs. Although this issue is largely beyond the control of the Shukumisa campaign, it is discussed as it directly bears on the ability of the network to engage in collective action.

A key concern for members of Shukumisa has been how to "*capacitate organisations that aren't the usual suspects*" to enable them to participate in Shukumisa's work (I. UCT 3, 2013). Members note that "*the campaign's quite good at opening the process up to whoever is interested in participating*" and does incorporate knowledge from a range of organisations into their advocacy work (I. WLC, 2013). However, as is typical of human rights advocacy, Shukumisa's work has prioritised legal reform and engagement with parliamentary process. As a result, "*the prospect of doing other things and engaging other members more centrally in activities gets lost*" (I. Shukumisa, 2013). Most members acknowledge that those taking a key role in the campaign are those with legal, technical or academic skill sets, not "*community voices*" of those "*working on the ground*" (I. Sonke 1, 2013; I. UCT 3, 2013; I. Shukumisa, 2013). Hodes (I. UCT 2, 2013) notes references to communities (in South Africa), crudely speaking, are shorthand. They reference a divide between urban-based NGOs, who are widely viewed as skilled and predominantly comprised of white staff from more affluent backgrounds, and more

rurally based organisations, sometimes viewed as unskilled, with higher numbers of impoverished black members of staff (I. CLC, 2013; I. Sonke 1, 2013).

Even though all members are invited to engage in the network's activities, members who do not frequently work in parliamentary arenas often don't fell able to contribute. As Moult (I. UCT 3, 2013) notes:

> *"How do we capacitate them* [those without policy writing skills] *so that when they see a piece of policy that we send out and ask for comments on - that they feel like they have something to add*?"

The quick turn over times for engaging in parliamentary submissions has meant there hasn't been the time for organisations, who are not already well-versed with the issues at hand, to develop their knowledge and skills to contribute. One member describes the challenges she faces in contributing to the campaign:

> "*There are strong personalities in terms of writing – so you've got academics that are sitting there… government will send you something to input on before Friday – and if you're a practitioner and you don't understand the first thing that's being said… By the time you comment, those personalities have already gone ahead and answered. And so then you feel your voice is lost…. you're familiar in writing submissions … so when you say things it just comes, it rolls off your tongue, but for some practitioners that's not what we do every day. So it's really difficult to shift yourself*" (I. anon 9, 2013).

Even more inclusive activities, such as Shukumisa's monitoring work, have relied on a research skill set (both in collecting data and the write up of reports) and some knowledge of the law. In its pilot study the campaign notes:

> "*While we had wanted to create a policy monitoring strategy that could be undertaken by anyone, this was not always the result in practice. While some organisations have been able to adapt the forms and repeat the monitoring in terms of their particular needs, others were not always able to collect the information accurately. This also reflected varying levels of knowledge of policies and laws amongst organisations*" (Shukumisa, 2009).

The literature on transnational advocacy networks notes that inequalities often exist between network actors. However, the focus is typically on relationships between Northern and Southern NGOs, as opposed to actors within a domestic network

(Jordan & Tuijl, 1998; see chapter 2, pg. 75 of this thesis). Similarly to the dynamics explored between North-South actors, the capacity for particular actors to participate within Shukumisa is linked to member's resources and lack of fluency with institutional language (Jordan & Tuijl, 1998). Jordan and van Tuijl (1998) note that network actors should operate in their own "*political arenas*": areas they know and have particular expertise in. This suggests that where human rights campaigns are targeted at legal and policy arenas they should draw on actors with specific expertise in these areas. Although it may be ideal to have a whole range of NGOs engaging with legal and policy strategies, Jordan and van Tuijl (1998) note that often it is not feasible for NGOs to overcome their own area of specialism. Drawing actors out of their own political arenas can serve to enhance network inequalities, as is the case for the Shukumisa campaign (Jordan & van Tuijl, 1998). This is supported by further case studies. The TAC, for instance, although combining legal strategies with social mobilisation, encouraged actors to operate within their own political arenas (Haywood, 2009: 22). The TAC then used pressure from social mobilisation to support legal strategies, and vice versa (Haywood, 2009: 22). Having said this, one strategy campaigns can use to support actors to operate beyond their own political arenas is capacity building. Shukumisa is actively seeking to build the capacity of its members who lack legal and academic expertise (I. Sonke 1, 2013; I. Shukumisa, 2013; I. UCT 3, 2013). One member describes what this involves: "*we do our best as the campaign to capacitate individual organisations … By putting them in touch with other providers in the area, by offering services, by doing training, by you know doing some capacity development around monitoring implementation*" (I. UCT 3, 2013). However, the respondent notes that the success of this work "*depends on the resources of the individual organisation*" (I. UCT 3, 2013).

The limitations of the network's current approach to capacity building are highlighted by an example of an attempt to build the capacity of one of Shukumisa's rural (low capacity) member organisations to carry out monitoring work on behalf of the campaign. After being invited to take part in the monitoring, a member of staff from the rural member organisation explained to other members of the campaign that she did not have the time to carry out the monitoring because of her heavy workload (I. anon 13, 2013). The Shukumisa campaign suggested that some of the rural organisations' constituency members could support her in carrying out the

monitoring, after receiving training on the SOA from another Shukumisa member. The training was carried out but the staff member ran into difficulty in involving the women in the monitoring activities themselves. The women were working long days (meaning they were not available) and were "*far away from the police station – the distances and they wouldn't walk there*". The women could not afford to pay for public transport to access the monitoring sites. The member of staff took this issue back to the Shukumisa campaign who "*tried to look at how to do it differently*", suggesting that the women could do the monitoring on the weekends. However, this did not work as the staff member and women "*would also work the whole week and then Saturday they would give attention to their homes and whatever – the washing, the shopping*." Although the respondent was keen to stress Shukumisa had tried to help her out and were "*nice*" when she was struggling, ultimately, the staff member carried out the monitoring by herself (I. anon 13, 2013).[143]

Waterhouse (I. CLC, 2013) notes that building an organisation's capacity requires forward planning: work models need to be adjusted to allow time and resources, e.g. to pay for transport or conduct training. Networks need to think in relation to different skill-sets: "*we need more staff who aren't legal researchers or aren't social researchers but are in fact organisers*" (I. CLC, 2013). Furthermore, capacity building implies a long-term strategy embedded in established relationships:

> "*building citizen groups and voice, it's not something you do from the outside in. You facilitate it within and to be within implies building relationships, legitimacy and trust before you start building knowledge and skills and opportunity*" (I. CLC, 2013; also I. UCT 4, 2013).

The need to look beyond the skill sets typically utilised in human rights advocacy, as well as the need to adapt current work models, can help explain why networks who adopt top-down legislative approaches may struggle to build the capacity, and support the participation, of a diverse membership.

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[143] The interviewee also noted that in the end the monitoring she undertook was not featured in Shukumisa's report. After the interviewee brought this issue to Shukumisa's attention they explained they would look in to the issue but, at the time of interview, the interviewee had not received an explanation for the exclusion of her monitoring data (I. anon 13, 2013).

Shukumisa's capacity to act collectively is also shaped by a tension between members desire to contribute to collective advocacy and organisational demands. Shukumisa's functioning has been affected by the limited resources of its member organisations. Members have had to confront difficult choices over whether to participate in collective activities or to focus on their own (organisational) workloads (Observation 5, 2013). This issue is particularly salient given that many actors within South Africa's women's sector are burnt out, confronted with a lack of resources, and overwhelming levels of violence (I. Shukumisa, 2013; I. UCT 2, 2013).[144] As a result, it is often only a small handful of campaign members who participate in a given campaign action (Shukumisa, 2014a).

Due to a lack of centralised funding for most of Shukumisa's activities, until recently, member organisations have had to fund campaign work themselves.[145] This has a particular impact on smaller more rurally based organisations whom have to travel further to meetings, which are typically based in urban-centres, and are unable to fund their own participation (I. anon 6, 2013). A lack of centralised funding has meant that to contribute to the campaign, member organisations have had to direct resources away from funded organisational projects. As such, one member asks "*how do I … manage my competing agendas?*"

> "*I mean Shukumisa isn't paying me anything to be a steering committee member… How do I justify two weeks work on a funding proposal for Shukumisa when actually I should be spending two weeks writing a proposal for my own unit?*" (I. anon 2, 2013).

Partly due to these tensions some members noted that they had pulled away from the network at various points as the issues the network focused on, or its approach, became more or less salient to their organisational work:

> "*And so our relationship … has been somewhat fluid – I mean we were part of it at the beginning, we withdrew out of it for a while and then we've come*

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[144] The impact of actor's being burnt out receives little attention in the advocacy literature, despite the fact it clearly impacts on actor's ability to continue to advocate for change.

[145] Some network funding has been available for Shukumisa's monitoring activities.

back in to it – just as I think research interests and kind of strategies and issues have been more salient to us in and out" (I. anon 2, 2013).[146]

The tension between organisational demands and collective action is exacerbated by the fact that Shukumisa's funding is often drawn from the same funding pools applied to by its own members (I. anon 2, 2013; I. anon 6, 2013). As one interview asks: "*How do you manage the tensions of Shukumisa* [being] *essentially another organisation competing against its very own constituents?*" (I. anon 2, 2013).[147] As a result, members describe that there are issues that arise in bringing ideas to Shukumisa's meetings. Shukumisa may decide to apply for funding for a project that emerged from, or is of interest to, a member organisation (I. anon 2, 2013; I. anon 6, 2013).

This reveals an important tension between the demands on NGOs, who are recognised as playing a central role in networks and often used as conduits for funding, and the need for collective action which transcends the work of individual network members (Keck & Sikkink, 1998: 9). The literature recognises that successful networks need to offer incentives for member participation through considering what incentives members have for engaging with the network, and considering individual members when devising network agenda's and strategies (Jordan & van Tuijl, 1998; Levi & Murphy in Tarrow, 2005: 165). The implicit assumption within the literature is that by giving consideration to the needs of individual members, that organisations will become active members of networks. However, the Shukumisa campaign reveals that offering incentives is not enough if collective action is undermined by external funding structures and resource constraints.

Leading by Example

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[146] Similarly, another member commented that they withdrew at a point where discussions were less focused on legal/ technical aspects of sexual offences legislation as "*that's not what I can bring to the table.... It was just ... not personally a useful process to be involved in*" (I. anon 6, 2013).
[147] One interviewee pointed out the need for ground rules to be set around fundraising for the network (I. anon 6, 2013).

The fourth, and final, quality identified by Mintrom & Norman (2009: 653) is the ability to make a solution appear workable, consequentially reducing the perception of risk amongst decision makers. Shukumisa has struggled to make solutions for addressing sexual offences appear workable, emphasising holism over strategic entry points.

Shukumisa's vision statement points to the need for a multi-level complex solution to address sexual offences, as is characteristic of trends in human rights work towards holism (Nelson & Dorsey, 2008). Shukumisa identifies that changes are needed to public attitudes, media reporting, donor funding and victims' treatment within the criminal justice system, as well as in the availability of evidence-based programmes for perpetrators (TLAC & RCCT, 2011; Shukumisa, 2012). Shukumisa draws on a complex theoretical framework. It is recognised that law and policy will only be implemented in a way that protects survivors of violence if patriarchy is addressed (campaign members also recognise that patriarchy "*evolves*" over time) (I. RAPCAN, 2013; I. Shukumisa, 2013). In a similar vein, drawing on an intersectional analysis, members are aware that experiences are not just shaped by single facets of an individual's identity – gender, race, class, sexuality and culture are seen to construct "*multiple oppressions*" that affect victim's needs and experiences of violence (I. Shukumisa, 2013). Shukumisa's vision statement calls for services and policies to "*respond to survivors' heterogeneity and diversity by taking into account multiple forms of oppression and institutional marginalisation, which informs the context for action*" (TLAC & RCCT, 2011; Shukumisa, 2012).

Although, in practice, the activities of the campaign do not address this vision of multi-level change, they do point to the need to address sexual offences through multiple processes. For instance, the need to engage with a variety of law reform processes that implicate women's rights, as opposed to sexual offences per se. The engagement in law and parliamentary processes tends to be grounded in complex academic and legal arguments (Shukumisa, 2013). In addition, the campaign repeatedly points to the limits of simple and discrete interventions. For instance, the campaign has pointed to the inadequacy of pushing for training without ensuring there are also resources available, and accountability structures to monitor that training is adequate (Observation 5, 2013). The campaign's approach is, in many

ways, exemplary social science and law (the key professions associated with classic forms of human rights advocacy) (Nelson & Dorsey, 2008: 17). The campaign's interpretation of a patriarchal framework, for instance, addresses some of the critiques of patriarchy as a theoretical explanation for sexual violence (see chapter 1). Yet, a reliance on complex frameworks and insistence that change needs to occur at multiple sites is unlikely to demonstrate the practicality of solutions to decision makers. This assertion is supported by available cases studies which reveal that successful campaigns necessarily involve trade-offs between inclusivity and effectiveness. For example, the focus on discrete issues can help explain the comparative success of the ICBL and Treatment Action Campaign's (TAC), in comparison to the IANSA. Whereas the ICBL and TAC focused on 'narrow' agendas (the banning of landmines and access to ARVs), IANSA sought to push for a comprehensive policy solution (Haywood, 2009: 15; Karp, 2006: 22-3; Hubert, 2003: 96).

The above discussion indicates that the Shukumisa campaign would benefit from thinking more in terms of 'strategic entry points' for its work. There are some indicators that the sector is already moving in this direction. For instance, several interviewees, speaking about their organisational work, noted that they are increasingly looking for strategic entry points that impact on rape victims' experiences of the criminal justice system (I. RAPCAN, 2013: I. UCT 4, 2013; I. WLC, 2013). One interviewee, speaking about the Women's Legal Centre, noted that over time the organisation's approach had shifted from looking at individual cases to get "*a foot in the door in terms of the system*" to looking for "*that systemic solution – one particular aspect that one can litigate on that really will make the biggest impact on the system as a whole*" (I. WLC, 2013). Given the fact that Shukumisa already works to improve the criminal justice system, and the campaigns legal expertise, a promising strategic entry point may derive from a focus on the police. This is a logical focus in terms of case attrition:

> "*The police officers are the first port of call, they are the investigators and it's really there that a lot of the individual cases fall apart ...where it's all falling apart – it seems to be at the police level where* [there are] *still things like not taking down a client's contact details*" (I. WLC, 2013).

Focusing on strategic entry points can mean addressing symptoms not causes e.g. looking at how cases of sexual offences are managed whilst neglecting the inequalities that underlie sexual violence.[148] There are two ways this can be mitigated for. First, advocacy focused on a strategic entry point may include actions which draw attention to the causes of violence. Currently, Shukumisa's monitoring of police stations focuses on a checklist with a strong focus on physical accessibility of police stations and police stations holding physical copies of key legislation, policies and protocols (Shukumisa, 2012). This approach privileges physical structures and documentation, neglecting fundamental issues that shape the interaction between police officers and rape survivors. Instead, monitoring activities could draw attention to underlying causes by considering police attitudes, potentially opening up discussions about how patriarchal attitudes shape institutional responses to victims who come forward (I. WLC, 2013; I. UCT 1, 2013).

Secondly, there is a role for sequencing. The literature suggests that 'narrow' campaigns can lead to broader questions coming to be addressed at a later stage. For example, Haywood (2009: 19) notes that TAC's initial narrow focus, on ARVs, later served to raise broader questions about South Africa's health systems. Similarly, a relatively narrow focus on police interactions with victims, and evidence collection, could later facilitate a range of broader questions pertaining to the structures underlying violence, societal treatment of rape victims etc.

Activities aimed at seeking to build rights-consciousness, either through challenging violent masculinities or empowering victims to claim their rights, may appear to be a more appropriate strategic entry point than targeting institutional change, if we consider the need for strategic entry points to address the underlying causes of violence. However, there are pertinent reasons for Shukumisa to begin with a more institutional focus. Building rights-consciousness would require the campaign to focus on radically different skill sets and arenas of work (Jordan & van Tuijl, 1998). Building rights-consciousness would also foreground the divisive question of

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[148] Shukumisa's vision statement indicates a desire to address the causes of violence through expressing a desire to transform gender relations and reduce the real rates of rape (TLAC & RCCT, 2011; Shukumisa, 2012). This was also reflected in several interviews with members of the campaign (I. UCT 3, 2013; I. WLC, 2013).

whether or not to involve men within Shukumisa's activities (I. anon 10, 2013; I. anon 11, 2013). Furthermore, some degree of "*institutional receptivity*" may be necessary to support victim's identity as "*rights-defined selves*" or to tackle perpetrators subjectivities (Merry, 2003). Merry (2003) argues that individuals need encounters with the legal system that confirm NGO's messaging that they have rights: if the police treat a victim's report of sexual violence as trivial this is likely to undermine the victim's identity as a rights-holder, and reinforce a perpetrators belief that they can act with impunity. In essence, "*implementation* [of rights within institutional settings] *is fundamental to establishing human rights consciousness*" (Merry, 2003: 381). This point should not undermine the need to back-up calls for institutional change with shows of popular support. However, it does suggest that broad shows of public support may be less likely without an early prioritisation of institutional reform.

As well as narrowing its focus, another way the campaign could demonstrate workability is through the use of models (Mintrom & Norman, 2009: 653). One of the campaign's member organisations, RAPCAN, has recently made the decision to stop delivering victims' services directly to instead focus on "*holding government accountable for areas of service delivery that they should be doing. So that means if they cannot physically do it… they need to allocate the funds to the relevant CBOs, NGOs that need to be providing these services*". As such, RAPCAN now build's models (such as a model to support children going through the criminal justice system) and advocates to ensure state departments incorporate resources for the model into their budgeting (I. RAPCAN, 2013). Models can demonstrate the effectiveness and practicality of a particular approach (Mintrom & Norman, 2009: 653). Having said this, although Shukumisa has sought to promote state accountability it has also carried out work that is the responsibility of the state. This includes implementing training on the SOA and monitoring the SOA's implementation (I. WLC, 2013; Shukumisa, 2008).[149] If the campaign was to focus

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[149] Shukumisa's vision statement notes that civil society should be "*donor funded*" (TLAC & RCCT, 2011; Shukumisa, 2012). Given that civil society actors (and many of the campaign's members) are involved with providing direct services to rape survivors this statement is perplexing as an aim of long-term change (I. anon 6, 2013; I. Mosaic, 2013; I. RCCT, 2011). The statement fails to make clear an ideal scenario where rape survivor's needs are met by the South African government.

on building models, in order to be sustainable, the campaign would need to be clear that the government is accountable; that the campaign will pilot projects but won't continue with projects without state delivery (or funding).

An evolving approach

It is important to recognise that Shukumisa's approach is constantly evolving (I. Shukumisa, 2013). In 2013, the campaign received a budget for a new role of campaign coordinator, and the campaign was reorganised around three sub-groups with a focus on: 1) monitoring and mobilisation; 2) NGO viability (essentially issues of state resourcing to sexual violence services) and; 3) legal and policy advocacy work (I. Shukumisa, 2013). This restructuring of the campaign is an attempt to address some of the issues identified above: an attempt to shift "*from being very reactive*" to having a more proactive stance and to "*engage more members*" by "*expanding the activity of the campaign*" (I. Shukumisa, 2013).

The campaign's 'NGO viability' sub-group (tasked with addressing state funding of services for rape survivors) is particularly promising (I. Shukumisa, 2013; I. UCT 4, 2013). This focus has not been derived from an agenda set by the state and is, to this extent, proactive.[150] That said, although a work in progress, there is evidence that Shukumisa's current working groups will continue to respond to multiple processes even when these are not seen to have a significant impact on issues pertaining to sexual offences, or women's rights in practice. Although the legal and policy advocacy working group needs to more clearly define its focus, at the point at which the interview took place the campaign coordinator had identified that it was likely to pick up on a large number of distinct processes (I. Shukumisa, 2013).

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[150] This focus has arguably come too late as it is a response to a funding crisis in the sector.

Changes in Shukumisa's mode of working may go some way towards addressing member participation.[151] The development of a subgroup on monitoring and mobilisation is partly intended as a means to ensure the campaign looks beyond parliamentary and legal strategies – to engage members in other kinds of work (I. Shukumisa, 2013). However, there is a risk that the campaign's mobilisation work become side-lined or treated as distinct. Legal/ policy advocacy and social mobilisation are most effective when they are interlinked (i.e. legal strategies need to be used to strengthen and empower social mobilisation, and legal strategies need to be backed up by forms of social mobilisation) (Haywood, 2009: 22).

The fact that Shukumisa has, in the last few years, been raising funds for Shukumisa activities in and of themselves increases the opportunity for members' participation, particularly amongst organisations with lower capacity (I. UCT 3, 2013; I Shukumisa, 2013). Interviewees suggested that this would go some way towards addressing divides across race, class, urban versus rural, and big versus small (I. UCT 3, 2013). However, funding continues to remain inadequate. In terms of the activities of the current working groups "*some of these activities are funded*" but "*not really well funded*" (I. Shukumisa, 2013). It is also important to recognise that, as one member points out, "*having some money to do activities … might help but I don't think it's the only answer*" (I. UCT 3, 2013).

Conclusion

This chapter has examined how the Shukumisa campaign is currently seeking to implement the SOA. The discussion reveals that Shukumisa's efforts are currently impeded by a lack of focused and clear problem-definition, a reactive approach to human rights advocacy, and a focus on legal and academic skills that impedes the capacity of the network to act collectively. Building on Shukumisa's current efforts

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[151] Members of the campaign also express a strong willingness to confront and address this issue: Interviewees explained that members of the campaign have begun to talk about this issue openly and are working hard to value different kinds of contributions (I. UCT 2, 2013; I. WLC, 2013; I. Sonke 1, 2013; I. Shukumisa, 2013).

to move towards a more proactive approach, this chapter proposes that the network could benefit from thinking in terms of strategic entry points.

This chapter has made some broad contributions to the available literature. The discussion suggests that Mintrom & Norman's (2009) framework, outlining qualities of successful policy entrepreneurs, can provide a means to explore the tensions that emerge from human rights advocacy to secure implementation. Specifically, the case reveals that a focus on top-down legislative advocacy can lead to a number of tensions in: establishing a clear problem-definition through a diverse network; anticipating windows of opportunity whilst looking beyond legal windows defined by the state; building teams when strategies privilege legal and academic skill-sets and; addressing the workability of policy without neglecting the complexity and causes of sexual violence. Significantly, this suggests that particular challenges may arise from new forms of human rights advocacy (Nelson & Dorsey, 2008). Networks need to ensure working across issue-areas does not prohibit their ability to develop a clear agenda, and that the use of complex methodologies does not reduce the perceived workability of solutions.

It is also important to note that the discussion suggests that many of the important features of transnational advocacy networks appear to apply to a domestic network concerned with implementation. From the discussion in the previous chapter, as well as case studies of transnational networks that are referenced throughout, we can posit that key features of both types of campaign include the significance of a narrow and coherent problem-definition (or framing), and the need to sell change as something that is workable for the state. When both types of campaign use top-down legislative modes of advocacy, similar tensions appear to arise from the reliance on legal/ academic skill sets and focus on parliamentary arenas: campaigns struggle to include a diverse membership, and the role of education/outreach risks becoming obscured (Cornwall & Molyneux, 2006, 1185; Eschle & Stammers, 2004: 349-50; Mutua, 2004: 196). Having said this, the limitations of a top-down approach are most likely to become evident at the point of implementation as legislative change fails to be converted in to meaningful shifts to everyday practice.

Having explored human rights advocacy to address implementation, the next chapter moves on to specifically consider civil society advocacy to address male rape.

Chapter 6

Male Rape: A Case of Ambivalent Advocacy

The passing of the SOA, by South Africa's parliament in 2007, repealed the previous common law offence of rape, which consisted of a man having unlawful, intentional sexual intercourse with a woman without her consent (Artz and Combrinck, 2003: 73). The definition of rape in South Africa was expanded to include all non-consensual penetration. For the first time, South African law acknowledged that men could be raped (Republic of South Africa, 2007).[152] The recognition of male rape is particularly striking given impediments to advocacy on the issue of sexual violence against men. The issue itself is hugely stigmatised and subject to pervasive rape myths. One such myth questions the very idea that men can be raped, based on beliefs that men are always able to physically defend themselves (Chapleau et al., 2008; Davies & Rodgers, 2006). Sivakumaran (2005) notes that all male rape bears the 'taint' of homosexuality as any male-male contact involving contact with the anus or genital organs is deemed to be 'homosexual', regardless of coercive circumstances (Chapleau et al., 2008).[153] Advocacy is further impeded by the inadequacy of international frameworks. Key international human rights instruments and dominant advocacy frames (e.g. violence against women) posit sexual violence as something experienced by women and girls (Stemple, 2009; Lewis, 2009; Onyango & Hampanda, 2011). There are also broader politics at play: for some women's rights activists' paying attention to male rape comes at the detriment of female victims (taking from them attention and resources). Given these impediments, how has male rape come to be legally recognised and adopted as an advocacy issue by prominent civil society actors?

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[152] Previously, acts of forced penetration, other than vaginal penetration by a penis, were punished as 'indecent assault' – a lesser offence (Artz and Combrinck, 2003: 75).
[153] Women's rights activists in South Africa have argued that 'coercive circumstances' is a more appropriate element of the crime of rape than 'with the absence of consent' (see Naylor, 2008: 26-28 and Pithey et al., 1999). It is argued that a standard of consent reinforces inequality between men and women as when the law looks to establish consent it "*does not look to see if the parties were social equals in any sense, nor does it require mutuality or positive choice in sex*" (Naylor, 2008: 27).

This chapter seeks to chart the process leading to the legal recognition of male rape in South Africa and explain how some civil society actors have adopted the issue, in an attempt to convert legal recognition into changes to survivor's everyday realities. Despite a small body of literature charting the work of women's rights activists in pushing for sexual offences law reform (e.g. Hodes et al., 2011; Artz & Smythe, 2008; Fuller, 2007), the story of male rape remains almost wholly absent from the literature. More broadly, there is an absence of literature on civil society responses to male rape. Where these studies do exist, they tend to either look at 'global civil society' (e.g. Stemple, 2009; Sivakumaran, 2010), or focus on the responses of civil society actors in contexts other than South Africa (see DelZotto & Jones (2002) on the Balkans and Donnelly & Kenyon (1996) on the US).

The story of advocacy around male rape in South Africa challenges dominant models of human rights advocacy (Bob, 2009; Keck & Sikkink, 1998; Risse & Sikkink, 1999). The chapter argues that male rape has 'emerged' in South Africa (i.e. been legally recognised and responded to within some NGOs) largely without an intentioned, concerted or collective effort aimed at advocating for the needs of male rape survivors. Instead, 'progress' has been made largely as a by-product of advocacy efforts targeted at 'distinct' groups, including women, LGBT individuals and those who are HIV positive. As such, this chapter explores the accidental and ambivalent nature of advocacy around male rape.

The chapter is divided into three sections. First, two key concepts (ambivalent and accidental advocacy) are defined. Secondly, the chapter explores how male rape came to be legally recognised. Finally, the chapter looks at responses to male rape by South African women's organisations and a 'masculinities and human rights' NGO (Sonke).[154]

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[154] This chapter draws on data from interviews with civil society activists, personal observations of Sonke Gender Justice Network (Sonke) and an analysis of relevant documents.

Ambivalent and Accidental Advocacy

The first section of this chapter briefly outlines two concepts that can be applied to help explain the nature of advocacy around the issue of male rape: these are ambivalent and accidental advocacy. Ambivalent advocacy is defined here as tentative or reluctant advocacy to further the rights of a particular group. This is activism characterised by partial actions to champion the rights of a particular group (in this case, male rape victims). The term ambivalent advocacy needs to be distinguished from Rosenblum's (2002) term "*ambivalent activism*". Rosenblum (2002: 304-5) uses the term to describe his desire to teach students to act as "*ambivalent advocates*": those "*committed to action, but alert to the multiple consequences.*" For Rosenblum (2002) "*ambivalent advocates*" are those who are critical of human rights. These are students who recognise the political and ideological dilemmas of activism but see the "*complexities and contradictions of human rights*" as tools for activism (Rosenblum, 2002: 301-2). Whereas Rosenblum (2002: 304) grounds his use of the concept in a "*commitment to action*", ambivalent advocacy is defined here to mean a commitment to *partial* action. This partial action may be a result of activist's being alert to the "*multiple consequences*" of their work (Rosenblum, 2002: 304-5). This chapter reveals that ambivalent advocacy can emerge as activists grapple with advocacy dilemmas. Activists appear eager to take action to advance rights generally. But, their actions reflect their attempt to negotiate the complexities of practice - their belief that rights can be in tension with each other, and beliefs that advocacy in one area may undermine efforts in another. These dilemmas and complexities shape the character of advocacy efforts. Having said this, activists may engage in ambivalent advocacy without being "*alert to the multiple consequences*" of their action, such as when ambivalence is a product of misunderstandings about the needs of particular groups (Rosenblum, 2002: 304-5).

Accidental advocacy is defined here as unintended or indirect advocacy to further the rights of a particular group. Accidental advocacy refers to activism that has an impact on the rights of a group whose rights are not directly being championed. For instance, where LGBT advocacy inadvertently impacts on the rights of male rape victims. Accidental advocacy can take place when activists are aware that their

efforts are impacting on a group that is not the intended beneficiary of a particular advocacy process. However, it can also take place where activists do not recognise that their work will have a broader impact on unintended beneficiaries (in this case, male rape victims). In this latter scenario, the term 'accidental advocacy' has some conceptual similarities with Falk's (2004) reference to *the law of unintended effects*". Falk (2004) uses "*the law of unintended effects*" to refer to how change in one area may lead to unexpected impacts on another. Falk (2004: 48) conceptualises human rights as a story of ebbs and flows, making "*any anticipation of the future exceedingly problematic*". The writer notes that trends in the field can be thwarted by key events. In relation to the 9/11 terrorist attacks, for instance, Falk (2004: 49) notes that they produced a "*drastic shift in priorities for both states and civil society activists, pushing human rights into the background*", stalling apparent progress in the field. Falk (2004: 49) acknowledges that the impact of change is often complex (yielding both regressive and positive human rights effects). The events of 9/11 yielded "*some rather positive human rights effects, concealed within the anti-terrorist campaign and its militarist tactics*" (Falk, 2004: 49).[155] All the same, "*this positive result does not begin to offset the larger negative effects of recourse to a non-defensive war unauthorised by the United Nations*" (Falk, 2004: 49). Similarly to Falk (2004), the concept of accidental advocacy applied here, captures the fact that human rights outcomes are often difficult to predict: the results of advocacy may not always be intended or predicted by advocates.

Although, in practice, accidental and ambivalent advocacy can be difficult to distinguish, they are theoretically distinguished by the intention of advocates. With accidental advocacy, advocacy is carried out with no intention to benefit the group in question (in this case, male rape victims). However, ambivalent advocacy involves some action that is intended to benefit the group in question (although action is characterised as partial).

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[155] Falk (2004: 48) notes that "*two of the regimes in the world with the worst human rights records were removed from power as an accident of wars waged for essentially geo-political reasons, especially the Iraq war.*"

Legal Recognition: The Sexual Offences Act (2007)

The second section of this chapter charts the process of law reform in South Africa. Initially, the chapter examines the work of South Africa's Law Commission and how male rape came to be acknowledged. Next, the chapter explores reasons why the Portfolio Committee on Justice and Constitutional Development did not oppose the revised definition.

The Law Commission: Humanism and Women's Rights

In 1996 South Africa's Law Commission established a project to investigate sexual offences by and against children (Artz & Smythe, 2008: 4).[156] This project was sparked by a LLM thesis which was distributed, by the Law Commission, to "*interested parties*" for comment.[157] Although "*most respondents did not support the specific proposals*" made within the thesis, respondents are "*reported to have been particularly concerned with the need for a gender-neutral definition of specific sexual offences*" (SALRC, 1996; Artz & Smythe, 2008: 4). The Law Commission concluded that the gender-neutral nature of sexual offences (including rape) "*should be reviewed in the light of the new Constitution*" (SALRC, 1996). In May 1998 the Minister of Justice approved an extension to cover an investigation into all aspects of sexual offences committed against adults and children (Artz & Smythe, 2008: 5).

In the same year, the Deputy Minister of Justice (Dr Manto Tshabalala-Msimang) commissioned a research report: Legal Aspects of Rape (Pithey et al., 1999). The report was charged with analysing South Africa's current legal position and with recommending progressive amendments to the law on sexual offences (Artz & Smythe, 2008: 5; SALRC, 1996). The authors of the report who were drawn from civil society (with jobs as attorneys, researchers and/or practitioners in frontline services to rape survivors) recommended substantive changes to the previously held common law definition of rape (Pithey et al., 1999). These recommendations

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[156] The project was entitled 'Project 107: Sexual Offences By and Against Children.'
[157] The LLM thesis was entitled *Seksuele Misdrywe met Jeugdiges - >n Kritiese Beskouing* (Britts, 1994). The thesis proposed a number of amendments to the law, with regards to sexual offences against children.

included shifts in the definition of rape, from an understanding of rape as vaginal penetration with a penis and an act committed by a man against a women to rape as penetration of the vagina, anus or mouth with any object or part of the body and an act performed by a person with another person (Pithey et al., 1999).[158] This document was critical to the legal recognition of male rape. Although the law was not passed until eight years later, in terms of extending the definition to account for male victims, Waterhouse (I. CLC, 2013) argues: "*the work was done at the phase they were doing the discussion document*". The recommendations, described above, were taken up by the Law Commission, featuring in the Commission's Discussion Paper 85, its final report on Sexual Offences and draft legislation on Sexual Offences (SALRC, 1999; 2002).

The recommendations for a gender-neutral definition of rape found within the report can be understood as enabled by previous battles in other national and international spaces (Pithey et al., 1999). The Law Commission was clear that revisions to the law should draw on international precedents. A key section of the Legal Aspects of Rape report's discussion of expanding the substantive definition of rape is an "*overview of developments in other jurisdictions*" (Pithey et al., 1999). In an identification of "*general trends in the development of the definition*" internationally, the authors note:

> "*Further changes have included a move away from the gender-specificity of the definition towards a gender-neutral definition*" (Pithey et al., 1999).

The authors go on to cite specific examples. These include the Namibian Combatting of Rape Bill which, at the time, was similarly proposing a gender-neutral offence of rape and The International Tribunal for the former Yugoslavia which included in its defined elements of rape:

> "*The sexual penetration, however slight - of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or of the mouth of the victim by the penis of the perpetrator*" (Pithey et al., 1999; United Nations, 1994).

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[158] For a broader discussion of changes to the definition of rape in South Africa, including debates surrounding the reliance of 'consent' as an element of the definition, see Naylor (2008).

The role of international precedents here suggests an interaction between local and global spheres whereby national shifts generate 'international trends', which in turn influence domestic practice (Gready, 2004: 23; Engle Merry, 2006; 2006a). The use of international precedents also highlights that rights are political and conflictual in nature, and can be used to reflect "*competing voices and agendas*" (Gready, 2008: 739; Miller et al., 2005: 36). Key literature on male rape and human rights points to the fact that international human rights frameworks often exclude male rape victims and need to become more inclusive (Stemple, 2009). However, just as definitions of rape can be selected which exclude male rape victims, it is also possible for activists to use existing definitions to support arguments for a gender-neutral definition of rape. Essentially, practitioner agency is important in understanding which frameworks are selected and how they are applied to a given context (Engle Merry, 2006).

Advocacy for a gender-neutral definition within the report can be partially understood as derived from a norm, established through practitioners' reactions to lived realities. Aschman (I. UCT 1, 2013) notes that "*I guess we kind of assume there's this myth – that people don't think that men can be raped and I think that some people don't think that men can be raped. But maybe it's far less pervasive than we think?*" Pithey (I. NWGSO, 2013) notes that although the legal recognition of male rape may be perceived by the 'general public' as "*something that's just happened out of nowhere*", in fact, practitioners in South Africa have acknowledged male rape for a long time:

> "*So something like anal penetration or male rape has been generally recognised by people in practice – by prosecutors, by lawyers, by academics, by you know - the general thing was that it was an absurdity in the law. Maybe the average person in the street hadn't really thought through it in terms of what it means. Now it's suddenly like men can be raped and it's like 'what the hell are you talking about?*" (I. NWGSO, 2013).

The report acknowledges that the "*sexual assault of a man in the form of forced anal penetration is also often described as 'rape' in common parlance.*" Really, part of

the report's argument is that there is a need for legal reform because the law is lagging behind what is widely accepted in practice.[159]

The process by which male rape has come to be recognised in South African law contests dominant advocacy models. Bob (2009: 4) posits a model for the emergence of 'new rights' that is initiated by claimants (groups holding grievances) or champions (those speaking on claimants behalf). These claimants or champions frame grievances as rights claims and subsequently seek to attract 'gatekeepers' (those at the core of the human rights movement) (Bob, 2009: 4). Conversely, the recognition of male rape within the Legal Aspects of Rape report was not driven by male rape survivors or 'champions' of these survivors (Pithey et al., 1999). In fact, the recognition of male rape was not driven by an explicit desire to advance the rights of male rape victims per se.

The fact that advocacy to address male rape was not driven by explicit advocacy on behalf of male rape victims is illustrated by interviewees comments. Hodes (I. UCT 2, 2013) describes:

> "*They're such incredibly archaic laws it just seemed that it would have just been obscene not to avow that men could also be raped. But I have very little sense of the men's rights advocacy that was taking place. It would have I think just an aspect of the humanistic approach that women's rights activists would have taken rather than men's rights activists saying 'oh but what about the men here?'*"[160]

Similarly, one of the authors of the Legal Aspects of Rape report explains:

> "*The way that I always saw it was not necessarily a thing about men can be raped. I think one had to acknowledge that anal penetration was rape. And that oral penetration was rape. And obviously by extending it to anal penetration it automatically extended to men. So I understand the argument about gender neutrality but for me it wasn't about oh well now men can be*

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[159] This is also reflected in comments that "*the common law crime of rape has, in recent years, been the subject of considerable criticism and debate*" (Pithey et al., 1999).
[160] In referring to a "*humanistic approach*" the interviewee is describing attempts by women's rights activists to be inclusive of an array of sexual harms, despite activists' focus on women's experiences of sexual violation.

raped. My issue was no that people can be anally raped because there are a lot of women who are anally raped. And that needed to be recognised as well. That was a really – for me that was a really important aspect of extending the definition" (I. NWGSO, 2013).

A gender-neutral definition of rape that acknowledges anal penetration is a step towards acknowledging a broader array of women's experiences of rape: accounting for women who are anally raped, transgender women who are raped (but who have not undergone surgical sex changes) and women who are raped by other women. This is accidental advocacy as male rape is addressed as a by-product of women's rights advocacy. In this instance, women's rights activists would have been aware that their actions were implicating male rape victims, but male rape victims were not conceptualised, by some activists at least, as the intended beneficiaries of advocacy efforts (I. NWGSO, 2013). The acknowledgement of anal penetration as rape, which broadened the definition of rape, was seen as necessary to recognise women's experiences.

Pithey (I. NWGSO, 2013) explains that at the Law Commission "*there wasn't any real debate about that one would have to extend it* [the definition] *to recognise that men could be raped*", and civil society showed "*a lot of support*" for the extended definition. All the same, within the Law Commission documents there is evidence that male rape was not fully conceptualised by law reform advocates as 'part of their project'[161] (Pithey et al., 1999). In the Legal Aspects of Rape report there is a footnote to the recommendation for an expanded definition stating:

> "*While a gender-neutral definition of rape on the one hand eliminates the difficulties described above, it also on the other hand poses the risk of obscuring the reality that the overwhelming majority of victims of rape (in the broad sense of the term) are women*" (Pithey et al., 1999).

Although the authors of the Legal Aspects of Rape report appear to have included male rape as "*kind of a matter of equity*" or through a "*humanist*" approach, there is

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[161] This is a term adapted from Win's (2001) article '*Men Are Not My Project: A View from Zimbabwe'* which suggests women's rights advocates should not 'work with men' in lieu of a focus on 'women's own agenda'.

evidence that advocacy was partial (I. UCT 2, 2013; I. NWGSO, 2013; Pithey et al., 1999). The statement above highlights the champions of law reform as *ambivalent allies* to male rape survivors. Overall, the report seeks to provide some level of advocacy (arguing for the recognition of male rape). Yet, this is ambivalent as the recognition of male rape is not fully championed within the report. Victimhood is constructed as competitive where the recognition of male victims is seen to endanger advocacy for women's rights (Clapham & Marks, 2005; Stemple, 2009: 646).

Another indication that advocacy around male rape was ambivalent and not fully conceptualised as part of 'a feminist agenda' for rape law reform is demonstrated through the Law Commission's reliance on a sex-gender distinction with regards its construction of rape. In the 'analytical framework' for the report, rape is constructed as gendered because of the sex of the victim (Pithey et al., 1999). Rape is constructed as gendered because the majority of victims are women and because the fear of rape affects all women (Pithey et al., 1999: chapter 1). The discussion document clearly establishes the purpose of law reform as improving women's lives. The stated aims of the document are for it to act as a "*vehicle for proposing appropriate legislation to deal with the issue of rape, by 'appropriate' we mean appropriate to the reality of women's lives and their experiences*" (Pithey et al., 1999).[162] As such, although the document proposes a gender-neutral definition of rape, the 'analytical framework' relies on the construction of female as victim and overly focuses on the sex of rape victims (as opposed to the broader gendered implications of rape) (Bonthuys, 2008). The result is that, broadly speaking, the document recommends the legal recognition of male rape but gives no sense that the rape of men is part of the same systems of gender domination which explain the rape of women (Bonthuys, 2008: 254-56; Gear, 2005).[163] This approach enables men to claim legal protection but fails to unpack

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[162] The report lacks an intersectional analysis (accounting for race, class, sexuality etc.) by overly focusing on women as the intended beneficiaries of law reform. This is despite the fact the report calls for an intersectional approach to equality, that accounts for "'*intersectional' discrimination*" (Pithey et al., 1999: chapter 1).
[163] Male rape can be understood as a means to punish men who transgress power hierarchies between men and women (the process of male rape acts to symbolically turn men into women) (Bonthuys, 2008: 256). As Axam and Zalesne (1999: 158) state, male rape ''*constitutes a long-overlooked form of gender discrimination that asserts the dominance of the masculine over the feminine and thus reflects and perpetuates deeply rooted patterns of gender inequality*.''

stereotypical views of rape, sex and gender (Bonthuys, 2008: 259).[164] It also fails to locate male rape within 'a feminist project'.

The Portfolio Committee: No Opposition

In 2003, the proposed Sexual Offences Bill was passed to the Portfolio Committee of Justice and Constitutional Development and a cabinet debate on the contents of the Bill was heard. In 2003, a revised version of the Bill was released which "*dramatically departed*" from the Law Commission's recommendations (Artz & Smythe, 2008: 6). During the Law Commission process there had been a general sense amongst civil society that the process was open to civil society input, resulting in a Bill that was progressive and innovative, offering the potential for an improved experience for victims who engaged with the criminal justice system (Artz & Smythe, 2008: 6; Pithey, 2013). However, from 2003-2006, when the Bill was before the Portfolio Committee, civil society organisations struggled to exert influence (Artz & Smythe, 2008 : 7; I. NWGSO, 2013;).[165] During this time there was a general trend in amendments to the Bill away from victims' rights provisions. Provisions that were removed included: protective measures for vulnerable witnesses, the removal of sections dealing with the medico-legal management of rape, and the provision of 'psychological support' for rape victims (Artz & Smythe, 2008: 6).

Despite the final Bill resulting in what many see as a "*legislative compromise*" most aspects of the definition recommended by the Law Commission were retained (Artz and Smythe, 2008: 2).[166] Pithey (I. NWGSO, 2013) notes:

> "*the definition by and large did stay pretty much like it is. I mean the formatting and the conditions and all of that kind of thing, all was shifted*

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[164] A broader criticism can also be made of the Law Commission reports as "*bad social science*". One interviewee commented that rather than starting with an in-depth analysis of the social situation, the report makes "*assertions with absolutely no support*" and picks laws from other countries that are then 'copied and pasted' (I. anon 6, 2013).

[165] A more in depth discussion of 'windows of opportunity' for civil society participation in the process can be found within chapter 4.

[166] The Committee did not support a move away from a 'lack of consent' to 'coercive circumstances' (see Naylor, 2008: 48-50).

around but the basic underlying… elements of the offense all stayed the same."

In fact, Waterhouse (I. CLC, 2013) describes the gender-neutral component of the definition as "*the easiest win*" and "*never a point of battle*". The gender-neutral definition and recognition of anal penetration were not challenged by the Portfolio Committee. Pithey (I. NWGSO, 2013) states: "*in fact I don't think there was ever any debate of that* [anal penetration]".[167]

The Law Commission's lack of opposition to male rape can be partially understood as a result of the unintended impact of broader trends and previous sites of activism. One factor which shaped the Law Commission's lack of opposition to the expanded definition was the role of international precedents. Pithey (I. NWGSO, 2013) explained that international precedents were able to persuade the Portfolio Committee that the revised definition would stand up to challenge and scrutiny. The existence of international precedents for key parts of the definition persuaded the committee to accept, what on first inspection, appeared a radical revision:

> "*I think the definition has international precedent. It's not like we came up with something completely absurd … and I think initially the Portfolio Committee – and I think a lot of members of Parliament or people in Parliament - were equally shocked or 'how on earth can you propose such a radical thing?' But I think once they realised that there was actually a lot of international precedent for it in other countries (and that had to be argued very strongly with them) they accepted that. But, there wasn't that much*

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[167] Although there was little debate around the gender-neutrality of the definition there were rigorously contested points regarding the definition that have important implications for rape victims (regardless of gender). Interestingly, the debates that occurred around revising the definition of rape were centred on oral and digital penetration (I. NWGSO, 2013; Naylor, 2008: 44-5). The Committees concerns regarding oral penetration related to constructing boundaries around the offence. In essence, it is "*tricky*" to determine "*how far do you go in terms of limiting the definition so you don't have a situation where someone sticks pencil in someone else's mouth – is that now rape?*" (I. NWGSO, 2013). The Committees' concerns regarding digital penetration centred on 'grading'. Penetration by a penis was conceptualised by the Committee as 'real rape' but penetration with another object was viewed as a different and lesser offense (I. NWGSO, 2013). The literature on male rape focuses on victim hierarchies shaped by victim identity and behaviour (men are typically at the bottom of a hierarchy of victim sympathy) (Stemple, 2009: 630). Hierarchies clearly also exist around the mode of penetration and, in this case, it is the mode of penetration which became the most contentious point of debate.

precedent for a lot of the other provisions. And I think it was very difficult to persuade them" (I. NWGSO, 2013).

Moreover, as Waterhouse (I. CLC, 2013) notes the "*easy sell*" of the extended definition "*was because, in my retrospective analysis, the constitutional framework – the Bill of Rights – that's where the battles happened politically around LGBTI rights, around sexual orientation and men and so on.*" South Africa's transition facilitated a favourable opportunity structure for gay rights activists who were successful in acquiring a constitutional clause that explicitly prohibited discrimination on the grounds of sexual orientation (Republic of South Africa, 1996; Croucher, 2010; Tarrow, 1994). It was at the point the Constitution was being developed that intense political negotiations took place around sexual orientation and "*contentious elements*" were "*hammered out*" (Stychin, 1996:460).[168] Stychin (1996: 460) notes that the inclusion of the provision prohibiting discrimination on the grounds of sexual orientation was "*supported (or at least not actively opposed) by the main parties involved in the multi-party negotiating process*". The legacy of apartheid has been a political climate where it is "*politically incorrect*" for mainstream players to oppose equality rights to groups, which have experienced discrimination and social exclusion (Stychin, 1996: 455; Cock, 2003). With male rape bearing the 'taint' of homosexuality, the legal recognition of gay rights, and subsequent ruling of the common law crime of sodomy as unconstitutional and invalid, appears to have paved the way for the legal recognition of male rape (Sivakumaran, 2005). This is an example of how legal advances made at the point of transition may support subsequent advocacy in a post-transitional space. It is another illustrative example of accidental advocacy. In this case, the effects of advocacy for one group on the rights of another are not fully known: broader advocacy efforts to advance LGBT rights subsequently created an opportunity for the legal recognition of male rape.

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[168] The role of international precedents is broadly recognised as playing a key role in human rights advocacy (e.g. Hawkins, 2004; Helfer & Voeten, 2014). Similarly to processes documented in the literature, international precedents play a role here in affecting domestic change. Yet, the discussion of the impact of LGBT advocacy on the recognition of male rape also reveals how advocacy to advance the rights of one particular group can come to bear on a 'separate' rights issue.

Other issues that came into play in shaping the definition included political calculations of cost-benefit. Cost became a central issue determining the shape of the Bill at this stage:

> "*And I think the overhanging thing that worries all parliamentarians when it suits them is how much is it going to cost. This is always the issue…And I think that – I think that may have been quite a big issue*" (I. NWGSO, 2013).

A number of provisions, recommended by the Law Commission, were removed "*on the basis they would be 'too costly' to implement*" (Artz & Smythe, 2008: 6). This was a key factor, for instance, in the removal of protective measures for vulnerable witnesses. In contrast, the extended definition "*doesn't cost them* [politicians] *anything really*" (I. CLC, 2013). At the time, politicians weren't looking at the impact of extending the definition of rape on rape statistics (I. CLC, 2013). The definition was also "*met easily*" because it is "*feel good for politicians*" (I. CLC, 2013).[169] An extended definition is both responsive to victim's needs but can also be perceived as tough on offenders, as a greater range of offences become recognised as rape. Pithey (I. NGWSO, 2013) suggests that another factor shaping the "*easy win*" surrounding anal penetration, and the extension of the definition to recognise male rape, was the Portfolio Committee's beliefs about what could, and should, be legislated. Pithey (I. NWGSO, 2013) argues that the Committee made a distinction between soft, as opposed to technical issues. Because the Committee viewed protective measures for victims as "*soft issues*" they asked – "*how can you legislate for those kind of soft issues?*" In contrast, the definitions of offences were viewed as "*technical aspects*" that could and should be addressed through legislation (I. NWGSO, 2013).

As the law reform process was going on, the constitutionality of the common law definition of rape in South Africa was being decided in the courts in the case of Masiya. Masiya was charged with having anal intercourse with a nine year old girl without her consent and, as the common law dictated, would as a result be charged with indecent assault as opposed to rape. The regional magistrate held the existing

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[169] Other provisions whose inclusion in the SOA (2007) can largely be understood as a result of a 'feel good' factor include mandated HIV testing of alleged offenders and the inclusion of a sexual offenders register (I. NWGSO, 2013). Both these provisions were not broadly supported by civil society but were perceived to be tough on offenders (I. CLC, 2013).

definition of rape to be unconstitutional in its restriction to vaginal penetration – a judgement upheld by the High Court and then the Constitutional Court in May 2007. With regards the gender-neutrality of the definition, the judgement by the Constitutional Court was limited. The court extended the common law definition of rape to include "*acts of non-consensual anal penetration of a penis into the anus of a female*", as opposed to 'into the anus of a person.' Justice Nkabinde, in handing down the majority judgement, argued that the Court had to decide the case based on the facts before it, which related to the anal penetration of a girl.[170] The judgement reasoned that the court would encroach on the role of the legislature if it were to extend the common law definition to recognise male rape. Despite this limitation, the Masiya judgement put further pressure on Parliament to recognise anal penetration. Pithey (I. NWGSO, 2013) described that once the Masiya judgement was issued, Parliament was not going to challenge the acknowledgment of anal penetration:

> "*Because* [by] *the time the law had changed the Masiya judgement had already been heard. And that already said that – so there was no way… Parliament was going to go against that. I think at that stage – there was too much – it just seemed absurd. I don't think there was anyone who was going to dispute that*".

It is also worth noting that the majority judgement of the Constitutional Court, despite failing to extend the definition of rape to include the anal penetration of men, did affirm the occurrence, and devastating impact of, male rape. Justice Nkabinde commented, in his decision, that the anal penetration of men is no less "*degrading, humiliating and traumatic and, to borrow the phrase by Brownmiller, "a lesser violation of the personal private inner space, a lesser injury to mind, spirit and sense of self" than non-consensual anal penetration of females.*" In this context, it would have been difficult for the Committee to deny the existence or harm caused from the anal rape of men. The Masiya judgement is an example of the contradictory human rights outcomes that can be generated by a case (Falk, 2004; Rosenblum, 2002).

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[170] Langa CJ, with whom Sachs J concurred, dissented on one point in the majority judgement, arguing that the definition of rape should also be extended to include unconsensual anal penetration of men. There are a number of articles available that examine the case in more detail, including exploring the minority judgement in the case (see Bonthuy's, 2008; Dyani, 2008 and, for a deeply conservative analysis, Snyman, 2007). Bonthuy's (2008: 257) discussion of the case is particularly interesting, highlighting how the reasoning in the case excluded male victims by overly focusing on the sex of the victim (as opposed to the gendered implications of rape). There are parallels here to the approach to male rape taken within the Legal Aspects of Rape report.

Despite the fact the judgement was limited in its scope, it played an important role in pushing forward progressive legislative reform. In this sense, the majority judgement provides a form of ambivalent advocacy: the judges in the case sought to recognise male rape but only advocate partially, expressing reservations about extending the common law definition.

Implementation: Male Rape, Women's Rights and Masculinities

With the exception of a couple of small organisations run by adult male survivors of child sexual assault (e.g. MatrixMen and South African Male Survivors of Sexual Abuse), [171] there is a lack of South African organisations that specifically target male victims of sexual violence (I. Sonke 2, 2013). There have been no visible and concerted campaigns in South Africa specifically pushing for the rights of male rape victims. Instead, work on male rape currently happens under the rubric of related issue areas (through work on children's rights, prisoners' rights, women's rights, LGBT rights, victims' rights etc.) (I. RCCT, 2011; I. GD, 2011; I. Mosaic, 2011; I. Out, 2011; I. TVEP, 2011; I. UCT 2, 2013; I. RAPCAN, 2013). As such, broadly speaking, the nature of male rape advocacy is accidental: advocacy frequently occurs through advocacy efforts that are targeted at other, although often overlapping, constituency groups.

The second section of this chapter explores recent responses to the issue of male rape within women's rights and masculinities work.[172] Particular attention is paid to three NGOs: Rape Crisis Cape Town (RCCT), Mosaic, and Sonke Gender Justice Network (Sonke). These NGOs are of particular interest as 'key players' in South Africa's gender sector and because they each work with men. RCCT and Mosaic are 'women's organisation' that offer services to male survivors (I. RCCT, 2011; I.

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[171] These organisations focus on adult male survivors of childhood sexual abuse.

[172] The data generated here emerged as part of research into the enactment and implementation of the Sexual Offences Act (2007). As a result, the discussion focuses on civil society organisations associated with the Shukumisa campaign (see chapter 5).

Mosaic, 2011).[173] Sonke is a 'masculinities and human rights' organisation that engages men in the prevention of gender-based violence and responds to male rape through its 'prison project' (I. Sonke 2, 2014). The section explores two questions: 1) To what extent is advocacy around male rape integrated within women's rights and/or human rights and masculinities work? 2) What factors facilitate or impede NGO's adoption of male rape as an advocacy issue?

Male Rape and Women's Rights

The following discussion of male rape and women's rights begins by highlighting the ways, and reasons why, some women's rights work has accounted for male rape. Subsequently the ambivalent nature of activism is explored.

Tackling Male Rape through Women's Rights work

At the heart of the organisational practice of women's organisations is a desire to advance women's rights and empower women as prime beneficiaries (I. RCCT, 2011; I. Mosaic, 2013; I. WLC, 2013). Perhaps surprisingly then, women's organisations in South Africa currently do provide some level of advocacy for male rape victims (I. RCCT, 2011; I. Mosaic, 2013). This provides a counterpoint to an assumption that underlies much of the male rape literature – that women-specific frames pertaining to sexual violence are de facto exclusionary of male rape (Del Zotto & Jones, 2002; Stemple, 2009).

From interviews (and an exploration of the NGO literature) two (hidden) areas where male rape is being addressed emerge. First, it is evident that the revised definition of rape found within the SOA is being used as a rights advocacy tool. For instance, in monitoring the implementation of the SOA, activists have tested whether health professionals understand the components of the revised definition (I. UCT 1, 2013; Röhrs, 2011). As the revised definition includes recognition of male rape, the result is monitoring or research documents that address key stakeholder's recognition of

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[173] See chapter 2 for a discussion of the role NGOs and women's organisations play in advocating to address male rape.

male rape (see Röhrs, 2011: 68). Such documents act as a means of advocacy, stressing the gap between the legal framework and implementation of the Act (I. Shukumisa, 2013). Relatedly, women's organisations (such as the Women's Legal Centre) have been using the law as a stimulus and framework for training (e.g. training members of the police on their obligations under the Act) (I. WLC, 2013). As male rape is a component of the definition, such training, at least in passing and implicitly, advocates for the recognition and rights of male rape victims. This is despite the fact that the NGOs delivering the training may claim to do no work on the issue of male rape or with male rape survivors (I. WLC, 2013; also see chapter 3). Advocacy for male rape in this form can be understood as a consequence of the legal recognition of male rape. However, this is not simply a case of the law generating social change but a process whereby civil society activists have actively adopted the legal framework as an advocacy tool. The law has been used as a benchmark for assessing practice ('how far does current practice comply with the legal framework?') and as leverage to enact change ('your approach needs to align with this legal document'). This is an example of accidental advocacy as there is no evidence that activists are seeking to benefit male rape victims. The definition is widely adopted as a tool, in part, because it has led to substantial advancements in the recognition of women's (and transgender individual's) experiences of sexual violence (I. NWGSO, 2013; I. WLC, 2013).

The second area where male rape is addressed through women's rights work is through the provision of direct services to male rape victims. For instance, Mosaic (a "healing centre for women") and RCCT (a feminist organisation providing support to survivors) offer counselling and individual advocacy to male, as well as female, survivors (I. Mosaic, 2011; I. RCCT, 2011; RCCT, 2014). Within these spaces overall organisational frames are women-specific. Still, male survivors who approach the organisation are offered the same services as their female counter-parts (I. Mosaic, 2011; I. RCCT, 2011). Individual advocacy for male rape, found within women's organisations, can be explained through two components of such organisations' theory of change. Although the predominant theory of change for women's organisations is one of women's empowerment, this is frequently adopted alongside a victim empowerment approach (Cambell & Shaw, 2011; I. RCCT, 2011; I. Mosaic, 2011). As with women's empowerment approaches, a victim

empowerment model stresses interventions to harness and build individual agency (I. RCCT, 2011; RCCT, 2011). Although these approaches often overlap when it comes to sexual violence the former, in opposition to the latter, provides space for male rape victims.

Both RCCT and Mosaic work with these dual theories of change/frameworks (Harding, 2011). Dey (I. RCCT, 2011), the Director of RCCT, notes that the organisation uses an empowerment framework that can be applied regardless of gender, alongside its women-specific framing. It is the NGO's 'principles of empowerment' framework which guides counsellors' interactions with both male and female survivors (I. RCCT, 2011). Similarly, the combination of women-specific and victim-centred framings shape Mosaic's services. Mosaic (2014) describes itself as a "*women's organisation"*: a "*healing centre for women*" whose mission is "*to help abused people, especially young girls and women, to heal and empower themselves*" (I. Mosaic, 2011). However, in reality, Mosaic works with survivors regardless of any identity attributes, including gender. This is implicitly guided by a victim-centred approach which sits alongside the NGO's explicitly women-specific framing. As one staff member comments, "*we really don't have options and choices – these are survivors*" (I. Mosaic, 2011).

The second important facet of theories of change that appears to facilitate some degree of recognition of male rape is a 'needs-based' response to service delivery. A 'needs-based' response refers to an approach whereby organisational services are guided by the presented needs of survivors. Dey (I. RCCT, 2011) describes how RCCT's agenda is shaped by responding to needs vocalised by survivors. Similarly, Mosaic's work is driven by its "*beneficiaries*" (I. Mosaic, 2011). A desire to respond to presented need or 'local agendas' appears to have encouraged some women's organisations to recognise the reality of male rape – and provide some level of recognition to survivors as they approach the service. This is a form of 'translation' of organisational frames in line with the expressed needs of survivors presented to frontline services (Engle Merry, 2006). Dual organisational framings and 'needs-based' responses do not appear to be connected to legal shifts as these approaches pre-date the enactment of the SOA (I. RCCT, 2011). In fact, the SOA does not appear to have had an impact on the numbers of male survivors approaching

women's organisations. Dey (I. RCCT, 2011) notes that after the enactment of the SOA, RCCT predicted they would see an increase in men approaching them. However, she noted this has not been the case, with the number of male clients seen by RCCT remaining around 1% of their total clients (I. RCCT, 2011; Harding, 2011).

To summarise, women's rights work may involve advocacy for male rape survivors implicitly through broader implementation efforts, or through forms of individual advocacy. The inclusion of advocacy around male rape can be understood as a result of victim-centred frameworks and efforts to implement legal shifts, matched by practitioners' belief that the revised definition of rape is broadly progressive.

Ambivalent Activism

Where women's organisations do work directly with male rape survivors, this work can frequently be characterised as ambivalent. These organisations appear eager to provide male rape survivors with some recognition and services as part of a humanist approach or as part of broader efforts to advance women's rights. Yet, advocacy is constrained as a result of dilemmas associated with how NGOs best advance women's rights, as well as misunderstandings regarding male victims' needs.

A content analysis of RCCT is illuminating (Harding, 2011; RCCT, 2011).[174] RCCT makes a number of positive assertions that men can be victims of rape. Of the total number of references to victims on the website, 8% of references were to male rape victims; 49% of references were to female rape victims, with other references categorised as gender-neutral (Harding, 2011; RCCT, 2011). Despite this, the content analysis also revealed that the NGO, on other occasions, denies the possibility of men being raped through its discursive framing (Harding, 2011; RCCT, 2011). A significant percentage of RCCT's references to victims presume

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[174] The content analysis involved a coding of website 'text' to identify the connections made between the subject positioning of 'victim' or 'perpetrator' and gender identity. Two types of connections were identified: 1) Where subject positioning was related to gender identity through an example (e.g. an image of a female survivor); 2) Where subject positioning was treated as synonymous with a particular gender identity (denying the possibility of subject positioning based on gender identity) (e.g. referring to rape victims through use of the pronoun 'she') (Harding, 2011).

subject positioning based on gender: 25% of the total references to victims suggested that females were the only possible victims of rape (Harding, 2011; RCCT, 2011). The results of this study can be explained by the fact that male victims have been 'added in' to the NGO's work (Harding, 2011). On the NGO's website it is through additional sections or comments that acknowledgment is made of male rape (RCCT, 2011). The main body of the text tends to work with the presumption that all acts of sexual violence will take the form of violence against women (Harding, 2011). The director of RCCT acknowledges that male survivors have "*become a slightly invisible issue in the organisation*" (I. RCCT, 2011; Harding, 2011). Some tangible efforts are being made to advocate around the issue of male rape (e.g. through positive assertions that male rape occurs), but this is ambivalent as action is only partial (the organisation works from the assumption that sexual violence takes the form of violence against women). Similarly, when asked about whether Mosaic could do more work with male rape survivors, beyond responding to their immediate presented needs, Majiet (I. Mosaic, 2011) expressed reluctance to "*broaden the scope*" of the NGOs work. The term "*broaden the scope*" reveals that male rape is viewed as outside of the organisation's core remit.

The conceptualisation of male rape as outside of the core work of women's organisations (and, as a consequence, the character of advocacy efforts as ambivalent) can be understood through looking at the organisational frames, and theories of change, that shape practice. Women's empowerment as a theory of change is premised on the idea that women need empowering (Cambell & Shaw, 2011). The identity of women's organisations is premised on the idea that women are the primary (or only) beneficiaries of the NGO's work. Ambivalent advocacy is not simply an issue of practitioners holding problematic views of male rape or misunderstanding the issue (e.g. not understanding male rape as a gendered issue). Much of the literature on male rape points to widespread beliefs in male rape myths, or a lack of understanding regarding sexual violence against men, amongst practitioners (see chapter 2). Yet, the ambivalent responses of women's organisations can be understood, in part, as a product of practitioners attempting to balance a desire to be inclusive (to offer men's services) whilst maintaining effectiveness (maintaining a coherent organisational identity).

The ambivalent response of activists can also be understood as a product of a dilemma of how to advocate against male rape in a patriarchal and resource stricken context. Interviews with women's rights practitioners in South Africa raise concerns regarding narratives of male victimisation (I. WLC, 2013; I. CLC, 2013). A central concern here is that such narratives can become overemphasised, pushing out women's experiences, and directing resources to men at women's expense (I. NWGSO, 2013; I. CLC, 2013).[175] The South African context is important here. As the country is deeply patriarchal there is a contentious politics over "*who speaks?*" (I. CLC, 2013). This relates to strategic questions for advocacy strategy as practitioners argue that a shift in emphasis from women to gender (and violence against women to gender-based violence) depoliticises the issue (I. UCT 3, 2013; Observation 5, 2013). It is argued that to shift discourses from women-focused to victim and/or gender-focused can serve to obscure women as the majority victims of sexual violence, and sexual violence as a product of deeply unequal power relations between men and women (I. UCT 3, 2013; Observation 5, 2013). The politics around issues of male victimisation are currently particularly "*vehement*" (I. anon 1, 2013). There has been increasing donor interest in work with men and boys for the promotion of gender equality, accompanied by a shift in language in the sector (from women to gender) (Connell, 2005a; United Nations, 2004; I. UCT 2, 2013). The politics involved in the emergence of this work have clearly heightened the frustration and anger surrounding perceptions of an 'overemphasis' on discourses of male victimisation (I. WLC, 2013; see chapter 7).

Even if we can argue that the discursive space is malleable, resources are not (I. anon 7, 2013). Women's organisations are currently overstretched, responding to catastrophic levels of violence against women. In recent years the women's sector has faced a financial crisis, with key women's organisations facing closure (Hassim, 2005; Child, 2011). As one interviewee states, although in principle actors may wish to open up of services to men, in practice finite resources need to be taken into

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[175] These concerns are echoed in the broader literature. See, for instance, Marchese (2008), Ruxton (2004), White (2000), Win (2001).

account. Finite resources quite simply mean that "*we don't have money in this country for all rape survivors to receive services*" (I. anon 7, 2013).[176]

With limited resources, male rape may not only be de facto excluded but excluded unintentionally through modes of organisational working. Responding to presented need appears to have facilitated some level of response to male rape survivors within women's organisations. However, responding to presented need has also been part of a reactive approach that has impeded concerted advocacy efforts around male rape. Dey (I. RCCT, 2011) describes that RCCT is "*reactive rather than proactive*" as a response to resource shortages and pressing needs. This approach means that "*men need to express their need for us to respond*" (Harding, 2011; I. RCCT, 2011). Yet, the director acknowledges that men do not vocalise their needs and that it is also wrong for the NGO to expect them to do so (I. RCCT, 2011; Harding, 2011). When NGOs are overworked and overstretched there is a risk that responses focus on immediate presented need and fail to engage in reflective practice (which may include looking for 'silences' and proactively seeking to engage male survivors) (Harding, 2011). Reactive approaches may not just be shaped by 'crises' but also a desire to respond to 'local agendas'. NGOs have to find a delicate balance in seeking to ensure organisational mandates have local ownership whilst also ensuring organisational responses address the needs of unpopular or stigmatised groups. Majiet (I. Mosaic, 2011) describes that Mosaic may consider expanding their work with male survivors if an agenda was coming from survivors, or the community:

> "*Men are finding it extremely challenging to report cases of sexual violence against them because of the myths around that… I am not sure we would want to broaden the scope. If there was such an agenda coming from the community and coming from our male survivors it would be something to consider but I think in partnership with other NGOs as well.*"

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[176] Both discursive and financial issues have recently played out in the "battle" over some domestic violence shelters. As South Africa's Department of Social Development has pushed for shelters to open up their services to male victims the women's sector has pushed back. The sector has expressed concerns regarding claims that men are victimised to a greater extent than women and that resources (previously for women's services) are now being put towards services for men as well (I. anon 8, 2013; I. anon 7, 2013).

In this sense, the ambivalent response to male rape victims can be understood as a result of activists grappling with the complex nature and contradictory impacts of rights-based advocacy in practice (Falk, 2004; Rosenblum, 2002).

Be that as it may, there is also evidence of misunderstandings shaping the ambivalent character of advocacy efforts. Although Majiet (I. Mosaic, 2011) acknowledges that men find it "*extremely challenging to report*", there remains an expectation that survivors act as rights claimants, or communities as 'champions' of the rights of this group (Bob, 2009: 4). Male survivors are likely to struggle to vocalise their needs due to the trauma and stigma associated with their experiences. Furthermore, 'the community' is susceptible to male rape myths which generate stigma and obscure its actuality (Chapleau et al., 2008; Harding, 2011). There may also be particular barriers to male survivors approaching women's organisations for help given messaging targeted at female survivors. Majiet (I. Mosaic, 2011), however, contests this assertion: "*we haven't had any issues around that. I don't foresee that there would be problems*." The relatively low numbers of male rape victims,certainly in comparison to female victims, is important here as it further reduces the visibility of male rape survivors as a victim group (I. HRW, 2011). Further evidence of misunderstandings about male rape survivors' needs emerged in interviews. One interviewee (I. anon 7, 2013) suggests, for instance, that male victims are more able to deal with trauma: "*in terms of psychology – the nature of their trauma is something that socially it's easier to manage.*" In contrast to these claims, the literature on male rape overwhelmingly stresses the equally devastating, albeit distinct, impact of rape on male, in comparison to female, victims (Davies, 2002). Pithey (I. NWGSO, 2013) notes "*that we can't not take it* [male rape] *seriously or as seriously*" as "*effectively you are grading men"*. The interviewee continued, *"You're grading whose trauma is worse.*" This kind of thinking can feed in to a competitive victim hierarchy whereby certain identity groups are seen as being more deserving of attention and support services (Stemple, 2009: 629-31).

Many of the barriers to fully embracing male rape as an advocacy issue, discussed here, are not distinct to women's organisations. A tendency towards reactive approaches, to respond to an agenda defined by 'local communities', and a denial of male rape victim's needs are issues that also emerged through interviews with

international human rights practitioners (I. AI, 2011; Harding, 2011; I. HRW, 2011).[177] Nonetheless, there are particular challenges associated with responding to male rape within women's organisations. The theory of change that underlies the work of women's organisations, and current gender politics within South Africa's women's sector, are significant factors in shaping the ambivalent character of advocacy efforts.

Male Rape, Masculinities and Human Rights

The final part of this chapter explores male rape in relation to organisations' work with men and boys to tackle gender equality. First, the way, and reasons why, male rape has emerged as a concerted advocacy issue within Sonke (a masculinities and human rights NGO) are explored. Finally, the ambivalent nature of advocacy is examined.

The acknowledgement of Prison Rape

In contrast to the ambivalent advocacy surrounding male rape as a component of women's rights work, the largest masculinities and human rights NGO in South Africa (Sonke) has explicitly adopted male rape as an advocacy issue (Observations, 2013). Sonke's work seeking to tackle male rape happens as part of the NGO's prison project which was established in 2007 (shortly after the NGOs inception) to conduct peer education work on HIV prevention in prisons (I. Sonke 2, 2013). Since 2012 the project has increasingly addressed the issue of male rape in South Africa's prisons, making it one of the most visible sites of advocacy seeking to address male rape in South Africa (I. Sonke 2, 2013).

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[177] The approaches of AI and HRW can be characterised as 'reactive' when it comes to advocating around the issue of male rape (Harding, 2011). For instance, Gormley (I. AI, 2011) notes that most cases of sexual violence against men have emerged from Amnesty International's work "*in the detention context*" and through "*Amnesty's normal mainstreaming work* [work on torture]." Although Amnesty recognises the fact that sexual violence against men does occur in community-based settings, Gormley (I. AI, 2011) describes that outside of the detention context "*on the whole we're not looking out for cases.*"
A desire to respond to 'local agendas' (and the need for local partners to provide follow-up support) is also an issue that inhibits the advocacy around male rape carried out by international NGOs (Harding, 2011). Gormley (I. AI, 2011) identifies that the core barrier to focusing on male victims is insufficient grassroots service provision for male survivors. Kippenberg (I. HRW, 2011) reiterates this as a challenge for HRW noting that "*services on the ground often focus on women and girls.*"

In contrast to the forms of advocacy around male rape outlined above, Sonke's work through the prison project is intentioned, concerted and proactive.[178] The NGO incorporates messaging around sexual violence into its peer education work in prisons and with ex-inmates (e.g. educating inmates on appropriate sexual behaviour and encouraging them to speak out) (Observation 3, 2014; I. Sonke 2, 2013; I. Sonke 3, 2013). This work is supported by a policy and advocacy component pushing for reform of the DCS and the JICS (the oversight body for prisons) (I. Sonke 2, 2013). In addition, the prison project seeks to incorporate the voices of survivors of sexual violence into their work. In 2013 the NGO undertook a ground-breaking project, believed to be the first of its kind in South Africa, where three survivors of prison rape were supported to produce digital stories (first-hand accounts) of their experiences of violence (I. Sonke 2, 2013). This work has led to a range of progressive outcomes. As a result of addressing the issue of male rape through talks and trainings, inmates in Drakenstein Correctional Facility have organised a cell-to-cell campaign aimed at stopping rape and making sure inmates know how to get help if they experience sexual violence (I. Sonke 2, 2013). In response to advocacy from Sonke and its partners, in 2013, the DCS adopted a policy to address sexual violence against inmates for the first time in South Africa's history (I. Sonke 2, 2013).[179] As such, examining how Sonke has come to address male rape reveals factors that may facilitate concerted advocacy in this area and incremental steps towards meeting the needs of male rape victims.

Sonke's work on male rape appears to have been shaped by a favourable opportunity structure. Aschman (I. UCT 1, 2013) suggests that work on prisoners' and detainees' rights "*has been a hot topic for a while.*" In the years following the end of Apartheid, prisons have become increasingly open:

> "*since 1994 the prisons have opened up a lot. I mean they're still relatively closed – you can't just show up you have to get permission but it's certainly heading in the right direction.*" (I. UCT 1, 2013)

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[178] It is important to note that Sonke does not provide any direct services (i.e. psycho-social support) to male rape victims.
[179] See the Policy Framework to Address Sexual Abuse of Inmates in DCS Facilities.

An increased recognition of prisoners' rights appears to have been accompanied by increased acknowledgement of male rape as an issue within South Africa's prisons: "*there has been an attitude shift in DCS*" (I. UCT 1, 2013). Aschman (I. UCT, 2013) notes:

> "*I think there's been a lot of attention on the rape of men in prisons since the Jali Commission in 2006 because that commission of enquiry revealed a range of atrocities happening in correctional centres. But there was a whole section on sexual abuse of male prisoners.*"

The Jali Commission was set up in 2001 as an enquiry into incidences of corruption, maladministration, violence and intimidation at the DCS (at the request of the Parliamentary Portfolio Committee on Correctional Services) (CSPRI, 2006). The final report, released in 2006, contains a full chapter (chapter 8) addressing 'sexual violence in prisons'. The report states:

> "*The Department can no longer ignore the fact that it has an important role to play in the prevention of sexual violence and sexual abuses in Prison and that it has to put measures in place to combat the high occurrence of such abuses. Ultimately, the Department also has a duty to prevent the spread of AIDS and, in order to fulfill this duty, it has to combat sexual violence in Prison.*" (Jali, 2006: 446)

The Jali Commission report makes clear the scale of rape in South Africa's prisons and the interconnection between rape and HIV in this context. [180]

In addition, Sonke's work around male rape can be understood as a result of the NGO's organisational frames, focal areas and theory of change. Sonke's overall organisational focus on unpacking masculinities to address gender-based violence and prevent HIV, is significant for understanding how their work around male rape has developed (Observations, 2013; Sonke, 2014). It is the NGO's overall focus which shaped the decision to focus on prisons as a project site. Staff stated that they "*couldn't imagine an organisation that works with men and boys on health and gender issues to not work in prisons*" (I. Sonke 2, 2013). This is because prisons are

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[180] Aschman (I. UCT 1, 2013) also speaks to the significance Johnny Steinberg's award winning book *The Number* in bringing "*a lot of attention to the issue*". *The Number* addresses sexual violence in the context of South Africa's prison gangs.

"*super hyper-masculine sites*" where a lot of "*negative behaviours*" are learnt (I. Sonke 2, 2013). There are also strategic issues that come in to play: prisoners are a "*captive audience*" "*open to messaging*" and prisoners' behaviours impact on communities both within and outside of prison. As such, prisons are seen as "*an important space to unpack these ideas about gender, masculinity and health seeking behaviour*" (I. Sonke 2, 2013). In this sense, advocacy for male rape can be viewed as an 'accidental' by-product of recognition of the need for 'masculinities and human rights' work.

Nonetheless, working around male rape has not always been a component of Sonke's work in prisons:

> "*It hasn't always been present at all. I mean it's always kind of been in the background, especially with the prisons work but there was not really a whole lot of formal acknowledgment of it or coming to terms with it until we started to do the policy work*" (I. Sonke 2, 2013).

Sonke staff explained that male rape was not acknowledged initially because work to address male rape "*really hasn't existed so much in South Africa to date*" and because the NGO's core content is focused on "g*ender-based violence but gender-based violence as it happens to women and girls within the community*" (I. Sonke 2, 2013). However, when staff began to step back (whilst looking to develop policy work), it began to appear illogical to examine HIV without addressing rape:

> "*So we were looking at HIV issues at prisons and we were saying how can you possibly look at HIV without looking at rape?*" (I. Sonke 2, 2013).

This narrative of organisational change is one shaped by organisational frames and focal areas, as well as individual agency and reflective practice. The NGO's interest in work around masculinities, health and gender has led to the emergence of work on HIV in prisons. In turn, the focus on prisons and HIV, alongside a broader organisational interest in gender, has led to the identification of male rape as an integral issue to address (I. Sonke 2, 2013; I. Sonke 3, 2013). The fact that the prison population in South Africa is mostly men is important. Whereas men constitute the minority of victims of rape in the community, to examine rape in prison without addressing male rape would seem absurd (I. Sonke 3, 2013). Sonke's organisational frames facilitate work around male rape. Gender-based violence is a term that is not

overly feminised and the NGO, more broadly, examines the negative impact of gender roles on men (as well as women) (Observations, 2013; Sonke, 2014). This supports Bob's (2009: 10) assertion that rights are more likely to be adopted when they fit within pre-existing mandates. Still, Sonke's organisational frames have had to be actively re-interpreted by key individuals within the NGO to broaden the NGO's scope from an exclusive focus on violence against women and girls in community settings, to recognition of sexual violence against men in institutional contexts (I. Sonke 2, 2013; I. Sonke 3, 2013). Keck and Sikkink (1998) note, that key individuals often play an important role in putting 'new' issues on the agenda. This is the case here where key individuals both within, and outside, Sonke have driven through projects and highlighted male rape as an issue (I. Sonke 2, 2013). These individuals have fostered partnerships domestically and internationally. Domestically, collective forums (such as the Detention Justice Forum) have enhanced the ability for civil society actors working in South Africa's prisons to report abuses and push for change (I. Sonke 2, 2013). International links have brought in specialist expertise. For example, Sonke's partners with JDI, a US based NGO that specialises on tackling sexual abuse in detention (I. JDI, 2011).[181]

The availability of resources for Sonke's work also requires note. An increased donor interest in work with men to promote gender equality, alongside the significant funds available for HIV programming, has enabled Sonke to become a key power house in South Africa's gender sector (I. Out, 2011; I. UCT 4, 2013). This enables the NGO to work on a range of distinct projects: those that focus on women's rights, as well as a program that focuses on prisons. The resources behind each project mean Sonke is able to act as a key player in driving advocacy across a range of issue areas.

To summarise, Sonke's work around male rape can be seen as a product of an increasing focus on prisoners' rights nationally, the recognition of intersections between sexual violence and HIV, and Sonke's masculinities and human rights framework. In this sense, Sonke's work is a product of accidental advocacy where

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[181] The prisoners' rights sector is more international in character than the women's sector (I. UCT 1, 2013).

developments in related sectors have inadvertently created openings for work on male rape. Yet, advocacy on this issue is also a product of the actions of key individuals who have used these openings to place the issue of the NGOs agenda.

Ambivalence within a Masculinities and Human Rights NGO

Despite the work of Sonke's prison project in advocating around male rape, advocacy efforts across Sonke as a whole are ambivalent and fragmented. A content analysis of Sonke's website (2011) reveals that sexual violence against men is 'added in' to the NGO's work (I. Sonke 2, 2013; I. Sonke 3, 2013). Overall, Sonke's website (2011) contains some positive assertions of male victims. Of the total number of references to sexual violence victims on the site 83% refer to female victims, compared with 3% to males. However, 31% of the total number of references to victims suggest it is only females who can be victims of sexual violence (27% of the total number of references to sexual violence perpetrators suggest that only males perpetrate sexual violence) (Harding, 2011; Sonke, 2011).

Some staff within Sonke hold attitudes towards male rape survivors that show a lack of sensitivity and understanding of the issue. Some staff within the NGO note that male survivors, who have approached the NGO, have "*been horridly scarred and burned and turned away because the person on the phone didn't know the first thing about where to refer somebody who has been raped as a man*" (I. Sonke 2, 2013). Broadly, the issue is not openly talked about:

> "*People still feel funny about talking about male rape within Sonke. You know you bring it up in training or whatever and they're joking about it. You know they look at each other you know. They make jokes about each other's anus' they get so uncomfortable*" (I. Sonke 2, 2013).

Although male rape is addressed within the NGO's prison project the issue of male rape is not integrated within other project work (I. Sonke 2, 2013; I. Sonke 3, 2013). In fact, one staff member notes that "*some people in Sonke don't really understand the purpose of the prison work or how it relates to what they're doing*" (I. Sonke 2, 2013). Although members of the prison project are clear on how their work fits within broader organisational mandates, other staff do not conceptualise the work of

the prison project as part of the NGOs "*bread and butter work*" (I. Sonke 2, 2013). This is because the NGO's core work is viewed as engaging masculinities to respond to violence against women and HIV in community settings (I. Sonke 3, 2013).[182]

All NGOs are comprised of 'multiple organisational realities' (Dionisio, 2006; Hilhorst, 2003: 226). However, multiple organisational realities are particularly pronounced within Sonke. In this case, the fact the NGO's work as a whole can be categorised as ambivalent is a product of a complex theory of change that enables a degree of interpretation about the relative emphasis staff place on male vulnerability (and victimhood) vis-à-vis women's rights (see chapter 7). For some staff, Sonke should exclusively focus on work with men to advance women's rights (I. Sonke 4, 2013), whereas for others the NGO should be promoting sensitivity towards male rape survivor's alongside its work for women's rights (I. Sonke 2, 2013; I. Sonke 5, 2013). Furthermore, Sonke deliberately uses multiple organisational realities and the division of its work into distinct projects to facilitate its relationships with women's organisations (I. Sonke 2, 2013). As this illustrates, ambivalent advocacy may be adopted by particular individuals or within particular NGO projects as a strategic tool. As explored above, women's rights activists have expressed concern over 'work with men'. As a result, in order to develop working relationships with women's organisations, Sonke has been keen to position itself as championing women's rights and distance itself from 'men's rights' groups (I. Sonke 4, 2013). Strategically, individuals within the organisation who emphasise that Sonke's core work is to promote women's rights, and have a history of work within women's organisations, have spearheaded the NGO's work with women's organisations and women's rights networks (I. Sonke 4, 2013). Sonke have deliberately placed their work on sexual violence against men within a distinct project because of the perception that integrating this work more broadly would damage the NGO's partnerships with women's organisations (I. Sonke 2, 2013).

The result of Sonke's current approach is progressive advocacy through the NGO's prison project but a reproduction of the exclusion of male rape as an issue across the

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[182] Sonke is not the only NGO to 'work with men' that principally engages masculinities to address women's rights. Mosaic, for example, states that "*for us it's very much about engaging men to ensure the safety of women and children*" (I. Mosaic, 2013)

NGO as a whole. As a result, sexual violence against men in community settings remains unaddressed. Aspects of Sonke's approach are striving towards best practice: the foregrounding of different discourses within distinct projects is a means to balance the sometimes competing demands of inclusivity and effectiveness. Yet, the lack of sensitivity and understanding shown towards male victims by some staff members is a separate issue and cause for concern.

Conclusion

This chapter reveals that rights can come to be legally recognised and advocated upon by organisations through forms of ambivalent and accidental advocacy. Accidental advocacy has taken a range of forms: male rape victims have been positively affected by advocacy to advance the rights of a range of groups (women, LGBT individuals, prisoner's and those who are HIV positive), as well as advocacy to champion particular approaches to tackling sexual violence (masculinities work and interventions which recognise the intersections between sexual violence and HIV). Advocacy in parallel issue areas has created a favourable political opportunity structure that has enabled ambivalent advocates to play an important role in securing advances in the rights of male rape victims. Ambivalent advocacy has emerged for a range of reasons, including: the incompatibility between understandings of sexual violence (as a crime affecting women) and the recognition of male rape; concerns about the impact of advocacy to address male rape on advocacy for women's rights; strategic attempts by organisations to balance inclusivity and effectiveness; organisational modes of working (that are 'needs-based' and reactive) and; misunderstandings about the experiences and needs of male rape victims.

In this example a range of factors played a role in the emergence of male rape. These include: 1) a lack of strong opposition from civil society and the state (associated with a low political cost of acknowledgement); 2) links between male rape and rights where concerted advocacy is or has taken place (i.e. the right is linked to other issue-agendas); 3) a favourable opportunity structure (a commitment to law reform in a relevant issue area and preceding debates advancing related rights); 4) the use of

inclusive frames by gatekeepers, even if these framings are not dominant (in this case, some reference to humanist, victim-centred or gender-neutral framings); 5) key individuals working to interpret or use available openings (even though these individuals often acted as ambivalent allies).

This chapter challenges three key assumptions within the literature on male rape (see chapter 2). First, the story told here reveals that civil society actors may be responding to male rape in hidden and unintentional ways, that is, women's rights advocacy or women-specific organisational frames may not preclude forms of advocacy to address male rape. Similarly, the female-specific nature of international frameworks, in this case, did not preclude the legal recognition of male rape: actors were able to actively interpret available frames to argue there was an international precedent for a gender-neutral definition of rape. Secondly, the case challenges the literature's emphasis on attitudinal change amongst practitioners. Although reasons for ambivalent forms of activism included misunderstandings about sexual violence, they were also shaped by strategic dilemmas and organisational modes of work. Thirdly, the process of change here diverges substantially from the literature on male rape and human rights. The case illustrates that change processes do not necessarily have to originate from intensive lobbying on the issue of male rape by civil society actors as actors can act ambivalently. Also, change does not have to emanate through changes in the 'global arena' as activists can enact change through engaging in domestic processes.

The chapter reveals a number of opportunities, not considered in the literature, to advance the rights of male rape victims. These include the potential to work with ambivalent allies and the opportunity to work with pre-existing frames. This may involve either actively seeking out and using gender-neutral frames, or exploiting the contradictions that emerge between female-specific framings and victim-centred approaches. Furthermore, Sonke demonstrates that masculinities and human rights NGOs may provide an opportunistic site for those seeking to advance the rights afforded to male rape victims. This opportunity is not recognised within the current literature. The result of ambivalent and accidental advocacy can be progressive: male rape has been legally recognised for the first time in South Africa's history, some civil society actors have come to advocate concertedly around the issue and there is

evidence of shifts in terms of responses to prison rape within the Department of Correctional Services. Despite this, meaningful social change for male rape victims cannot be limited to legal recognition and requires change across 'multiple sites'. Reluctance to fully embrace the issue impedes the likelihood that male rape will be fully embedded within broader efforts to address sexual violence and impedes the likelihood that advocacy will stand up to challenge from hostile actors.

Developing from the discussion of Sonke's work in this chapter, the following chapter examines the NGOs approach in more detail. Having considered the way the NGO responds to male rape specifically, the following chapter reflects on the NGOs broader response to sexual violence and impact on women's rights.

Chapter 7

The New Sibling: Engaging Masculinities and Human Rights to Advocate for Gender Equality

Sonke Gender Justice Network has been described as the women's sector's "*new sibling*" (I. anon 11, 2013). Entering on to the scene in 2006, eight years later the NGO, which seeks to engage men to tackle HIV and promote gender equality, employs nearly a hundred staff and commands a budget of approximately seventy million rand (I. anon 6, 2013; Sonke, 2013a). Sonke's growth, at least in part, can be put down to the fact the NGO has developed a distinctive and increasingly multi-layered theory of change. Yet, it is also tied to donor interest in work with men (Connell, 2005a; United Nations, 2004). As with any new sibling, Sonke has not arrived onto the scene without creating waves. Many of those within the women's sector remain angered and frustrated by the organisation's presence. There are questions about why Sonke has attracted such hostility. Is this a function of sibling jealousy, a case of mistaken identity or a reflection of legitimate concerns about problems with Sonke's approach and practice?

Through using Sonke as a case study, this chapter explores the role a masculinities and human rights organisation plays in advocating against sexual violence. Particular attention is played to the way the organisation challenges oppressive power relations and structures of exclusion, as a critical component of efforts to address sexual violence. As a case study, Sonke is of broad interest. The NGO serves as an example of the gulf that can exist between organisational image and approach in practice. In addition, Sonke acts as a case study of the impact of organisational expansion and of the issues that can arise when a particular area becomes the latest "*donor cause de jour*" (I. anon 1, 2013).

This chapter diverges from the pre-existing literature on 'masculinities and human rights' NGOs. Most organisational studies of NGOs that engage masculinities and human rights are not contextualised within a discussion of NGO's partnerships, although mention is frequently made of the fact that partnerships with women's

organisations do exist (e.g. Ruxton, 2004). In contrast, this chapter embeds Sonke's work within a discussion of South Africa's gender sector. As such, this chapter both expands our knowledge of South Africa's gender sector and the role organisations that engage men for gender equality may perform within it. In addition, this chapter is not written from the perspective of a 'supportive insider' or 'hostile outsider'. The majority of studies on this topic either serve to critique work with men having not spent time within such organisations (e.g. through analysing marketing materials or visible framings) (see Masters, 2010) or are written by internal members of such organisations (see Peacock, 2013). My own position and research process has facilitated open reflection about Sonke's work, as realised through practice.

The article is divided into three sections. The first explores the financial and ideological tensions that shape Sonke's position within South Africa's gender sector. Secondly, Sonke's theory of change is outlined. Finally, a discussion of one of Sonke's educational workshops is used to explore how ideological tensions and the NGOs theory of change are manifested in practice.[183] Overall, the chapter argues that although Sonke's theory of change is conceptually innovative, in practice the NGO reproduces hegemonic masculinity and women's exclusion through its work (impeding its ability to address sexual violence). It should be clear from the outset that the criticisms provided of Sonke's work are not a reflection of the competency of individual members of staff. Instead, bad practice is seen as a product of the difficulties in applying the NGO's complex theory of change and the strategic dilemmas that shape practice.

Sonke's relationship with the Women's Sector

The first section of this chapter explores the nature of relationships between Sonke and the women's sector. The section outlines the factors which have led to

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[183] Findings from this session can be viewed as indicative of the NGOs broader practice. The session discussed was chosen because it is illustrative of the NGOs approach: issues that emerged within the session also emerged in interviews, as well as within other sessions that the author observed. All the same, the chapter also acknowledges that Sonke is comprised of multiple organisational realities (Hilhorst, 2003: 226).

collaborative forms of activism, the financial issues within the gender sector and ideological tensions which have generated hostility.

Sonke has formed working relationships with a number of women's organisations (I. Sonke 4, 2013; I. anon 4, 2013). Recognising that collective advocacy is often more effective in bringing about change, Sonke works with women's organisations across a range of legal, policy and structural issues (I. Sonke 4, 2013). This work has included monitoring the Commission for Gender Equality, advocating for implementation of the 2007 Sexual Offences Act and participating in collective efforts to shape the Women's Empowerment and Gender Equality Bill (I. anon 11, 2013; I. Sonke 4, 2013; Observation 5, 2013). These collaborations can be mutually beneficial. Sonke fills a niche through its focus on men and boys, which can add weight, through diversity, to collective advocacy efforts (I. Sonke 4, 2013). Women's organisations offer Sonke extensive expertise drawn from years supporting women and pushing for women's empowerment. These relationships offer Sonke a form of legitimacy – a way for the organisation to distance itself from 'men's rights' groups (I. Sonke 4, 2013). The movement of female staff from women's organisations into employment at Sonke has facilitated the NGO's collaborative work with women's groups, through their central focus on women's rights (as opposed to gender equality), their pre-existing ties with women's organisations, and their challenge to Sonke's organisational practice (I. Sonke 4, 2013; I. anon 6, 2013).

Yet, the politics of South Africa's gender sector remain "*prickly*" (I. anon 1, 2013). Where women's organisations do work with Sonke this does not mean there are not tensions underlying such collaborations which limit the possibility for collective action (Mannell, 2014: 470).[184] Sonke's financial resources make them a key player, enabling them to employ a large numbers of staff and giving them convening power. As one interviewee comments:

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[184] There are certainly groups and organisations that eschew any sort of collaboration with men. One interviewee comments that there is little hope of any sort of collaboration between Sonke and some lesbian rights groups where *"The politics of rapes here are incredibly important"* (I. anon 1, 2013). Here the interviewee describes that the fact that Sonke's director *"is a white man from an affluent background"* is a sticking point for *"tough, political survivors"* (I. anon 1, 2013). In more radical feminist spaces identity politics are often fierce and bounded by self-identification as a victim, survivor or other.

> *"Sonke have been able to establish themselves and you can't ignore them. So even if other organisations wanted to ignore them you actually can't because they're a player. And funders are going to be saying – why aren't you playing with Sonke?"* (I. anon 6, 2013).

There are a significant number of women's organisations whose politics could be categorised as moderate that express a willingness to collaborate with organisations which work with men. However, for many of these organisations "*Sonke is really the source of a lot of anger and frustration*" (I. anon 1, 2013). These issues can be traced to funding and ideological tensions within South Africa's gender sector.

Feelings of anger and frustration towards Sonke are tied to resource discrepancies within the sector (I. anon 1, 2013). Sonke has been remarkably good at fundraising (I. anon 7, 2013). This success is connected, at least in part, to the fact that work on masculinities is seen as being the latest "*donor cause de jour*" (I. anon 1, 2013). African human rights organisations are particularly vulnerable to shifts in donor funding in northern countries (Igoe and Kelsall, 2005). As these organisations often lack local beneficiaries, they tend to "*subsist on life support systems provided by the North*" (Mutua, 2004: 194). By virtue of framing their work around masculinities Sonke is seen to have access to money that more traditional 'violence against women' organisations don't have (I. anon 2, 2013). Given a limited funding pool, some practitioners feel that Sonke has been "*stealing money from the sector*" (I. anon 6, 2013). Specifically, some practitioners feel Sonke has drawn resources away from direct service provision and work focused on addressing violence against women (for instance, through rape crisis centres). As one interviewee states:

> "*In terms of resources it is the new and sexy way to address gender-based violence and from that perspective it has taken resources away from things like victim empowerment and services to women on the ground*" (I. anon 11, 2013).

Sonke has been strategic in its framing and remarkably good at self-promotion: nominating itself for human rights awards, developing international profiles for its members of staff and hiring consultants to boost its brand (Observation 4, 2013; I. anon 14, 2013). Sonke's mode of fundraising has led to accusations that Sonke attracts money because it is a 'talk shop' and feeds a 'new' agenda, as opposed to because its work has evidenced value (I. anon 2, 2013). In contrast to Sonke's

fundraising success, traditional women's rights work has struggled to attract big donors. As one interviewee commented:

> "*It's hard to raise money for traditional women's rights work because it's seen as traditional. It's not seen as ground-breaking – it's not seen as cutting edge but it's vital, vital work*" (I. Sonke 2, 2013).

The frustration at donor interest in Sonke is reinforced by historical resentments between the women's and HIV sectors. One interviewee noted:

> "*So a sense that there is a pie – that a lot of that pie has been eaten up by HIV activists in the last few years and women's rights activists have worked doggedly in that coalition as well. And now – they had a little slice for a bit – and now that pie's being eaten up by the men's sector*" (I. anon 1, 2013).

There is an issue of timing here – that the women's sector has had to confront two major donor shifts in a row. This is seen to place the sector under pressure to do too much (integrate HIV and masculinities across its programing), as well as detract from its central focus on women's rights (I. anon 2, 2013).[185] This pressure should be understood in light of the extreme resource shortages, yet overwhelming demand, on South Africa's women's organisations (Hassim, 2005; Child, 2011; I. anon 13, 2013).

The result of donor preferences has been a situation where Sonke continues to experience massive growth whilst the women's sector struggles, remaining chronically "*under-funded and under-supported*" (I. anon 1, 2013; I. anon 7, 2013). This invokes a key theme in feminist analysis whereby men's work is privileged and women's work marginalised (Armato, 2013: 595).

> "*So it's one of those typical gendered situations where women work doggedly hard for very little reward. They struggle against huge, huge systematic challenges and then the kind of 'new kid on the block' comes in and because*

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[185] Tension between the HIV and women's sectors are not just a case of resources but also the lack of gender sensitivity of particular health discourses. Burns (2013: 3), for instance, has strongly criticised the sector's use of the acronym PMTCT ('Prevention of Mother to Child Transmission') for centring the blame for HIV transmission on to the mother, as opposed to socially embedding the responsibility for HIV prevention and care across parents.

it's sexy and it resonates with just the latest message or development trend
that then there is this big shift" (I. anon 1, 2013).

An important question arises about whether Sonke is responsible for the funding
crisis in the women's sector. One interviewee contested the implication that Sonke
draws on the same funding streams as traditional violence against women
organisations (who provide direct services):

> *"I mean seriously – that an organisation can say well actually if this money*
> *wasn't going to Sonke it would be coming to us. For what?"* (I. anon 6,
> 2013).

If this is true, the interviewee suggested that Sonke could in fact be bringing money
into the sector – accessing money that would not ever be earmarked for traditional
violence against women work (I. anon 6, 2013).

Whether or not Sonke is accessing money that may otherwise go to women's
organisations, the state of South Africa's women's sector clearly has more to do with
a broader funding crisis than work on masculinities in particular. As South Africa is
classed as middle income, big donors are pulling out. This has resulted in "*a lot of
massive changes in the funding landscape*" (I. anon 1, 2013). In recent years, the
Ford Foundation has stopped funding tertiary education and Atlantic Philanthropies
has pulled out, taking about 180 million rand a year out of the social justice sector (I.
anon 1, 2013; I. anon 6, 2013). One interviewee commented:

> *"South Africa is seen as the country that can handle its own affairs and*
> *international donors are moving on and leaving the job to government – and*
> *government is not doing the job that the donors have been doing. Where*
> *government has done it in the last five years it's with donor money. So*
> *services to rape survivors it's not being paid through tax. So there's a*
> *shifting in the funding environment in which there's no money for NGOs*
> *doing this work"* (I. anon 7, 2013).

Well over a decade after South Africa's democratic transition international donors
appear increasingly unwilling to fund direct services that should be funded by the
state. As Apartheid ended, there was an expectation amongst foreign donors that the
government would take the lead in tackling women's rights, yet this has not

happened (Mannell, 2012: 425). This explains the particular challenges faced by women's organisations offering direct services to victims. One interviewee explains:

> *"And those people that are providing services - I think there's a really, really big issue there about state accountability. Because funders there are saying basically either we've funded this long enough (we can't keep funding you know counselling for rape survivors) or we're already paying the state to do this (there's a whole lot of bilateral agreements where that money's going to the state and should be filtering through). Basically you've got to go out and get the money somewhere else. I don't think you can expect the EU to keep funding it"* (I. anon 6, 2013).

This funding crisis has been exacerbated by the fact that some women's organisations also lost funding they were receiving from South Africa's National Lottery (I. anon 15, 2013; I. anon 13, 2013). This is linked to the lottery changing its "*funding priorities to favour new and emerging organisations in rural areas*" (RCCT, 2012). This has been further exacerbated by the global economic crisis and problems with payment from the Department of Social Development (Shukumisa b, 2014; I. UCT 4, 2013). Sonke's work has resulted in a gendered financial inequity between NGOs in the sector. However, it is spurious to claim that Sonke is undermining women's rights by draining the sector's finances. The financial crisis in the women's sector can be understood as a result of a range of factors that are beyond Sonke's control.

In addition to financial tensions, hostility towards Sonke can be understood as a result of ideological differences between women's rights and masculinities NGOs (see chapter 2). One member of Sonke's staff suggested that resistance to Sonke's work was a result of misperceptions about the NGO, particularly the mistaken belief that Sonke is a 'men's rights organisation' (I. Sonke 4, 2013). The staff member argued that women who do more traditional women's rights work are unclear that the NGO aims to "*address negative masculinity manifestation to advance gender equality in the interests of society broadly*" (I. Sonke 4, 2013). This suggestion was not borne out in other interviews conducted by the researcher. Other interviewees argued that tensions were seen to derive from actual differences, as opposed to misperceptions, between Sonke's framework and more traditional women's rights approaches (I. anon 11, 2013). Broadly, interviewees conceptualised Sonke and

women's rights organisations as working towards similar goals. Yet, interviewees disagreed about how to reach these shared goals (to tackle sexual violence and promote gender equality). As one interviewee stated, *"we're all in the end trying to address the same problem but they are saying it in a way perhaps that is in conflict with the preferred ideology"* (I. anon 11, 2013).

Whereas traditional women's rights work seeks to focus resources on empowering female victims, Sonke is directing resources at seeking to change men's attitudes (I. anon 11, 2013; I. anon 1, 2013). This is not necessarily seen to inhibit the capacity of women's organisations to work with Sonke (*"we require a multi-pronged strategy with gender-based violence"*) but is the source of frustration (I. anon 11, 2013). Tensions exist around who resources should be focused on but also on ideological differences around the importance of women's agency. One interviewee commented:

> *"I think that this push of focus on men just makes women so agency-less in being part of the change. So we have to sit around and wait for the men to change their mind… I'm not waiting around for any man to change their mind and I'm not going to teach my daughters that they need to be saved, that they need to – that they can't be part of that conversation or shouldn't be part of that conversation"* (I. anon 2, 2013).

Tensions have arisen because of the limitations of Sonke's framework, which, as discussed below, necessarily denies women's agency by positioning men as the change-agents. However, tensions have also arisen because of how Sonke has operationalised its framework in practice. One example centres on the use of protectionist language. As a member of Sonke's staff commented, *"a lot of people, even in our organisation, use protectionist language and it's problematic"* (I. Sonke 2, 2013). This is something commented on by one interviewee from a women's organisation:

> *"If you are sitting in a room talking about gender-based violence someone will say well 'we must protect women' and then someone from the men's sector will say or mutter 'we must protect our women' and then you think well OK we want the same thing (for women to be protected) but we're looking at it in different ways so it's difficult sometimes to reconcile those*

political and ideological differences that we might have" (I. anon 11, 2013).[186]

Sonke's theoretical framework is not framed in these terms, focusing instead on building respect for women's rights. As one interviewee notes, "*It's not supposed to be protectionist language at all*" "*but I think it's what people are doing because they don't have a very deep understanding of these issues*" (I. Sonke 2, 2013). A similar concern about how Sonke's approach becomes operationalized in practice exists around (what one interviewee defined as) "*damaged masculinities*" (I. anon 11, 2013). Damaged masculinities can be seen to refer to the idea that men are dislocated as a result of Apartheid's legacy, as well as more generally the way gender roles damage and pressurise men (I. anon 7, 2103; I. anon 11; 2013; I. anon 6, 2013; I. anon 14, 2001; also see chapter 1). Although damaged masculinities no doubt exist there are vigorous debates amongst gender activists about how much emphasis should be placed on them. There are also concerns that paying attention to 'damaged masculinities' obscures the scale and severity of women's harms. As one interviewee states, "*that argument of 'damaged masculinities' is one that I don't have much patience with*": "*I think as much as we have damaged masculinities we also have damaged femininities*" (I. anon 11, 2013). Interviewees expressed concern that, in practice, any discussion of damaged masculinities risks reinforcing hegemonic masculinity (by denying women's realities and men's responsibilities).

Ideological debates also exist about the way engaging masculinities shifts the language used to address sexual violence. There is concern that masculinities work (in shifting the discourses from 'violence against women' to 'gender-based violence') obscures the reality of women's vulnerability and victimisation (Observation 5, 2013; I. anon 7, 2013). In relation to intimate partner violence one interviewee explains:

> "*The reality is in South Africa that it's mainly men doing that to women. It's not 50/50 or even 40/60 or probably even 80/20 and yet we now need to talk about gender-based violence – what on earth does gender based violence mean to most people? I think that's the problem. So it's created this space of*

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[186] The phrase 'we must protect our women' suggests that women are the property of men. The comment also denies women's agency by suggesting that men are those that should, and are able to, act to ensure women are protected.

all of these – you know – projects that look at men who are the victims of
violence at the hands of – and these have all become sexy and interesting and
they start to create the impression that there are scores of people out there
who are victims of that kind" (I. anon 2, 2013).

Practitioners express that they are under pressure, from donors and the state, to open up services to men (I. anon 7, 2013; Observation 5, 2013). The concern is that in reality (given resource constraints and the imbalance of gendered power) women become invisible and services to women are undermined (I. anon 7, 2013; I. anon 2, 2013).

The first section of this chapter has highlighted the contentious politics that surround masculinities and human rights work. Although Sonke has advocated alongside women's organisations, these relationships are underscored by financial and ideological tensions.

Sonke's Theory of Change

The second section of this chapter explores Sonke's approach in more detail through examining the NGO's theory of change. Key elements of Sonke's theory of change are explored here, including the NGO's: multi-sectorial mandate, preventative orientation (with a focus on men as gatekeepers of change), complex and intersectional theory of power, and holistic approach (which targets change at multiple 'levels').

Gready (2013) talks about a trend towards the organisational cosmopolitanism of international NGOs. Organisational cosmopolitanism is characterised not just by international staffing but also multi-sectorial mandates, multiple skill sets and multiple levels of working (Gready, 2013: 1341).[187] Sonke is an NGO that is characteristic of this trend. At the heart of why Sonke stands out as a distinctive voice is its specific multi-sectorial mandate. The NGO describes itself as seeking to "*strengthen government, civil society and citizen capacity to support men and boys*

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[187] Similarly, Nelson & Dorsey (2008) identify shifts towards hybrid organisations and alliances.

in taking action to promote gender equality, prevent domestic and sexual violence, and reduce the spread and impact of HIV and AIDS" (Sonke, 2014c). This organisational vision draws from a range of sectors, including the women's sector, men's sector, human rights sector, health sector and social justice sectors. Sonke believes that by challenging harmful beliefs about gender we will see positive social outcomes across an array of issue areas, including promoting gender equality, preventing violence and promoting health-seeking behaviours (I. Sonke 2, 2013; I. Sonke 4, 2013). By working on multiple issue areas and stressing intersections between these, the NGO is able to claim to offer a holistic response to complex problems that looks to underlying causes of social ills. For instance, Sonke recognises that HIV in prisons cannot be addressed without tackling sexual violence as a means of transmission, and that sexual violence cannot be addressed without unpacking beliefs about gender, power and violence (I. Sonke 2, 2013; I. Sonke 3, 2013).

The operationalization of Sonke's multi-sectorial mandates means that Sonke holds a distinctive space within South Africa's gender sector. The NGO does not fit comfortably with the label of a 'men's rights' (or men's organisation), typically understood to champion men's rights at the expense of women's (Clatterbaugh, 2007: 430; I. Sonke 4, 2013). Sonke deliberately seeks to develop partnerships with women's organisations and engage with men to promote women's rights, alongside a broader array of social justice issues (I. Sonke 4, 2013). Yet, Sonke works with men and engages masculinities differently to feminist organisations in the sector. What makes Sonke distinctive is the fact that their focus on men and masculinities lies at the heart of their organisational identity. Sonke's work is primarily led by men and targeted at men (I. Sonke 4, 2013). Although, female staff members do occupy a variety of positions within the NGO and women do often attend Sonke's events (Observation 1, 2013; Observation 2, 2013; Observation 3, 2013). There are claims that Sonke has a particular ability to connect with men because their education and mobilisation work is driven by male peers and because their framework "*show the effects of gender norms and inequalities on men and women*" [emphasis added] (I. anon 8, 2013; Sonke, 2014c). This is distinct from the way that women's organisations tend to work with men where there is a tendency for work to: a) be led by women and; b) to focus, often exclusively, on the way gender norms and

inequalities impact on women (I. anon 11, 2013). Sonke is further distinguished from traditional women's rights organisations by its preventative orientation (I. Sonke 4, 2013). Sonke does not provide direct services in the form of psycho-social support to male or female survivors. Instead, the NGO exclusively focuses on interventions that seek to shift gender norms to prevent victimisation occurring. In the South African context, where rates of violence against women are exceptionally high, an approach which can claim to address underlying causes of violence in a new way has captured donor attention (Dunkle et al., 2009).

Sonke seeks to realise its multi-sector mandate and affect change by targeting men as agents with the ability to shape their own lives and the lives of others (Connell, 2005a). Men are understood as power holders as the NGO seeks to encourage men to harness their power for social justice interventions, to promote gender equality, human rights and positive health. This is evidently captured in the tagline for the NGOs flagship program – One Man Can (stop rape, stop AIDS, end domestic violence, etc.) (Sonke, 2014b). At the heart of the NGO's strategy for change is community and mobilisation work including educational sessions, talks and trainings (Observation 1, 2013; Observation 2, 2013; Observation 3, 2013; I. Sonke 2, 2013). This work seeks to apply an understanding of masculinities by getting participants to think about, explore and challenge what it means to 'act like a man' (Observation 1, 2013). Participants are encouraged to think about the cost of 'acting like a man' or, in theoretical terms, to reflect on the costs of hegemonic masculinity for themselves and others (I. Sonke 2, 2013; I. Sonke 4, 2013). This messaging is infused with a rights discourse that aims to encourage participants to view themselves and others as rights-holders (I. Sonke 2, 2013; Observation 1, 2013). In the case of the prison project, the NGO works with inmates to encourage them to think about how the belief that there are particular ways to 'act like a man' has created pressures for them, shaped their behaviour and resulted in their current status (I. Sonke 2, 2013). The discussion of these social pressures is then used to encourage inmates and ex-inmates to take a range of actions to improve themselves (e.g. to adhere to HIV medication programs), educate and support other inmates and ex-offenders (e.g. to educate peers about where to report a prison rape) and engage positively with 'outside communities' (e.g. to act as caregivers to their children) (Observation 1, 2013; Observation 2, 2013; Observation, 3, 2013). As such, Sonke's intended

beneficiaries are broad: reaching beyond the individuals, predominantly men, who attend the NGO's events to the groups and communities in which these individuals are embedded (Sonke, 2014c).

Of central importance, but implicit within, Sonke's theory of change is the NGO's understanding of power. Sonke's conceptualisation of power rejects a view of power as a resource to be redistributed, "*a positive social good that is currently unequally distributed amongst women and men*" (Allen, 2014). Sonke rejects the idea that transformative change will occur by redistributing power so women have equal amounts to men. Instead, Sonke's theory of change implicitly relies on conceptualisations of power as a means of domination and a means of empowerment (Allen, 2014). The NGO recognises that relations of power can be dominating and oppressive. Sonke's work stems from a recognition that power can serve to oppress particular groups (Sonke, 2014a). However, Sonke's strategy for social change hinges on the belief that power can also be conceptualised positively: that is, as a means to transform and empower oneself and others. Sonke encourages men to stop acting in ways that sustain relations of domination (e.g. practicing domestic violence) and instead act in powerful ways that enhance the power of others (e.g. challenge domestic violence) (Sonke, 2014b).

Significantly, Sonke's understanding of power is informed by an intersectional analysis. Drawn from recognition that within South Africa's current gender order women are subordinated (and men are dominant) the NGO seeks to support women's rights (I. Sonke 4, 2013). In addition, Sonke's organisational aims include the aim to:

> "*respond to diversities among men – such as sexual, ethnic and class differences – and address inter alia, the specific needs of male prisoners and migrants and men (and women) affected by conflict*" (Sonke, 2014a).

This approach draws on the theoretical masculinities literature which has highlighted differences and relations between men (Connell, 2005: 76-81; see chapter 1 of this thesis).

This framework means that the men who attend Sonke's programs are worked with on multiple levels. In the case of the prison program, inmates and ex-inmates behaviour is understood to have an impact on familial relationships, peers and

broader communities (I. Sonke 2, 2013; Observation 3, 2013). However, inmates and ex-offenders are also addressed with recognition of their own vulnerability and/or victimhood (I. Sonke 2, 2013; Observations 1, 2013).[188] Often the men who attend the NGO's sessions come from marginalised groups (many have low socio-economic status, are black or coloured, and HIV positive) (Observations 1, 2013; Observations 2, 2013; Observations 3, 2013). Some of these men have very explicitly been victimised having been raped in prison. As such, the NGO's framework seeks to challenge oppressive power relations and structures of exclusion by: a) encouraging participants to take responsibility for and champion the rights of other groups (particularly women); b) encouraging participants to claim rights for themselves and challenge their own marginalisation. Consistent with the discussion of the 'social organization of masculinity' framework (see chapter 1), Sonke's use of a masculinities and human rights framework recognises that men can both hold power but also be acted upon (Connell, 2005: 67-86).

In addition to a multi-sectorial mandate, Sonke's conceptual framework involves multiple skill sets and levels of working. Over time, Sonke's skill set has expanded beyond community education and mobilisation work to a broader array of social change strategies (see figure 1 below for the NGOs own 'spectrum of change' model). Sonke's prison project is focused around three bodies of work: education and community mobilisation, policy and advocacy and communication for social change (I. Sonke 2, 2013).

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[188] This ties in with the discussion of a masculinities framework as broadening the "*theater of roles*" applied to understanding sexual violence: individuals are recognised both as actors, and acted upon (Kennedy, 2002: 111; see chapter 1).

Figure 1: Sonke's spectrum of change (Sonke, 2014c).
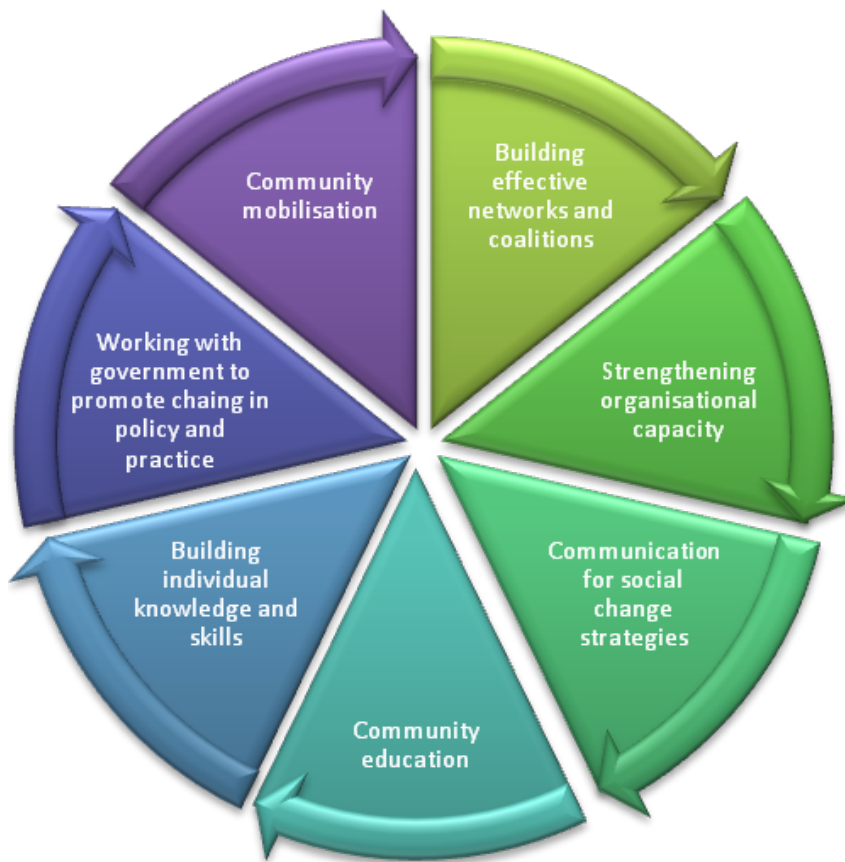
The advantage of utilising multiple skill sets is the capacity for social change to be driven by pressure from above and from below. In seeking to address sexual violence in prisons the NGO uses education and mobilisation strategies to build pressure from below as inmates are encouraged to view rape as unacceptable, report rape and support those who speak out (I. Sonke 6, 2013). In Drakenstein Correctional Centre this has resulted in inmates organising their own cell-to-cell campaign where they visit prison cells giving other inmates information about rape and how to get help (I. Sonke 2, 2013). Simultaneously, Sonke works to build pressure from above, working with key partners (the DCS and JICS) to change the structures that facilitate sexual abuse in prisons (I. Sonke 2, 2013). For instance, Sonke played a key role in DCS' adoption of the Policy Framework to Address Sexual Abuse of Inmates in DCS Facilities (I. Sonke 2, 2013). The focus of this work is often informed by issues raised by inmates through Sonke's education and mobilisation work. At the same time, pressure is increased by using 'communication for social change' strategies in

an attempt to slowly shift public attitudes away from the acceptance of prison rape. For example, the NGO has challenged statements that normalise and trivialise prison rape by public figures.[189]

By working at multiple levels Sonke seeks to straddle the tension between structure and agency (see chapter 1). The NGO adopts an action-theoretical understanding of power that views actions as largely determined by the internal characteristics and will of an individual (Allen, 2014). As one staff member comments:

> *"Even in the worse situation you still have the ability to make certain choices. And that is what a lot of the messaging is that is provided by the trainers. You are in prison, you are stuck here – but there are certain things you can do even though you're here"* (I. Sonke 2, 2013).

Yet, Sonke also recognises systematic conceptions of power, as evidenced by their policy and advocacy work (Allen, 2014). As such, the NGO's framework goes some way in responding to criticisms of masculinities work as overly psychologising, distracting from structural inequality (Armato, 2013: 589; Hamber, 2010: 81-2).

Theoretically, Sonke's theory of change is exciting. It appears to run counter to general trends in South Africa's gender sector with its preventative orientation and explicit focus on masculinities, yet is characteristic of a number of broader trends in human rights work (I. anon 6, 2013; I. Sonke, 2011; Nelson & Dorsey, 2008).[190] The NGO also appears to offer a complex, holistic and multi-layered theory of change. This is a theory that accounts for the way different social justice issues intersect, the myriad identities men hold and the fact that individuals are both actors and acted upon. The NGO seeks to address oppressive power relations between men and women, and between men themselves. In many ways, Sonke's theory of change is exemplary social science – recognising the intersectionality of social justice issues and the need for holistic approaches. This clearly plays a part in Sonke's appeal to

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[189] In 2013, for example, Sonke laid a complaint (with the Magistrate's Commission) against Magistrate Herman Badenhorst. During the sentencing of Neo Molaudzi for raping and robbing a thirteen year old boy the magistrate had commented "*In prison, you can rape prisoners if you feel like it – at least you won't be around little children*" (Sonke, 2013).

[190] Nelson & Dorsey (2008) argue that new rights advocacy is characterised by NGOs increasingly adopting holistic approaches, adopting multi-sector mandates and strategies, drawing links between legal strategies and social mobilisation, and negotiating complex relationships with the state.

donors. Yet, as the next section reveals, particular challenges can arise in putting complex theories of change into practice.

Sonke's Theory of Change in Practice

The final part of this article explores a session conducted by Sonke at a correctional facility in the Western Cape (Observation 1, 2013). The session is used as a window to explore the tensions between the theoretical framework Sonke adopts and the organisation's work in practice, as well as to identify how the ideological tensions in the sector shape Sonke's work in practice.

To provide some background, the session in question was attended by thirteen male inmates, two male Sonke facilitators, a female guard who moved in and out of the room and two female observers (myself and another woman from a social movement) (Observation 1, 2013). The session was day three of a four day program of what Sonke describes as "*peer education training*" on gender and HIV (I. Sonke 3, 2013). Two topics were covered in the session: "*the issue of culture*" and HIV/AIDs (Observation 1, 2013).

The Session

In the first part of Sonke's program, participants were asked to speak on behalf of the culture to which they identified (the facilitator asked inmates to speak on behalf of 'Xhosa', 'White' or 'Coloured' cultures). Participants were asked to reflect on what it means to "*act like a man*" within 'their culture' as well as speaking about their attitudes towards Medical Male Circumcision (MMC).[191]

The first participant who opted to speak did so 'on behalf' of 'Xhosa culture'. The inmate described that to be a real man you must go to the bush, otherwise you are like a lady. He said he had been brought up to respect his own and other cultures and would never go for MMC. His father had gone to the bush and become a man so he

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[191] Sonke works to promote MMC as an intervention to reduce the risks of HIV transmission.

questioned why he should listen to something he was hearing about MMC when he was getting 'old' (he appeared to be in his 20s). The participant noted that his father had come back from the bush healthy and with no infection. He described that a man must provide – he cannot sit at home and wash the dishes. A man must have cows and own his own home. He observed that if you don't go to the bush as a Xhosa man no one will come if you slaughter a cow. He noted his son must also go to the bush as he did. The second participant spoke 'on behalf' of 'White culture' (he did so as the only white inmate in the room). He stated that what made a man was not to do with his penis but to do with how he treated his mother, sister and wife. He noted that a man must work and be spiritual. The participant pointed out that circumcision was a matter of personal choice in 'White culture' - an issue of hygiene not tradition. The final inmate to speak did so 'on behalf' of 'Coloured culture'. He stated that he had not been brought up to be circumcised and that he had been taught to help people in his community. He observed that 'Coloured culture' was diverse – some groups are circumcised whilst others are not.

After the participants had spoken the lead facilitator from Sonke asked the participants what each of the 'cultures' had in common. One inmate suggested that to be a man you had to act as a protector and be responsible for your family. The Sonke facilitator then tried to unpack the meaning of responsibility. He asked: 'If my child is HIV positive what is my responsibility as a man?'… 'If I want to protect my child from HIV what is my responsibility in that?' He explained he was talking about the responsibility for a man to teach a child. A couple of the participants spoke up explaining that they could not talk about sex in 'their culture'. The Sonke facilitator stated that as men 'we' could not fulfil our responsibility because of rules that meant 'we' were not able to talk about sex. He asked the group if 'we' do not talk about these ideas and let our children die can we still tell ourselves that we are responsible? The facilitator called on the group to think about what we mean by responsibility – 'What does responsibility mean if we can't talk about sexual issues?' At this point the discussion moved on to the next part of the session focusing on HIV
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The main part of the rest of the day was spent on 'treatment literacy', where participants' were asked to explore processes of infection and treatment for TB, HIV and STIs (Haywood, 2009: 17). Of particular interest were two exchanges between

participants and a facilitator pertaining to HIV transmission. In the first instance, a participant asked the Sonke facilitator whether he could be HIV positive but have a child who was HIV negative. The facilitator gave a brief reply, pointing out that sperm does not contain HIV. At this point the prison guard interjected, to point out to the inmate that he needed to remember that semen does contain HIV and that semen is what you can see when you have sex. In the second instance, a participant asked the facilitator whether you could have a child who is HIV negative if both a women and man are HIV positive. The Sonke facilitator responded that you could as long as the woman takes preventative measures.

Analysis: Reproducing Hegemonic Masculinity

Ironically, as part of a program seeking to promote gender equality the session served to reproduce hegemonic masculinity (Connell, 2005a: 77).[192] At numerous points throughout the day women were rendered invisible both by the session's participants and Sonke's facilitators. Discussions were framed with a view of the world focused on men's lives and experiences (Armato, 2013: 587). This gendered subjectivity was both a product of the ideology underlying Sonke's work, as well as a result of concrete dilemmas faced by Sonke's facilitators in applying the NGOs framework.

The responses of one of Sonke's facilitators to participants' questions on HIV transmission, although not incorrect in content, were rife with gendered significance. Both participants, in asking questions about HIV transmission from parent to child, were talking about a process that has profound implications for their female partners. These implications include the decision to have unprotected sex with a man who is HIV positive and the decision to carry a child and become a mother (where there is also a risk that your child may be born HIV positive). Yet, in the first instance, the participant makes no mention of his female partner with his question centred on transmission from father to child. Particularly worrisome is the facilitator's response

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[192] This supports concerns expressed by some authors that masculinities work can serve to reinforce hegemonic masculinity. The discussion here reveals that hegemonic masculinity may be reproduced within educational sessions (the literature analyses campaign slogans and visual materials). See the discussion in chapter 2.

that "*sperm does not contain HIV*". This is a technical answer that obscures the possibility of a man transmitting HIV through unprotected sex. Implicit in the participant's question is the risk that he infects or re-infects his female partner. Yet, this risk - or the need for both partners to each be involved in making life-changing decisions about their health and future - is not acknowledged.

In the second instance, the facilitator's response also neglects underlying issues. Although the facilitator's response is technically correct he does not mention the risk that both partners become re-infected with HIV. He also does not make clear the need for both partners to be involved in decision making around their health. Here, the female partner is present as a carrier of HIV and the individual responsible for preventing HIV transmission to the couple's child. Yet, the female partner is not present in this exchange as an owner of her own sexual and reproductive health rights (United Nations, 1995). Interestingly, there is no discussion of the male participant's responsibility for the health of his partner or responsibility for the health of his child. This is not in keeping with the official messaging of Sonke's programs around men's responsibility as fathers and partners (Peacock, 2013: 2).

These exchanges can be seen to reflect the difficulties in applying Sonke's complex theory of change in practice. It is extremely challenging for any facilitator to address the demands of a multi-sectorial mandate. In this case, the facilitators were seeking to address HIV, sexual health and child's rights, with sensitivity to the gendered nature of these issues. There are echoes here of concerns expressed within the literature: that masculinities work can simply give activists too much to do (see chapter 2). Given that a singular educational session, or organisation's work, cannot do everything for everyone, there may be reasons to focus on particular issues over others. Nevertheless, the facilitators struggled to find balance between a range of concerns, and women's rights were repeatedly obscured. Similarly, facilitators were confronted with another challenge – the need to engage male participants whilst also stressing their responsibility to others. How do you build rapport and speak to issues that engage participants, whilst also challenging participant's beliefs and behaviours?

Men's responsibility as fathers was highlighted within the discussion of 'culture'. However, it is worth noting here that the thread the Sonke facilitator drew out

regarding responsibility pertained to men's responsibility to talk to their child (presumably including a girl child), as opposed to an alternative thread which could have highlighted men's responsibility towards women (including a female intimate partner). This again reflects the challenge of putting multi-sectorial mandates in to practice. In effect, it can give NGOs a lot of ground to cover and particular issues may be prioritised over others in a given moment.

Within the discussion of culture women were rendered invisible despite being clearly implicated through the discussion. The participant speaking 'on behalf' of 'Xhosa culture' asserted that a man's role was not in the home washing dishes and that a man must own his own home. These statements raise gender equality concerns around the gendered division of labour and women's property rights. Yet, through the participant's statements and a lack of challenge of these by the session facilitators, women's lives and their rights were obscured.

In practice, there may be reasons not to challenge every statement by participants that raises cause for concern. Challenging every statement is not feasible given time constraints but would also disregard the need to build rapport with participants. This dilemma is particularly acute in the South African context where attitudes towards women's rights are often extremely conservative (Morrell et al., 2013). If participants feel all of their ideas are being challenged or shut down, this is likely to reduce their willingness to engage in the session. In this instance, there is the need to balance the desire to be ethical with the need to be effective (Gready, 2010: 189).

Using the personal pronoun 'we', within the session, Sonke's facilitators spoke as men to men in the room. Once again, this may act as a way for facilitators to connect with and build trust with participants. However, as there are almost always at least some women that attend Sonke's sessions (be it as observers, facilitators or participants) such framing reinforces men's domination, and women's exclusion, within the educational space. This is also a product of the ideological framework for Sonke's work which explicitly targets men as the gatekeepers of change.

As well as reinforcing inequitable relations between men and women, the discussion of masculinity and culture was problematic due to its reinforcement of particular

relations of authorisation and marginalisation between groups of men (Connell, 2005a: 80-1). By asking a participant to speak on behalf of 'their' cultural grouping the facilitator risked reinforcing a construction of culture as singular, static and bounded. The discussion presented 'White culture' as built on respect for women, choice and a medical rationality. In contrast, 'Xhosa culture' was painted as patriarchal, restrictive and based on obligations to 'tradition'. The discussion therefore reproduced hegemonic masculinity through contrasting a 'progressive' 'White masculinity' against a 'backwards-looking' 'Xhosa masculinity'. This serves to reinforce racial and cultural divisions and paint non-violent masculinities as something that originates from outside of particular cultural groupings (see chapter 1). This issue could have been addressed by, for instance, spending more time collecting a range of divergent views to challenge notions that cultures are singular.[193]

In addition, the participant who spoke on behalf of 'Xhosa culture' discursively feminised men who failed to act in particular ways. He stated that if a man did not go to the bush he was "*like a lady*" and suggested that if a man did not own cows or a home he was not a real man. Processes of feminisation serve to reproduce patriarchy through a process of 'othering' whereby men who do not conform to particular behaviours are symbolically expelled from (hegemonic) masculinity (Connell, 2005a: 78). Once again, there is an ethical challenge here for facilitators who, on the one hand, need to 'pick their battles' but on the other need to avoid becoming complicit in such processes of 'othering'.

Multiple Organisational Realities

The reproduction of hegemonic masculinity was not an isolated occurrence within a single session. In a separate community corrections event, held as part of the 16 days of activism against gender violence, many similar themes emerged (Observation 2, 2013). The Sonke facilitator who took the lead repeatedly spoke as a man addressing a room of men (for instance stating, "*my appeal to us as men*"). This was despite there being a female ex-offender present at the session, two women from NGOs

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[193] This would have required more time. See the discussion later on in this chapter.

(including myself) and several female correctional officers. The content of Sonke's talk, as part of this event, focused on MMC and the pressure gender expectations place on men. For instance, the beliefs that men must not cry, must seek revenge, must provide and must protect. Alongside this there was some discussion of promoting peace in society, including the mentioning of "*peace in the home*" and "*promoting peace with your mother, your sister*".

It was surprising that MMC was selected as the focus of a 16 days of activism event, when the 16 days aims to foreground issues of gender violence and violence against women. More worrisome was that the Sonke staff member stated within his talk that MMC cuts the risk of HIV infection by 60%. He made no mention that this is a reduction in men's risk of being infected; any benefit to women is indirect, coming through a reduction in the number of men who are infected (Rennie et al., 2007; Weiss et al., 2009).[194] This clearly serves to obscure women's risk of HIV infection and men's responsibility with regards to their own sexual behaviour. The degree of emphasis placed on the way gender roles create negative pressure for men was also problematic. Although this is important to recognise it is clear that such a discussion needs to find balance by placing a discussion of men's experiences alongside recognition of the way gender norms have a disproportionately negative impact on women. There are ideological debates about the degree of weight that should be placed on women's rights vis-à-vis the pressure of gender expectations on men, and Sonke's framework provides facilitators with some flexibility about the relative emphasis.

A question and answer session raised further concerns (Observation 2, 2013). One ex-offender noted that he was having a problem with his wife. He stated that he was trying to talk with her about what was happening now but she kept bringing up the past. A member of Sonke responded that what the ex-offender was talking about was problematic and that it was not right to keep quiet at home. He stated that the man's wife needed to attend a program like this so she could forgive. He suggested the man sent his wife a message he loved her by putting a note under her pillow.

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[194] Weiss et al., (2009) argue there is insufficient data to know if MMC reduces women's risk of contracting HIV and a lack of research into any potential adverse consequences of MMC for female partners.

Problematically, the Sonke staff member failed to explore how the ex-offender's behaviour may have led to his current predicament, thereby obscuring his potential responsibility. Furthermore, the blame for the situation was clearly placed on the ex-offender's wife who was given a pre-determined response (to forgive). A member of the department of correctional services responded to the ex-offender by 'joking' that it seemed like the ex-offender wanted to give his wife a hiding. This flagrantly inappropriate comment was left unaddressed by Sonke's staff.

There are themes that begin to emerge across these sessions, including: the failure to hold individuals accountable for sexist comments; discursively addressing men and excluding women; the lack of time given to women's rights issues; showing a lack of gendered sensitivity when dealing with inter-related issues (such as MMC, HIV or father-child relationships); and denying women's agency by making decisions on women's behalf. Some manifestations of these issues may be product of the trade-offs that shape practice e.g. in seeking to engage men for gender equality it may be more effective to speak directly to men and, in some circumstances, leave statements unchallenged. Yet, the examples do reveal a tendency to repeatedly obscure women's experiences within discussions and neglect the need to hold individuals to account.

Although the sessions observed by the researcher involved only a couple of members of Sonke's staff, staff from within Sonke noted that the reproduction of patriarchy was an issue across the organisation's practice. As one interviewee commented:

> *"Things are framed in terms of not doing something – it's bad to hit a woman, it's shameful to hit a woman, we need to get rapists behind bars or whatever but we don't unpack the power dynamics, the nuances of power dynamics where I think a lot of gender equality work exists. It's about understanding power dynamics, it's about understanding that in a truly equal relationship or interaction it's about navigating those power dynamics to make sure that both sides have equal standing and power to speak and to act. And that I think gets missed a lot. If you look at our One Man Can manual there's nothing about that. And then that blindness permeates even in the highest levels of our organisation because those nuanced aspects, those holding men accountable aspects don't really exist"* (I. Sonke 2, 2013).

Although it is challenging to implement complex theories of change and negotiate the trade-offs that can be necessary for effective practice, complex theories of change can be assessed against their ability to balance the demands that arise from a multi-sectorial mandate.

Although the researcher's observations of sexist practice were not isolated incidents, Sonke is characterised by multiple organisational realities (Hilhorst, 2003: 226). These, in part, reflect different ideological positions held by members of organisational staff. Interviews with members of staff clearly reveal that whereas some staff members are acutely aware of the dangers of excluding women and undertake a power analysis (I. Sonke 2, 2013; I. Sonke 4, 2013), other staff members do not view this as a vital component of gender equality work (Observation 1, 2013; Observation 2, 2013). As one interviewee describes, this has led to "*political challenges*" within the organisation between "*feminists*", and "*men who believe they are gender equitable*" (I. Sonke 4, 2013). The researchers own observations reveal a more complex picture where both male and female staff members within Sonke seek to apply the organisation's framework by integrating women's rights concerns, and unpacking power dynamics.

In one session conducted with ex-offenders in the community, one of Sonke's male facilitators actively worked to disrupt power dynamics (Observation 3, 2013). Before drawing out examples from the session, it should be noted that structural differences exist between this session and those previously explored. Structural differences included the fact that the session was covering less content than those previously explored, meaning the facilitator had more time to unpack particular issues and participants' comments (Observation 3, 2013; I. Sonke 5, 2013). In addition, the fact that the facilitator had worked with the group over a long period of time had enabled him to build up trust, meaning he was more able to challenge sexist statements. This highlights sequencing as a tool in enacting a complex theory of change. It may be strategic to prioritise trust-building and rapport initially, whilst later placing an increased emphasis on men's responsibility.

The session in question sought to address sexual violence in prisons. The discussion of this topic could have focused exclusively on men's experiences of sexual violence

and the negative implications of gender roles for men. However, the Sonke facilitator actively sought to contextualise male rape in prisons within a picture of sexual violence more broadly, including the reality of violence against women. In essence, the facilitator was successful at balancing the need to recognise men's vulnerability and victimhood alongside a need to acknowledge the reality of violence against women. In an illustrative exchange between participants and the facilitator, participants began discussing older women sleeping with young boys. The Sonke facilitator interjected by noting that although it is true that older women are sleeping with young boys this is happening on a smaller scale than older men sleeping with young girls. The facilitator noted that in taverns you are more likely to find a fifteen year old girl with an older man, than a young boy with an older woman. By interjecting the facilitator challenged the participants' comments and acted to ensure both experiences of male and female victimisation were acknowledged.

As another illustrative example, from the same session, the facilitator discussed men's role as providers (Observation 3, 2013). He told a story of an unemployed ex-prisoner who sits around all day waiting for his parole officer to visit. He described that the prisoner believes it is a man's job to provide but as he cannot find a job he sits around all day whilst his wife is at work. He points out that the ex-prisoner could clear up and do the dishes but he thinks this is a women's job. When the ex-prisoner's wife returns home she makes dinner and sees that her husband has not done anything. The facilitator asked the group 'how does she feel?' He described that there are ways to provide without making money and going out to work. He noted that men can help out by taking their kids to crèche or by looking after the house. The facilitator then explicitly stated that men's behaviour affects others, including women and children. The facilitator's story both acknowledged the challenges that men may experience on leaving prison whilst also encouraging men to think about a familiar scenario from a women's point of view. [195] A recognisable trope of 'men as provider' was used but reformulated so as to emphasise men's responsibility as both fathers and partners.

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[195] This discussion provides a helpful illustration of how 'continual crises' can be addressed through work with men. The facilitator addresses everyday crises that can arise for men through their relationships with women and employment status (see chapter 1).

Differences within Sonke are a product of inevitable variation when applying a complex theory of change but are also a product of structural issues. The time the facilitator was able to spend unpacking exchanges was clearly important and would appear to be a precondition to the effective implementation of a complex theory of change. The speed of organisational growth and NGO size, have facilitate divergences across organisational practice. Significantly, Sonke has not developed systems of reflection, monitoring and accountability that can promote consistency and would better enable facilitators to unpack nuanced power dynamics. As one interviewee comments, the organisation ends up reproducing patriarchy because it does not have systems built in which encourage staff to reflect on their practice (I. Sonke 2, 2013). This would appear to be particularly important in efforts to implement complex theories of change as there is more scope for variation. However, it may also be particularly relevant when adopting a masculinities framing.

Armato (2013) notes that processes of reflection are particularly important for men engaging in gender equality work. Sonke appears to practice a form of, what Armato (2013) terms, "*enlightened sexism*" - the expression of attitudes and actions that on the surface appear to be egalitarian but which reproduce androcentric or patriarchal relations in practice. Interviewees commented that, despite male staff within Sonke reproducing patriarchy through their practice, these members of staff believe they are immune from practicing sexism because they do gender work (I. Sonke 2, 2013; I. Sonke 4, 2013). Armato (2013: 593) suggests a need for rigorous reflexivity (the need for those working to challenge sexism to reflect on themselves as social beings that exist in particular social locations), particularly for men who seek to challenge sexism. Speaking as a male academic working in women's studies Armato (2013: 593) states:

> *"A rigorous reflexivity is especially important for those of us who are*
> *privileged in some way(s)—as men, Whites, heterosexuals, middle-class*
> *people, able-bodied people—because it is very easy to forget one's privilege.*
> *As men in women's studies, this is particularly challenging, given that there*
> *is a tendency for us to be viewed, relative to our other male colleagues*
> *outside of women's studies, as good guys, as allies. This can be quite*
> *alluring: who does not want to be considered a good person? Yet without*
> *actions that challenge sexism and our own privileges, our "good guy" status*

serves only to reinforce notions of academic masculinity and our own gender and other privileges."

Within Sonke a form of rigorous reflexivity (supported by training that addresses the nuances of power, and systems of monitoring and accountability) may support efforts to detect, name and challenge both overt and subtle forms of sexism practiced within and by the organisation (I. Sonke 2, 2013).

There are also limitations inherent in the NGO's current framework. Members of staff within Sonke acknowledge that efforts to address patriarchy will always be limited if they exclude women (Keijzer, 2004: 28; Marchese, 2008; I. Sonke 2, 2013; I. Sonke 4, 2013). If gender work is done without women talking about their own experiences and acting to bring about change it necessarily involves a denial of women's agency.[196] One interviewee within Sonke explains that the problem with the organisation's framework is that men talk and act without women: *"It's like all of a sudden we're talking about women but they're not standing next to us. We're talking about something that happens to them without doing it with them"* (I. Sonke 2, 2013). The interviewee raised the question of why Sonke has a 'One Man Can' program without a similar 'One Woman Can' intervention.[197] Interviewees both internal and external to Sonke suggest the NGO needs to reconceptualise the way it works to ensure women speak and act for themselves within the organisation (I. anon 2, 2013; I. Sonke 2, 2013). This would include women acting as leaders, acting alongside men in training and being fully integrated within Sonke's work as constituents and participants.

Conclusion

This chapter has sought to do things differently from the pre-existing literature on masculinities and human rights work. The discussion here has embedded a discussion of masculinities and human rights work within a broader exploration of

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[196] Recognising women's agency should involve giving a voice to women who are vulnerable and have been victimised. However, there is also scope for addressing the fact that women can themselves support gender inequality/ reinforce patriarchal structures (see chapter 1).
[197] For an example of an intervention of this kind, see Ricardo et al., 2010.

South Africa's gender sector and drawn from the researcher's observations as an outsider looking in. As a result, the financial and ideological tensions that shape the capacity of masculinities and human rights organisations to advocate collectively are explained. In addition, both the possibilities and risks of looking to tackle sexual violence through a masculinities and human rights framework are illuminated. Although critiques of Sonke's work are outlined, this chapter has sought to respond to the limitations of generic critiques of masculinities work (see chapter 2). The chapter has included the voices of Sonke's staff, reflected on strategic dilemmas practitioners face in doing masculinities work, addressed how masculinities work could be done better (as opposed to rejecting this mode of working outright), and not homogenised all forms of masculinities work (discussing a particular case and recognising multiple organisational realities) (Hilhorst, 2003: 226).

Sonke demonstrates how an NGO can apply a masculinities and human rights framework to provide an entry point for addressing a range of issues, including gender equality, violence prevention and health-promotion. Sonke's framework seeks to recognise men's power to act, and be acted upon. As such, the NGO's approach partially mitigates for tensions between structure and agency and acknowledges men's complex identities. Still, it is astute to be wary of NGOs claims to offer holistic responses. Sonke illuminates the risks of masculinities work and the adoption of complex theories of change. The endurance of patriarchy means that, in practice, complex organisational frameworks can serve to reproduce hegemonic masculinity and women's exclusion. For all that, problems with the implementation of complex theories of change should not lead to their abandonment. Sonke could rectify many of the issues identified within this chapter by building on current best practice within the organisation, and the suggestions of Sonke's own staff. There is the need for internal reflexivity, a greater emphasis on longer-term interventions (that enable relationship building and allow facilitators to take more time to unpack issues) and a shift in approach to ensure the organisation speaks with (as opposed to for) women.

Conclusion

This thesis set out to use a masculinities and human rights framework to explore civil society advocacy to address sexual violence. The current literature on this subject is inadequate. As such, this thesis is a response to the need to: broaden our understanding of human rights advocacy; conceptualise masculinities and human rights as a field; identify the impact of this field on women's rights and; explore how responses to sexual violence may account for men's experiences of victimisation.

The study sought to address a primary research question:

1) *How can a masculinities and human rights framework support civil society advocacy to address sexual violence*?

In addition, a number of secondary questions have been explored:

2) *How can human rights advocacy most effectively hold violent masculinities to account?*

3) *What forms of civil society advocacy facilitate the recognition of, and efforts to tackle, male rape?*

4) *What role can a masculinities and human rights organisation play in advocating to address sexual violence?*

This concluding chapter consists of two sections. These provide: a discussion of the studies contribution (to theory, methodology and practice), and an outlining of recommendations to researchers and practitioners seeking to tackle sexual violence.

Contribution to Knowledge

This study makes a number of contributions to knowledge. This section initially addresses each of the research questions in turn to summarise and synthesise the key research findings. Subsequently, the section highlights the key contributions of the study with reference to theory, methodology and practice.

Research Questions

In relation to the primary research question (*how can a masculinities and human rights framework support civil society advocacy to address sexual violence*?), this study has revealed that masculinities and human rights is a contested field, claimed by competing voices and agendas (Miller et al., 2005: 4; Gready, 2008: 739). As such, what is significant is how a masculinities and human rights framework is conceptualised, and how it is realised through practice. This thesis has revealed two critical divergences within the field that affect the capacity of a masculinities and human rights framework to support civil society advocacy to address sexual violence. These are the degree to which the framework accounts for hierarchical relationships between masculinities and the way the framework responds to women's rights concerns.

Theoretically, a masculinities framework can be applied to either reveal, or obscure, hierarchical relationships between masculinities. In chapter 1, it is argued that a 'crisis of masculinity' framework fails to recognise masculinities as heterogeneous – suggesting there is a single or core masculinity. In contrast, Connell's (2005: 67-86) discussion of the 'social organization of masculinity' provides a framework that can be applied to explain relations between men (and forms of sexual violence perpetrated against men). Similarly, it is clear that a rights-based framework can be applied both to support, or obscure, sexual violence against men. This thesis points to the neglect of sexual violence against men within UN texts and within the outputs of human rights NGOs. Furthermore, by evoking women's rights frameworks, sexual violence against men can be obscured. Yet, in the discussion of male rape advocacy (chapter 6), a rights framework is evoked by practitioners to assert the need to acknowledge the anal rape of men. For instance, during the law reform process advocates made references to the gender-neutral definition of rape adopted at The International Tribunal for the former Yugoslavia. Correspondingly, there are divergences in the responses to male rape by actors who explicitly evoke the masculinities and human rights framework. On the one hand, discussions at the UN level have often instrumentalised men's vulnerability. Yet, it is also clear that South Africa's largest masculinities and human rights NGO has utilised a masculinities and

human rights framework in establishing a project that explicitly seeks to address male rape (although there are divergences across organisational practice).

Depending on how a masculinities and human rights framework is conceptualised, and applied in practice, the frame may support or undermine women's organising. Theoretically, masculinities frameworks can support components of a feminist analysis: linking hegemonic masculinity to patriarchy and explaining violence as a product of (and means to sustain) privilege. Yet, there are also risks – for instance, that the focus on micro-analytical theoretical studies can obscure power relations and patriarchy (if not combined with a feminist analysis). There are ways that masculinities and human rights may be implicitly evoked by practitioners: for instance, in conducting educational workshops with women about their rights or in advocating around sexual offences law reform. These forms of interventions maintain a focus on women's empowerment. As such, engaging masculinities and human rights may support advocacy to address sexual violence as an implicit component of 'traditional' women's rights work. Having said this, a masculinities and human rights framework is most frequently associated with a new agenda where masculinities are explicitly adopted to frame NGOs work (and men are specifically targeted). This thesis reveals that there are limitations of the way a masculinities and human rights framework is being applied in the practice of South Africa's largest masculinities and human rights NGO (Sonke). The NGO's current approach serves to reinforce hegemonic masculinity and deny women's agency. Broadly speaking, the impact of a masculinities and human rights framework on civil society advocacy to address sexual violence is contradictory (Falk, 2004; Rosenblum, 2002). The frame (gender-based violence), evoked by the field, is a case in point. On the one hand, in facilitating a discussion of a broader array of gendered harms the framework is inclusive and radical. Yet, it is clear that the frame can also be depoliticising and exclusionary: obscuring the power relations that leave women disproportionately affected by sexual violence.

By examining the secondary research questions we can explore further how far particular conceptions of masculinities and human rights work support civil society advocacy to address sexual violence. The second research question asks: *how can human rights advocacy most effectively hold violent masculinities to account?* The

discussions of the advocacy efforts of the NWGSO/ Shukumisa campaign, point to the role of a domestic advocacy network in establishing (and seeking to implement) a legal framework that holds the promise of accountability for acts of violence. The case points to: the role a diverse array of actors can play in addressing violent masculinities; the need to embed human rights within ongoing civil society mobilisations; the need for rights to be claimed by a broad membership and; the need for advocacy to be focused on strategic entry points. In contrast to the literatures' focus on single issue networks, the NWGSO/ Shukumisa campaign reveals that advocacy to hold violent masculinities to account can benefit from networks comprised of actors who cross single issue areas. Diverse networks can broaden the pool of actors pushing for change, draw on expertise across a range of issue areas and increase the perceived legitimacy of collective action. A range of actors have a stake in holding violent masculinities accountable, including, women's rights activists, masculinities and human rights organisations, children's rights groups, LGBT organisations etc.

The case in question reveals that violent masculinities can only be held to account by locating human rights within ongoing civil society mobilisations. Legal reform on its own is not enough to claim rights: civil society actors need to maintain momentum in pushing for implementation. Ongoing civil society mobilisations may be facilitated by factors including, network composition (where actors are not purely focused on legislative processes), longevity of network ties and the identification of further network activities. The case reveals that in order to hold violent masculinities to account, human rights advocacy needs to be claimed by a broader membership, rather than imposed by relative 'elites'. The NWGSO/ Shukumisa campaign have struggled, in part, due to their limited ability to claim to represent a broader support base. Relatedly, the case reveals the importance of accompanying legal and policy advocacy with a show of popular support. To generate public support, civil society actors need to ensure they are framing their ideas in ways that resonate with the general public and are speaking in forums that reach beyond parliamentarians. This is not only relevant for the success of legal and policy processes but also to ensure that networks are speaking to a broader audience about the social practices and norms that legitimate violence.

To address violent masculinities, human rights advocates need to look beyond the indivisibility of rights to prioritise strategic entry points. This thesis reveals that activist are using an array of strategies to seek to hold violent masculinities to account e.g. advocating through an array of legal processes, seeking to improve survivor's experiences within the criminal justice system and developing behavioural change programmes. Yet, for actors to avoid overstretching their resources there is the need to focus collective advocacy on key areas that may generate some form of systematic shift. It is also clear that civil society advocacy needs to ensure it promotes state accountability. To hold violent masculinities to account requires the state providing adequate funding to enable a functioning criminal justice system, which provides adequate levels of support to rape survivors.

The third research question asks: w*hat forms of civil society advocacy facilitate the recognition of, and efforts to tackle, male rape?* Chapter 6 explores forms of civil society advocacy that led to the legal recognition of male rape (within the 2007 SOA) and some efforts to tackle male rape by civil society organisations. The core finding of the chapter is male rape can come to be recognised through forms of advocacy that can be categorised as partial and through forms of advocacy not focused on male rape victims per se (but concerned with the rights of intersecting constituency groups). Having said this, these strategies may only facilitate recognition of male rape where there is a lack of concretive opposition to advancing male rape victim's rights. In the case examined, the expansion in the definition of rape was not opposed by parliament, in part, because it was seen to be an easy political win (without incurring significant cost to the state). A masculinities framing may facilitate civil society advocacy to tackle male rape. Yet, it is clear that women-specific frames do not prohibit, at least some degree of recognition, of male rape victims. Within women's organisations, civil society advocacy appears to be partially facilitated by an inclusive legal framework, the adoption of a humanist approach, dual organisational framings and a needs-based response to service delivery.

In terms of the final research question (*what role can a masculinities and human rights organisation play in advocating to address sexual violence?)* this thesis suggests that such organisations can have contradictory impacts (Falk, 2004;

Rosenblum, 2002). Sonke makes some significant contributions to advocacy to address sexual violence. These include the fact that the NGO has: added to the diversity of actors advocating to address sexual violence; played a convening role in collective advocacy networks (such as Shukumisa); developed innovative projects seeking to address male rape in prisons and; drawn attention to the need to address men's behaviour (to prevent sexual violence). Having said this, Sonke's work also has regressive impacts. Despite some areas of Sonke's work seeking to address sexual violence against men, this fact is undermined by a lack of consistency across the NGOs practice. Sonke's impacts on collective advocacy efforts are also ambiguous, as the NGO has been the source of vehement political debate within South Africa's gender sector. This thesis has questioned claims that masculinities and human rights NGOs are taking money from women's rights work. Yet, the fact that masculinities and human rights organisations are attracting significant donor funding serves to reproduce inequalities between civil society organisations, and is a source of tension.

Particular modes of working within Sonke reinforce hegemonic masculinity and deny women's agency: for instance, as women's rights concerns are obscured and women's voices are denied within educational sessions. The fact that Sonke is a masculinities and human rights organisation is relevant here. The reproduction of hegemonic masculinity through the NGOs practice can be linked, in part, to risks associated with men doing gender equality work, men and boys as the targets of gender work – and the complex theory of change that shapes the work of masculinities and human rights organisations.[198] Having said this, there are some good practice examples within Sonke where the NGO has managed to balance the need to address men's vulnerability and victimhood, alongside drawing attention to the high rates of violence against women. In addition, some of the flaws in Sonke's current approach appear rectifiable (through, for instance, building in processes of internal organisational reflection). As such, masculinities and human rights

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[198] There are also other critiques of the ability for Sonke to advocate to address sexual violence which has been briefly touched on within this thesis. Namely, the age of men and boys targeted (arguably, there is the need to focus interventions on a younger age group) and breadth of interventions (arguably, there is the need for interventions to work with individuals over a longer period of time).

organisations may have more transformative potential than realised by Sonke's current example.

Key Contributions

The key contributions made by this study, include: the broadening of our understanding of advocacy; the theoretical development of masculinities and human rights as a field; the methodological insights offered into researching applied masculinities and; the insights offered in to practice.

This thesis has sought to contribute to our knowledge of human rights advocacy by responding to a number of literature gaps. These gaps pertain to the surprising lack of theorising on domestic networks, on networks in post-transitional contexts and on gender and advocacy. The thesis has developed our theorising of domestic networks. In applying the literature on transnational advocacy networks to the study of domestic networks, the thesis posits that components of this literature retain relevance to the study of domestic networks. This includes the fact that the literature can help explain why networks retain a domestic character and can provide a helpful framework for exploring the successes and limitations of a domestic network (see chapter 4). Case studies of transnational advocacy networks also reveal features of successful networks, such as the ability to develop a narrow and coherent agenda, that similarly appear to impact on the success of domestic networks (see chapter 5). Still, this thesis reveals areas where the literature on transnational advocacy networks needs to be adapted to retain relevance (e.g. discussions of inequities between north-south actors need to be adapted to apply to the politics of domestic networks). In addition, issues arose, such as financial tensions between the Shukumisa network and its constituent members that pointed to gaps in the available literature.

The discussion of the NWGSO points to a number of distinct contributions made by examining civil society advocacy through a domestic advocacy networks. These include the ability to examine: advocacy for local rights issues, a domestic mode of information sharing, an alternative advocacy strategy, and the opportunity to account for a bottom-up direction of change. Whereas transnational networks tend to examine issues that have some relevance to a 'global' constituency, domestic

networks can reveal the process of advocating for rights issues specific to a local or national context (i.e. national sexual offences law reform). As a result, the process of information-sharing between network actors is less likely to flow across national boundaries as it is instead focused on communicating information about a domestic process to actors based within a particular national context. The strategies used to enact change are distinct from those employed within transnational advocacy networks. Whereas conceptualisations of transnational networks tend to view change as generated through 'external' pressure, domestic networks reveal how change occurs through focusing on domestic 'windows of opportunity' and shifting strategies to increase the pressure applied from the 'inside'. Due to the focus on how change has been generated by domestic actors through 'inside' pressure, focusing on the domestic networks can give more opportunity to identify how change can be generated within national contexts. The discussion within this thesis, for instance, points to the way change was a result of local realities (e.g. practitioner's everyday recognition of male rape), national events (such as the Zuma rape trial) and the agency exhibited by local or national groups. The significance of such local action can be obscured within theorising on transnational networks which has focused on change as a top-down process.

This thesis also expands our understanding of the way networks can respond to partial successes. Factors which facilitate ongoing civil society mobilisations after legislative change are identified, as well as the particular challenges that can arise when networks seek to redefine their agenda (with an inherited structure) (see chapter 5). Building our understanding of civil society advocacy in a post-transitional context, the discussion of advocacy around sexual offences reveals that (although, broadly speaking, a window of opportunity closes after transition) smaller windows of opportunity can arise for activists in a post-transitional space. For instance, pre-ceding debates may create openings for the emergence of new rights (debates around sexuality at the point of transition paved the way for the recognition of male rape) or events can emerge (such as the Zuma rape trial) which bring particular issues into public view and provide an opportunity for activists (see chapter 4 and chapter 6). The thesis reveals that there are particular challenges for networks operating in a post-transitional space, as activists need to adapt to a shifting opportunity structure, and changing relationship with the state. As opportunities for

legal change are reduced, social mobilisations gain increased importance as a means of leverage. Civil society actors need to anticipate this shift (see chapter 4).

Developing our understanding of how new rights emerge and are adopted by both civil society actors and states, this thesis outlines two new concepts. These concepts are accidental advocacy (unintended or indirect advocacy to further the rights of a particular group) and ambivalent advocacy (tentative or reluctant advocacy to further the rights of a particular group) (see chapter 6). These concepts provide a framework for exploring how the rights of a group may come to be recognised, or advanced, without a concerted or proactive advocacy effort on the groups' behalf. This provides a substantial departure from pre-existing theories of change, which emphasis the key role of rights claimants or champions advocating with a concerted effort to advance the rights of the group in question. These concepts also contribute to the discussions within this thesis on how the 'successes' of advocacy are conceptualised. In chapter 4, different understandings of network success are outlined, revealing the relevance of legislative outcomes, process and social change. However, the discussions on ambivalent and accidental advocacy (in chapter 6) further develop this framework, revealing that the impacts of advocacy can be unintended and multiple, dependent on which rights are examined or which victim groups are considered.

More specifically, this thesis expands our understanding of gender and advocacy. This thesis has argued that there is a need to apply a gender, as opposed to women-specific, framework to theorising about human rights advocacy. The thesis reveals how the application of a gender frame may lead to a more inclusive and nuanced understanding of gender gains. Here, a gender framework was seen to have relevance in identifying male rape as an important component of sexual offences law reform. Furthermore, a gender framework facilitated the exploration of a mixed actor network where the constituency groups or strategies adopted by network members could not be reduced to women or women's empowerment approaches (see chapters 4 and 5). In addition, exploring masculinities was important in understanding the broader socio-political environment that impacted on civil society advocacy (see the discussion of the Zuma rape trial and elite masculinities in chapter 4).

Theoretically, this study has developed our understanding of the under theorised field of masculinities and human rights. Previous literature has acknowledged intersections between masculinities and human rights. However, this thesis has made explicit the understandings of sexual violence, and theories of change, which underpin masculinities and human rights approaches (see chapters 1 and 2). This brings clarity about why practitioners may integrate a masculinities framework: a masculinities framework may reveal the relationship between structural oppressions, point to the impact of men's actual and felt disempowerment on the perpetration of violence, reveal the diversity of men's practice, and encourage change-strategies which look beyond a state-centric framework. By exploring different conceptions of masculinities and human rights work amongst academics and practitioners this thesis has expanded the theoretical parameters that have been placed around masculinities and human rights as a field (where it is associated with global shifts at the UN level). The thesis suggests that masculinities and human rights work could be conceptualised to include efforts to address sexual violence against men, and to include a consideration of ways masculinities are implicitly engaged through traditional modes of women's organising.

Methodologically, this study has offered insight into, the previously unexplored process of, researching masculinities and civil society advocacy (see chapter 3). This exploration revealed the particular ethical imperatives placed on researchers exploring this area. There is the danger that masculinities research implicitly devalues women's rights work by championing a 'new' agenda. Furthermore, there is the danger that researchers reproduce pre-existing inequalities by putting their resources in to work in this area. As such, there may be particular obligations on researchers to interrogate assumptions in the masculinities literature and to consider the work of women's rights groups, alongside an exploration of masculinities NGOs. Furthermore, a reflection on the methodology, revealed that a masculinities frame needs to be carefully considered before it is applied. As the term is inherently politicised and doesn't tend to be claimed by women's rights activists, at least in the South African context, there may be pertinent reasons for researchers to work with alternative research frames.

This thesis has also aimed to contribute to our understanding of, and approach to, practice. Specifically, the thesis has sought to address civil society approaches to law reform and implementation, approaches to sexual violence against men and the approach taken by masculinities and human rights organisations (see recommendations at the end of this chapter). The contribution to practice here partially derives from the fact that this thesis explores areas of civil society advocacy that have not been examined elsewhere: namely, the efforts of the Shukumisa campaign to implement the SOA and the responses of civil society actors in South Africa to the issue of male rape. The contribution also derives from the fact that the discussions of civil society advocacy have been embedded within recognition of the strategic dilemmas that underpin practice. In contrast, the current literature on civil society responses to sexual violence against men and the work of masculinities and human rights NGOs does not tend to examine how approaches are shaped by practical dilemmas. Recognising that difficult choices underpin practitioner approaches can provide insight in to why civil society actors take particular courses of action and the trade-offs involved when practitioners make particular choices. It also means that the discussions within this thesis seek to build from current practice, recognising what is realistic. As a result, recommendations aim to be feasible, given current practice and resource constraints. They also seek to acknowledge how civil society actors can utilise partial opportunities, such as those that may arise through ambivalent or accidental advocacy.

Recommendations

This research leads to a number of recommendations – for researchers, on areas that require further exploration, and for practitioners, on how to advocate to address sexual violence.

Recommendations to Researchers

There are a number of avenues that researchers could pursue. There is both the need to deepen our understanding of specific issues explored here and to test whether the

theoretical contributions (described above) have applicability beyond the cases in question.

To researchers seeking to develop understanding of effective civil society advocacy:

- Produce case studies of effective domestic networks, particularly those operating in post-transitional contexts. Use these case studies to develop theories that can be applied to help understand successful domestic networks, particularly where networks have secured implementation of law and policy.
- Document ways networks have successfully negotiated advocacy trade-offs. For instance, identify examples of networks that have managed to define a coherent political agenda having inherited a large, diverse membership from preceding advocacy efforts.
- Test whether the factors identified as having supported ongoing civil society mobilisations in this case (actor's conceptualisation of their work as unfinished, network composition, the availability of resources and identification of a common activity) also emerge in comparative examples. Identify which of these factors is crucial in facilitating ongoing civil society mobilisations.
- Test whether the concepts of accidental or ambivalent advocacy can be applied to help explain how the rights of male rape victims in other contexts, or rights of other groups, come to be recognised.
- Document the developments of the Shukumisa campaign, focusing on whether the network manages to shift its approach to respond to current limitations.

To researchers looking to increase understanding of civil society responses to male rape:

- Document examples of advocacy to advance the rights of male rape victims both through collective efforts and within organisational settings. These studies should engage with the challenges and trade-offs civil society activists face in practice.

- Explore male survivor's views and experiences of engaging with civil society organisations. Consider what reform survivor's feel is needed.[199]

To researchers seeking to increase knowledge of NGOs who engage with men and boys to promote gender equality:

- Test the claim that masculinities and human rights NGOs are taking money from the women's sector by mapping the funding streams utilised by NGOs in the gender sector, and by speaking directly to funders about funding priorities.[200]

- Test assumptions about the most effective way to work with men to promote gender equality. Specifically, test the assumption that male participants will respond better to messaging delivered by male facilitators (and addressed directly to men) and; that participants will be more receptive to women's rights if the negative impact of gender norms on men are acknowledged. [201]

- Conduct independent research to assess how audiences respond to Sonke's messaging. Specifically, examine whether the NGO has managed to change behaviour (e.g. reduce participant's use of violence) and examine whether the NGO has acted as a platform for participants to engage in transformative practices (e.g. encouraged participants to act to address the power inequalities underlying violence).[202]

- Build comparative cases by applying the framework utilised to analyse Sonke's work to explore masculinities and human rights NGOs in other contexts. This is a framework where: NGO practice is examined with a consideration of the strategic dilemmas that practitioners confront, the

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[199] A clear limitation of this study is that it examines processes and approaches that implicate survivors, without speaking to those directly affected by sexual violence.

[200] The discussion of Sonke revealed that funding inequalities in the sector largely pertain to developments unrelated to a growth in donor interest in masculinities work. Having said this, further evidence is needed to address the question of whether masculinities and human rights NGOs are utilising the same funding pools available to women's organisations. Is Sonke bringing money in, or taking money from, the gender sector (see chapter 7)?

[201] Within chapter 7 the actions of Sonke are explained with reference to assumptions that Sonke appears to make about the most effective way to deliver gender equality messaging to men.

[202] In noting that Sonke reproduces hegemonic masculinity through its practice this thesis calls in to question the NGOs capacity to create transformative change. However, the critical test here is how audiences respond to Sonke's messaging. Sonke does try to capture evidence of participant change but evidence is limited in that it relies on self-evaluation and is often targeted at organizational promotion to funders.

NGO's work is explored in relation to the broader work (and politics) of the countries gender sector, 'multiple organisational realities' are acknowledged, and researcher's seek to engage both with the possibilities, and potential critiques, of the NGOs practice.

- Examine the practice of masculinities and human rights NGOs, such as Brazilian NGO Promundo, that seek to directly empower women through their work.[203] Identify where there are examples of good practice and document how this practice has been achieved.

Recommendations to Practitioners

To the Shukumisa campaign:

- Direct advocacy towards the police, focusing on ensuring the police respond to sexual offences sensitively and effectively.[204] Members of the campaign could build good practice models (e.g. of appropriate police training). However, the campaign subsequently needs to advocate the state to fund and roll-out such models.
- Develop a coherent campaign agenda by clearly defining a narrow 'problem' and 'solution'. For instance, the problem identified may be that the police aren't properly investigating sexual offences, impeding victims' access to justice; the solution would be that the police investigate sexual offences fully.
- Allow members to individually define their own agenda and action but coordinate campaign actions around a narrow agenda, particularly in key moments (such as during high profile sexual offences cases).
- Reduce the number of legal and policy processes the campaign contributes to. Place a renewed focus on mobilising popular support by:
  o Drawing on the expertise of 'community organisations' in engaging with their relative constituency groups.
  o Creating platforms to encourage and facilitate rape survivors to speak directly (to their communities, the media and parliamentarians).

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[203] Brazilian NGO Promundo seeks to respond to critiques that work with men can undermine women's agency. The NGO runs a program promoting women's empowerment (Program M), alongside a program focused on engaging men around masculine norms (Program H).
[204] See chapter 5 for a discussion of why targeting the police may be a pertinent strategic entry point.

      o   Delivering information in forums that are accessible to a broader public (e.g. radio, through face-to-face engagement in rural communities).

To practitioners advocating for recognition (and improved services) for male rape victims:

- Draw on inclusive human rights frameworks (such as The International Tribunal for the former Yugoslavia), international trends and national shifts towards gender-neutral definitions of rape.
- Use the reality of male rape (the fact it happens) to advocate for its recognition.
- Support related campaigns for women's rights, LGBT rights and to address HIV. Draw out where issues of interest (e.g. anal rape) or constituency groups intersect (e.g. prisoners).
- Utilise dual framings within women's organisations (e.g. victim empowerment) and inclusive framings within NGOs who engage men (e.g. gender-based violence) to advocate for services for male victims.
- Seek to distinguish the emphasis on, and funding available for, work with men for gender equality from explicit work addressing sexual violence against men.
- Educate civil society actors about the needs of male rape victims and barriers male survivors face in accessing services.

To Sonke and the staff of NGOs engaging men to advocate for gender equality:

- Ensure women act alongside men within the NGO, even if strategically male staff are chosen to deliver particular messaging. Ensure women are represented as agents within campaigning materials and program messaging.
- Conduct staff training on facilitation skills and what gender equality means in practice. The training should support staff to identify sexist statements and practices. In addition, training should develop staffs' skills in responding to these issues e.g. developing ways to maintain rapport with participants whilst also challenging participants who engage in sexist behaviours.

- Establish monitoring and accountability systems where the work of staff is assessed in relation to gender equitable practice.

- Collaborate with women's organisations, and broader networks, to fundraise collectively. Utilise, where possible, funding streams that are not available to women's organisations.

- Train staff to ensure they recognise, and are able to respond appropriately, to male rape victims who may come in to contact with the NGO.

- Utilise the NGOs framing to draw out the disproportionate impact of sexual violence on women, alongside recognition of male rape.

Interest in masculinities and human rights work as a means to address sexual violence shows no signs of abating in the near future. As such, it is of central importance that academics and practitioners seek to engage with, and where necessary contest, this framework and its associated practice. This study has aimed to give suggestions to practitioners about how to maximise the transformative potential of a masculinities and human rights framework. The discussion has sought to demonstrate how civil society advocacy can challenge hegemonic masculinity, build inclusive responses to rape victims and, ultimately, reduce levels of sexual violence.

Appendices

Full text of Shukumisa's vision and mission statements

Vision: "*Across South Africa, all sectors of society treat rape as a serious crime. Media reporting and other forms of public discourse no longer demonstrate prejudicial and stereotypical attitudes towards rape, its victims and perpetrators. A range of interventions, including training programmes, have been established and these are challenging and transforming gender and other power relations. A donor funded, strong civil society is active in ensuring survivors' access to justice and takes action against behaviours denying survivors their rights. Organisations across the country have set up a network to monitor how rape cases are dealt with, creating policy feedback loops which enable us to address challenges and resistance to change. Communities intervene constructively in cases of sexual abuse and do not treat sexual violence as 'private'. Services and policies recognise that rape is a violation facilitated by gender and other forms of social inequality. Services and policies respond to survivors' heterogeneity and diversity by taking into account multiple forms of oppression and institutional marginalisation, which informs the context for action. As a result, rape survivors easily access health, criminal justice, psycho-social and other services. Health workers, police officers and court and NGO personnel know and apply the contents of sexual offences policies and laws in a non-discriminatory, non-judgemental manner. Victims know their rights and feel confident and supported to speak out against discrimination, or the failure to uphold their rights. Effective evidence-based treatment programmes for perpetrators are in place. As a consequence of these various interventions, the real rate of rape is coming down*" (TLAC & RCCT, 2011; Shukumisa, 2012).[205]

Mission: "*In support of this vision, the Shukumisa Campaign builds organisations and local communities' capacity to monitor and hold government services to account for the implementation of law and policy. This leads to the establishment of a network of organisations across the country able to undertake a series of monitoring*

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[205] The vision statement contained in Shukumisa's 2008 monitoring report is the same, except the fourth sentence begins "*A funded…*" instead of "*A donor funded…*".

campaigns over time. Campaign members undertake research examining the implementation of the Sexual Offences Act, as well as courts, health services and police responses to sexual violence. This information, in combination with the monitoring, is used to inform the further development of law and policy, along with other interventions combating sexual violence. Our information is also used to develop a range of follow-up actions intended to correct defects in the system. We create materials and training programmes that inform people of CJS procedures, available services and the rights of rape survivors in relation to these procedures, as well as their treatment by institutions. We also make innovative use of ICTs and other forms of media to gather and share information" (Shukumisa, 2008).[206]

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[206] Shukumisa's monitoring reports in 2011 and 2012 only contain a vision statement: there is no mission statement contained in reports after 2008.

Sample text: information sheet for interviewees

Overview of project
The research I am carrying out is for a PhD (postgraduate research qualification) at the University of York (UK). The research is exploring how civil society can engage with masculinities and human rights to support efforts to tackle sexual violence. The enactment and implementation of the Sexual Offences Act (2007) is the case study for this research.

What will I be asked to do?
You will be asked to undertake a one-to-one interview of approximately one hour with the researcher. The researcher has a set of questions which she will tailor to ensure they are relevant to your expertise. These questions will be used to guide the discussion to ensure the information you provide is relevant to the researcher's project. However, you can also raise any issues you feel are of importance. You can also choose not to answer a question – you do not have to give a reason.

How will information be kept?
Temporarily electronic data will be stored on the researcher's personal computer – data will be encrypted and password protected. Paper notes will be kept in secure accommodation and under padlock. Primary data may contain your name, job title and organisational affiliation. Once possible data will be transferred to the University of York's central data storage system where it is kept in compliance with the UK's Data Protection Act of 1998. At this point data will be permanently deleted from the researcher's personal computer. Only the researcher and their supervisor will be able to view primary data. Once the research is complete all primary data will be destroyed.

How will information be used?
Information you provide will be used within the researcher's PhD dissertation. It will also be used to inform future research and may be used in other outputs including books, journal articles, research briefs, practitioners and academic guides, exhibitions, conference presentations and lectures.

Your choices and rights

TAKING PART: It is your right not to take part. You can also stop the interview at any time and if you wish the researcher will destroy any information that has been recorded.

RECORDING INFORMATION: You can decide whether the interview is recorded using an audio recording device and/or by the researcher making notes. You can choose whether audio recordings are used simply as a source of data for the researcher – or whether they can be used in audio-visual presentations of the research. You can decide whether you are happy for direct quotes from the interview to be used and check these for accuracy.

ANONYMITY: You can decide whether you want your name, job title and organisational affiliation to be used in the research outputs. If you are concerned that you will be identified through comments you make/ have made in the interview please raise these issues with the researcher to ensure this information is not made public.

Copies of research findings: The researcher will send you a sheet of initial research findings. You are invited to provide comments. A summary of the final research findings will be sent to you once the research is completed (estimated April 2015).

Researcher contact information: Lucy Harding, lhh501@york.ac.uk

Sample text: informed consent form for interviewees

This form is for you to state whether or not you agree to take part in the study.
Please read and answer every question. If there is anything you do not understand,
or if you want more information, please ask the researcher.

Have you read and understood the information sheet about the study?   YES ☐   NO ☐

Do you understand that your participation is voluntary?   YES ☐   NO ☐

Do you understand that you have a right to stop the interview at any time?   YES ☐   NO ☐

Are you happy for the interview to be recorded with an audio-recording device?   YES ☐   NO ☐

Can the researcher use audio-recordings in audio-visual presentations of the research?   YES ☐   NO ☐

Would you like the interview to be attributed to you by name in research outputs?   YES ☐   NO ☐

Are you happy for your job title to be used in research outputs?   YES ☐   NO ☐

Would you like to be affiliated to [*insert organisational affiliation*] in research outputs?   YES ☐   NO ☐

Is it OK for the researcher to use direct quotes from the interview?   YES ☐   NO ☐

Do you want quotes to be attributed to you by name, job title and organisational affiliation?   YES ☐   NO ☐

Are you happy with how primary data (that may contain your name, job title and the name of the organisation you work for) will be kept?   YES ☐   NO ☐

Do you understand that the information you provide may be used in future research and in published outputs?   YES ☐   NO ☐

Do you have any questions or concerns you would like to discuss?   YES ☐   NO ☐

Do you agree to take part in the study?   YES ☐   NO ☐

Note to the researcher – use this space to document any issues discussed:

Signed: Print Name: Date:

Contact information: Please do not hesitate to contact me if you have any concerns or there are is
would like to discuss: Lucy Harding, lhh501@york.ac.uk. The researcher's supervisor is Paul Grea
(paul.gready@york.ac.uk), Centre for Applied Human Rights – University of York.

Sample text: information sheet for participants in observations

Overview of the project

- During my time with Sonke I am collecting information to enable me to complete two outputs:
    1) A case study of Sonke's work seeking to address sexual violence against men in prisons for Sonke's own use (to distribute to donors, the media etc.)
    2) My own PhD (postgraduate research qualification).

- Information I collect for my PhD will also be used to inform future research and may be used in other outputs including books, journal articles, research briefs, practitioners and academic guides, exhibitions, conference presentations and lectures.

What is your PhD about?

My PhD research aims to explore how civil society can engage with masculinities and human rights to support efforts to tackle sexual violence. The enactment and implementation of the Sexual Offences Act (2007) is the case study for my research.

What will I be asked to do?

You will be asked to let me observe you as you go about your work. I may also ask you questions about your work with the prison program (either whilst you are going about your work or as part of a separate interview). What I observe and the answers you give to any questions I ask will be used to inform the outputs described above.

How will information be kept?

I will make paper notes of what I observe which will be kept in secure accommodation. When I return to the UK data will be transferred to the University of York's central data storage system where it is kept in compliance with the UK's Data Protection Act of 1998.

Will my name be used in research outputs?

Your name or job title will not be used in any research output but you may be identifiable to those you work with. If you are concerned about being identified by specific information please raise this with me as details can be excluded from published material. Sonke's name will be used in publically available research outputs.

Can I choose not to take part?

Absolutely – you can choose not to participate. You can also decide if there is specific information or events you do not want me to observe or record information about.

Will I be able to view the research?

You will receive the case study I am producing for Sonke in early 2014. I will send you a summary of initial research findings for my PhD. You will be invited to review these and provide comments if you wish. A summary of the final research findings will be sent to you once the research is completed (estimated April 2015).

Sample text: consent form for participants in observations

This form is for you to state whether or not you agree to take part in the study

Have you read and understood the information sheet about the study?   YES ☐   NO ☐

Do you understand that your participation is voluntary?   YES ☐   NO ☐

Do you understand that you have a right to stop taking part at any time and have data collected, which is linked to you, deleted by the researcher?   YES ☐   NO ☐

Are you clear that Sonke's name will appear in the research and that your actions will be linked to Sonke?   YES ☐   NO ☐

Are you happy for the researcher to use direct quotes from you in the research?   YES ☐   NO ☐

Is there specific information or events you do not want the researcher to observe or record information about?   YES ☐   NO ☐

Do you understand that the information you provide may be used in future research and in published outputs?   YES ☐   NO ☐

Do you have any questions or concerns you would like to discuss?   YES ☐   NO ☐

Do you agree to take part in the study?   YES ☐   NO ☐

Note to the researcher – use this space to document any issues discussed:

Signed: Print Name: Date:

Contact information: Please do not hesitate to contact me if you have any concerns or there are issues you would like to discuss: Lucy Harding, lhh501@york.ac.uk.

The researcher's supervisor is Paul Gready (paul.gready@york.ac.uk), Centre for Applied Human Rights – University of York.

<u>Template interview questions</u>

1. **What are the key strategies your organisation uses to respond to gender-based violence?**
   a. What are the reasons that you take the approach that you do?
   b. Have the strategies you have used changed over time?
   c. What has driven these changes - or the consistency in your organisations mandate and/or approach?

2. **What do you understand by the term masculinities?**
   a. Is 'masculinities' a term that you work with? In what ways?
   b. Do you do any work with men and boys to tackle gender-based violence? Please describe this work.
   c. Do you work with any other groups or organisations that work with men and boys to tackle gender-based violence? Please describe this engagement.
   d. How successful has this work (or these engagements) been?

3. **What has been your (and, more broadly, your organisation's) involvement in the process of enacting and seeking to implement the 2007 Sexual Offences Act?**
   a. How has your approach changed given the shift in focus from enactment to implementation of the SOA?
   b. Have you been part of any networks or coalitions that have pushed for the enactment and implementation of the SOA? What role have you played in these networks or coalitions?
   c. Who have been the key actors in these networks?
   d. What have been the key strategies that these network or coalitions have used?
   e. What were/ are the key strengths of these networks or coalitions?
   f. What were/ are the key tensions within these networks or coalitions?

4. **How has the broader social and political context shaped activism around the SOA?**
   a. What impact do South Africa's extremely high levels of sexual violence have on activism in this field?
   b. In what way have public attitudes around gender and sexual violence shaped activism on the SOA?

5. **What have been the key successes in seeking to enact and implement the 2007 SOA?**
   a. How have these been achieved?

b. What have been the key challenges in seeking to enact and implement the 2007 SOA?

c. Who have been the key opponents to progressive reforms?

d. Have you found ways to overcome these challenges?

6. **Do you know how the gender-neutral definition of rape come to be included in the SOA?**

a. Who were the advocates for, and opponents to, this inclusion?

b. Why, when other components of the Bill were removed or watered down in the years following the South African Law Reform Commissions' 1999 report (The Legal Aspects of Rape), was the recommendation of a gender-neutral definition of rape retained?

c. What are the benefits and limitations of the definition of rape found within the SOA?

7. **Do you know of any actions that are being taken to ensure the implementation of a gender-neutral definition of rape?**

a. In what ways have these actions been successful or unsuccessful and why?

b. Has the enactment of the SOA had any impact on civil society responses to male rape? In what ways?

8. **Are there lessons for future activism that can be drawn from your experience of pushing for the enactment and implementation of the SOA?**

Glossary

Abbreviation	Term
AI	Amnesty International
ANC	African National Congress
ARV	Antiretroviral
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CLC	Community Law Centre
CDS	The Centre for Digital Storytelling
CJA	The Child Justice Act, 2008 (Act 75 of 2008)
Consortium	The Western Cape Consortium on Violence Against Women
Constitution	Constitution of the Republic of South Africa no. 108 1996.
COSATU	The Congress of South African Trade Unions
CWGL	The Centre for Women's Global Leadership
DCS	Department of Correctional Services
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
ESC	Economic, social and cultural
EU	European Union
FCS Units	Family Violence, Child Protection and Sexual Offence
GD	Gender Dynamix
HRE	Human Rights Education
HRW	Human Rights Watch

HUMA	The Institute for Humanities in Africa
IANSA	International Action Network on Small Arms
ICBL	International Campaign to Ban Landmines
ICCPR	The International Covenant on Civil and Political Rights
ICESCR	The International Covenant on Economic, Social and Cultural Rights
IGO	International Government Organisations
INGO	International Non-Governmental Organisation
JDI	Just Detention International
LGBT	Lesbian, Gay, Bisexual and Transgender
MMC	Medical Male Circumcision
MRC	South African Medical Research Council
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
NWGSO	National Working Group on Sexual Offences
Out	Out Wellbeing
PEP	Post-Exposure Prophylaxis
RAPCAN	Resources Aimed at the Prevention of Child Abuse and Neglect
RCCT	Rape Crisis Cape Town Trust
SACP	South African Communist Party
SALRC or Law Commission	South African Law Reform Commission
SAPS	South African Police Service
SBCWC	Saartjie Baartman Centre for Women and Children
SOA or Sexual Offences Act	Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007)
SOC	Sexual Offences Court

Sonke	Sonke Gender Justice Network
SWEAT	Sex Worker Education and Advocacy Taskforce
TAC	Treatment Action Campaign
TLAC	Tshwaranang Legal Advocacy Centre
TNC	Transnational Company
TTC	Thuthuzela Care Centres
TVEP	Thohoyandou Victim Empowerment Programme
UCT	University of Cape Town
UN	United Nations
UNDEF	United Nations Working Group on Democracy
UNESCO	United Nations Educational, Scientific and Cultural Organisation
WEGE	Women's Empowerment and Gender Equality Bill
WLC	Women's Legal Centre
WoF	Women on Farms

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Interviews and observations

Interviews with organisational affiliations[207]

Anonymous. *Saartjie Baartman Centre for Women and Children (SBCWC 1)*. (2013). Personal Interview. In Western Cape, with L. Harding.

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[207] The following references to interviews list (in the following order) the: name of the interviewee, the organisational (or network) affiliation of the interviewee (followed by the in-text abbreviation in brackets), the date of the interview, the location or mode of interview – and the interviewer's name. In text, these interviews are cited to include organisational (or network) affiliation and date e.g. I. WLC, 2013 or I. Shukumisa, 2013.

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List of anonymised interviews[208]

Anonymous 1. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 2. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 3. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 4. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 5. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 6. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 7. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 8. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 9. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 10. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 11. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 12. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 13. (2013). Personal interview. In Western Cape, with L. Harding.

Anonymous 14. (2013). Personal interview. In Western Cape, with L. Harding.

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[208] The following references to interviews are fully anonymised. In text, these are cited as anonymous e.g. I. anon 1, 2013 or I. anon 9, 2013.

Observations

Observation 1. Personal Observation. Educational Session in Correctional Facility. In Western Cape, with L. Harding. November 2014.

Observation 2. Personal Observation. Community Corrections Event. In Western Cape, with L. Harding. November 2014.

Observation 3. Personal Observation. Community-based Session with Ex-offenders. In Western Cape, with L. Harding. November 2014.

Observation 4. Personal Observation. Office-based Activities. In Western Cape, with L. Harding. November 2014.

Observation 5. Personal Observation. Network Activity. In Western Cape, with L. Harding. November 2014.