Engendering Justice: Constructing Institutions to Address Violence Against Women

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Abstract: *This paper addresses how states improve their responsiveness to violence against women in developing countries with little political will and few resources to do so. One key to engendering justice and improving responsiveness is building specialized institutions within the state that facilitate the implementation of laws addressing violence against women. Why and how do states engage in institution-building to protect marginalized populations in these contexts? I propose that developing countries are more likely to create and maintain specialized institutions when domestic and international political and legal frameworks make the state more vulnerable to women's demands, and when civil society coordinates with the state and/or international organizations to take advantage of this political opportunity. This coordination brings necessary pressure and resources that would be difficult, if not impossible, to deliver otherwise. This inter-institutional coordination is necessary for building and maintaining new state institutions and programs that help to monitor the implementation of laws, develop public policies, provide services for victims, and improve responsiveness of the justice system. This fills an important lacuna in the literature, which focuses on women's state institutions as an important catalyst for responsiveness to violence against women, but does not explain how these institutions are initially constructed.*

Guatemala City, Guatemala:

"*My 15-year-old daughter María Isabel was a student and worked in a shop in the holidays. On the night of 15 December 2001, she was kidnapped in the capital. Her body was found shortly before Christmas. She had been raped, her hands and feet had been tied with barbed wire, she had been stabbed and strangled and put in a bag...When her body was handed over to me, I threw myself to the ground shouting and crying but they kept on telling me not to get so worked up...The case has been passed to two prosecutor's offices but those responsible are still at liberty*" [as of June 9, 2005].[1]

Violence against women has escalated in many Latin American countries, and continues to go unchecked and unpunished. The brutal sexual violence inflicted on María Isabel is characteristic

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[1] Testimony of the mother of María Isabel Veliz Franco, aged 15, who was abducted and murdered in December 2001. Amnesty International. 2005. *"Guatemala: No Protection, No Justice: Killings of Women in Guatemala."* AI Index: AMR 34/017/2005. http://web.amnesty.org/library/index/ENGAMR340172005.

of many hundreds of cases that have been reported in Latin American countries, including Guatemala, Mexico, and Peru (Paterson, 2006; Frühling, 2003). Victims' suffering is compounded by the state's failure to adequately respond to cases of violence. Many Latin American states lack an effective rule of law (Diamond, 1999; Mendez, O'Donnell & Pinheiro, 1999; O'Donnell, 2004b), leaving women with formal legal rights but without legal remedies. Practicing one's rights as a democratic citizen, even an act as simple as leaving the house to vote or to attend a political meeting, can be unthinkable when living in fear of violence at home or on the street. When the state systematically fails to protect women from violence, it truncates their potential to engage fully in political citizenship.

Although Guatemala is profoundly lacking in terms of political will, rule of law, and justice for women in particular, there have been several important institutional developments aimed at addressing violence against women. Although a lot of progress has been made in the past decade to try to ensure women's basic rights to security, this process has been very slow and many obstacles remain to making women's lives safer. Guatemala remains a "killer's paradise," with one of the highest levels of homicides of women and one of the highest levels of impunity for violence against women in the world (Portenier, 2007). This paper aims to understand both the advances and continuing obstacles in Guatemala to addressing violence against women. In this country, which is generally hostile to the creation of institutions that improve the rule of law, how and why have they supported any institutions that address violence against women? Understanding how this institutional development has happened in a context that is so resistant to change also offers us the opportunity to understand how these same patterns might apply to countries that are less resistant, yet still constrained by a lack of political will or resources. One of these developments has been the creation and development of the National Coordinator for the Prevention of Intrafamiliar Violence and Violence against Women (CONAPREVI). This is an institution that, among other things, develops public policies and monitors implementation of the Intrafamiliar Violence Law.

I propose that developing countries are more likely to create and maintain specialized institutions when domestic and international political and legal frameworks make the state more vulnerable to women's demands, and when civil society coordinates with the state and/or international organizations to take advantage of this political opportunity. This coordination brings necessary pressure and resources that would be difficult, if not impossible, to deliver otherwise. This inter-institutional coordination is necessary for building and maintaining new state institutions and programs that help to monitor the implementation of laws, develop public policies, provide services for victims, and improve responsiveness of the justice system. This fills an important lacuna in the literature, which focuses on women's state institutions as an important catalyst for responsiveness to violence against women, but does not explain how these institutions are initially constructed (Lovenduski, 2005; Weldon, 2002; Elman, 1996; Stetson & Mazur, 1995).

Most state institutions that address violence against women in developing countries are not initiated by the state. Instead, they are initiated by local women's organizations who work in partnership with the state and international organizations that provide expertise and funding to create specialized institutions that states can adopt. Existing models fail to explain how these institutions emerge in countries with a less developed state bureaucracy, with low state capacity, or where women in politics lack the necessary bargaining power to significantly impact institutional structures. This is a model which could be applied across many developing contexts

to explain how states construct institutions to protect marginalized populations and become more responsive to their needs.

Conceptualizing State Response to Violence Against Women

Grassroots and worldwide women's movements have been working for decades in order to reveal violence against women as a form of discrimination as well as a mechanism in order to perpetuate it. The idea of women's rights as human rights, and of violence against women as a form of discrimination, has formed an important basis upon which to obligate states to come into compliance with international norms. An appropriate state response to violence against women involves an entire array of changes in the law, public policies, institutions, and especially practices within the justice system and the educational system. The United Nations has provided several guidelines for states to implement measures to protect women from violence, and to conform with international and regional legal norms (UN, 2006).

According to these norms, states have several obligations to respond to violence against women, including the following: full investigation of cases; judgment and punishment for those responsible for acts of violence; creation of procedural norms; reparation for damage to victims; access to shelters and other services such as medical and psychological services; modification of discriminatory socio-cultural patterns of conduct by state functionaries; modification of legal practices that tolerate the persistence of violence against women; strengthening of the state capacity and training for state agents that address violence which includes a gender perspective; and documenting and compiling data on victims and aggressors (UN, 2006, pp. 87-91). While Guatemala fails to meet most of these guidelines, this paper investigates how the state has managed to make some important advances. As Sally Engle Merry (2006) brings to light in her study, human rights law on violence against women must be framed in local terms in order to be accepted and effective. The women's movement in Guatemala has been pressing for years to institutionalize these norms in a way that attends specifically to the realities on the ground.

In conceptualizing the state, I draw on O'Donnell's (2004a) idea of the state as more than a set of bureaucracies, but also a "legal system that is enacted and normally backed by the supremacy of coercion held by state institutions…This legal system embraces and constitutes *qua* legal persons the individuals in the state's territory" (O'Donnell, 2004a, pp. 31-32). He also argues that democraticness is an attribute of states, not only of regimes (Mendez et al, 1999; O'Donnell, 2001)**.** To the extent that it "upholds the democratic wager as well as a regime consisting of fair and institutionalized elections and some surrounding freedoms, the state and its system are democratic" (O'Donnell, 2004b, p.32). The state's failure to protect women from violence through appropriate development and use of its legal system, and continued engagement in discriminatory practices that undermine women's rights and agency, is indicative of an undemocratic state. The state can advance toward greater democratization, as well as regress. Feminist scholars correctly view the state as an evolving site of struggle which represents gender relations as well as reconstructs them (e.g., Alexander, 1991; Rai, 1996; Schild, 1998; Molyneux, 2000; Waylen, 2007). Incorporating women's basic rights into the legal system through the appropriate creation and implementation of laws is a way of reconstructing power relationships between men and women, and a way of advancing democracy. Violence against women

undermines women's agency and capacity to engage in democratic citizenship. Appropriately addressing this problem is crucial for advancing a democratic state.

For the purposes of this paper, "violence against women" refers to physical violence, including assault, sexual violence, and homicide both within and outside of a domestic context. "State response" refers to two things. First is that the state is re-allocating human and/or monetary resources in order to build specialized institutions or programs that address violence against women. Second is that state agents throughout the justice system are responsive to victims. More often than not, specialized institutions addressing violence against women are working toward improving justice system practices. In a responsive state, regular practices would include police responding quickly and effectively to emergency calls, enforcing protection orders, properly investigating cases, and state agents behaving in a manner that is respectful to victims.

Specialized institutions that focus on mitigating violence against women help to improve responsiveness to victims in significant ways. There are several institutions that have been incorporated into state structures. One type focuses on public policy (such as women's policy agencies). These institutions help to modify and monitor laws to improve implementation. Another type includes specialized institutions within the justice system, such as special prosecutor's offices for women. These help to reshape institutional incentives such that attending to women victims is integral to a successful career. MacDowell Santos (2005) notes that, while far from ideal, women's police stations in Brazil have been a vast improvement in police responsiveness to violence against women. Later in this article, I discuss how it was possible to create CONAPREVI, one of the specialized institutions in Guatemala that focuses on creating and implementing public policies. This story is an example of broader patterns of how inter-institutional coordination (at the local and international level) are necessary for the creation and proper functioning of specialized women's institutions.

Please see Table 1 (below) for a list of specialized institutions and programs that have been developed to address violence against women in Guatemala. This is not a comprehensive list, but a sample of some of the principal institutions which have been created to address violence against women in Guatemala since the 1990's. All of these institutions were initially proposed by women activists.

Table 1: Specialized Institutions Addressing Violence Against Women in Guatemala

Public Policy Instituitons	Justice System Institutions
• The First Lady's Secretariat for Social Work (SOSEP) (1991) • Institute for the Defense of Indigenous Women (DEMI) (1999) • The Program for Prevention and Eradication of Intrafamiliar Violence (PROPREVI) • Presidential Secretariat for Women (SEPREM) (2000) • National Coordinatorfor the Prevention of Intrafamiliar Violence and Violence Against Women (CONAPREVI) (2000)	• Special Prosecutor for Women (1995) • Unit of Homicides against Women within the National Civilian Police (2004) • Pilot Project providing free legal assistance to victims of intrafamiliar violence in the Public Defender's office (2007)

The Guatemalan Women's Movement Contextualized

In 2007, I conducted an interview in Guatemala with a woman working in a state institution, who preferred not to be identified. I asked her a question about the women's movement in Guatemala, to which she retorted "what women's movement?." She noted that there were women activists and women's organizations, but that there was so much in-fighting and fragmentation that they had a hard time coming together over anything, yet that violence against women was one of the few issues they could agree upon. Several other women in Guatemala, Nicaragua, and El Salvador had also noted conflicts among women activists. Some mentioned interpersonal conflicts, but most of time people said they were fighting over limited resources. Drawing on Ferree (2006), I refer to the women's movements as activism which organizes women explicitly as women to make political change. This is distinct from feminism, characterized by activism aimed at challenging women's subordination. Although I would argue there is a women's movement in Guatemala, it is very diverse. Women's movement activists and feminists agree on the gravity of violence against women, but at times disagree on particulars of how to address it. Though this article is focused on how these activists managed to coordinate to construct state institutions, it is worth noting that there is a lot of variation within the movement, even over generally agreed-upon problems. The character of the women's movement in Guatemala (however fragmented) and its struggle to address violence against women is embedded in broader national, regional, and international politics and activism regarding feminism, gender, justice, and globalization which have presented numerous obstacles as well as opportunities for advances.

Throughout the 1980's and 1990's, the women's movement in Latin America became increasingly institutionalized and incorporated into the state (Alvarez, 1999). Regional meetings, or Encuentros, among feminists helped to "forge 'imagined' Latin American feminist communities" (Alvarez, Friedman, Beckman, Blackwell, Stolz, Chinchilla, Lebon, Navarro, Ríos, 2002, p.539). Guatemala was negotiating the end to a civil war, and undergoing a process of democratization and globalization at the same time the women's movement was forming. Susan Berger (2006) notes that the movement in Guatemala has shifted from protest politics and progressively "NGOized, professionalized, and self-authorized with legal breakthroughs" (1). Berger describes how women working on development issues were constricted by weaknesses in the conceptualization and practices of development in an era of globalization. Women activists in Guatemala working as development professionals worked within institutional cultures that were not always in accord with women's movement objectives, and limited the transformative impacts of their work (p.104). Similarly, although the institutionalization of women activists within the state working on issues of violence against women has offered opportunities for change, these women risk co-optation, and are restricted in what they can say and do. In a personal interview conducted with the author on June 7, 2006 in Guatemala City, Norma Cruz notes that is a very difficult balance to be in a position of assisting the state, being funded by it, but at the same time critiquing it.

Another difficulty with NGOization are the delicate and sometimes unstable relationships among donors and recipients. In her personal interview with the author, conducted in 2006, Giovanna Lemus, director of Grupo Guatemalteco de Mujeres (GGM), notes that her women's organization, Guatemalan Women's Group, refused to seek funding from international organizations early on because they had seen that these organizations interfere with local

organizational goals and activities. Interviewees throughout Central America noted that there was a lot of territorialism among women activists, with individuals or groups protecting their specialty area so that they could have continued access to funding. The focus on funding short-term contracts for projects with measurable results also makes it extremely time consuming to manage, as activists are usually engaged in activist work and seeking donor support at the same time.

Working within the context of these broader processes of transnational activism and domestic transitional politics provided local activists in Guatemala with many opportunities for bringing international pressure and assistance for addressing the problem of violence against women. Gender justice and violence against women increasingly became international priorities. At the U.N. International Conference on Human Rights in 1993, feminists began to popularize the idea of "women's rights are human rights." This undermined the idea that women's rights may be subject to cultural or religious conditions (Moghadam, 2005, pp.199-201). In the upcoming sections, I describe some of the realities these activists faced on the ground in attempting to address violence against women and pressure the state to engender justice in Guatemala.

Specialized Institutions and Improving Responsiveness

Norma Cruz is the director of *Survivors* (Sobrevivientes) in Guatemala, one of the first and only organizations that offered direct services and assistance to female victims of violence. When I asked her what she thought were the most important obstacles for changing what she called the culture of impunity there, she quickly replied that the current state of institutions were the biggest obstacle. "We have to try to transform the institutions. We are not saying that we have to improve them. We have to recreate them from scratch. So, this is the principal obstacle. I think that when we achieve advances in reforming these institutions and make them responsive, this wall of impunity is going to collapse. That is the challenge that we have as a society because you cannot have the rule of law nor democracy with weak institutions. Really, it should be an effort made by all of us to make these institutions change. I think that this is…the biggest challenge we have. From that point on, we can transform the mentality of the population and I think that we should now direct our campaigns along these lines, so that people are able to recuperate their morale…I cannot ask them [society] to defend anything that they do not love…so we have to teach them to love life, to love justice."

Institutions, as expressed here by Norma Cruz, are the main obstacle, but also the principal opportunity for transforming attitudes and practices in society. As expressed here, transformation of institutions and society are interactive. While activists work toward changing institutions and attitudes, institutional advances themselves help to shape state behavior, and also transform societal norms and values. This study contributes to understanding the conditions under which it is possible to build stable democratic institutions specifically targeted toward protecting women from violence.

(Lack of) Responsiveness to Victims in Guatemala

Women across Central America rightly complain that the response of police to emergency calls is often slow. However, in Guatemala, the police sometimes never show up. When they do show up for a case of domestic violence, for example, they are commonly cited as saying there is nothing they can do, that domestic violence is a private matter. Guatemalan police (and other state agents) are in the habit of not only not applying, but consistently undermining, the laws that protect women from violence.

An activist in Guatemala shares a story of the police refusing to apply the Intrafamiliar Violence Law, which allows them to enter a scene of domestic violence. This account demonstrates how vulnerable women are to violence in the first place, as well as how vulnerable they continue to be when the state offers them little or no protection:

> There is one of the most dramatic cases, where the man hit her everywhere, he threw her from the second floor, he grabbed her and said "you are going to die." He hit her up against the stairs, and when he saw that she was not dead he went and grabbed a knife and the police were outside saying that they could not enter because if they entered it would violate the human rights of the man. Even though the Intrafamiliar Violence Law says that they can enter, they say that "if we enter, later they are going to denounce us because we violated his human rights and in a while the lady will be happy with the man because that is how women are." With a protection order, you have to wait 15 days for them to make it effective, or even one month. And, in these 15 or 30 days he can kill you, because the protection order does not protect you from an aggressor, nor does it protect you from being intimidated, nor from threats. The system does not respond, it does not respond (Interview with Norma Cruz, Director of *Survivors* in Guatemala, conducted on June 7, 2006).

Shortly after the creation of the Intrafamiliar Violence Law in 1996, Hilda Morales Trujillo worked with the Network of Non-Violence against Women and conducted a study of the court system about knowledge, interpretation, and implementation of the 1996 Intrafamiliar Violence Law. They found several sources of resistance and outright refusal to implement the new law. This study confirmed that people working in the justice system were applying many stereotypes against women in the course of their work. In a personal interview with the author, Morales quotes individuals within the courts as saying that "Women themselves cause the [intrafamiliar] violence. "They provoke violence because they do not cook well, because they don't do the house chores, and because they do not obey their husbands."

In these statements, individuals in the justice system revealed their views that violence against women is an appropriate method of keeping women subordinated to the will and preferences of their male partners. When these attitudes interfere with the proper application of the law, it serves to reproduce and reinforce the subordination and violence that female victims are asking the state to help ameliorate. Victims of violence are "sent home" to a place where their status as a blameworthy victim has been given the state stamp of approval, and where aggressors have been able to re-assert their dominance and demonstrate that even the laws will not protect her. In a democracy, "an individual is not, and should never be seen as a subject, a supplicant of the good will of the government or the state. This individual…has a legally grounded claim to be treated with full consideration and respect…and this treatment must be based on the application

of laws and regulations that are…enacted in ways that accord with democratic procedures" (O'Donnell, 2004a, p.38).

The attitudes and practices that have prevailed in the Guatemalan justice system have made social justice for women impossible and have consistently undermined the rule of law by refusing to appropriately apply it. Many of the women who have been murdered in Guatemala have had multiple protection orders taken out against the individual most likely to have murdered them. Victims I have talked with in Guatemala understandably view the state as a "last resort" when confronted with violence. Keeping in mind that state responsiveness is still profoundly lacking, what explains how Guatemala has been able to improve its state responsiveness to violence against women from the 1990's onward? In the upcoming section, I review several explanations that have been proposed in the literature and explain why they are insufficient for answering this question.

Background. Literature, and Alternative Explanations:

In many countries, rates of violence against women are rising faster than the rates of violent crime in general (Amnesty International 2006). Democracies are failing to represent and address the basic interests of women (Phillips, 1991; Alvarez, 1990; Jaquette & Wolchik 1998; Bystydzienski & Sekhon, 1999; Lovenduski, Campbell & Sampson-Jacent, 2002). By understanding how these new democracies have begun to meet the challenges of implementing laws to protect women, we can learn how some states have managed to overcome obstacles to the rule of law. For example, certain types of pressure or assistance may improve responsiveness to violence against women, and may improve state capacity to respond to crime in general or to the interests or needs of marginalized groups in general. In this section, I review some possible alternative explanations for why states engage in institution-building and improving responsiveness to victims of violence against women. This includes explanations that have been previously proposed in the literature on this topic, as well as ones that could be proposed.

Women's Movement Presence. One consensus in the literature is that women's movements are necessary for articulating the problem of violence against women as a public issue and prompting enactment of legislation worldwide (e.g., Busch, 1992; Elman 1996; Heise, Raikes, Watts & Zwi, 1994). However, these studies do not address what strategies, in particular, may be more or less effective for prompting the state to respond to the issue. Also, most studies do not discuss whether or not states take further steps to implement laws, or whether the women's movement has a role in the implementation process (with the exception of Elman, 1996; Weldon, 2002).

Structure of State Bureaucracy. The two studies that do address the issue of implementation of violence-against-women policies focus exclusively on developed industrial democracies, which limits the universe of cases to countries with a great deal of state capacity (Elman, 1996; Weldon, 2002). Both of these studies demonstrate that the structure of the state bureaucracy is important for determining the extent of policy implementation regarding violence against women. Elman (1996) compares Sweden and the United States and argues that centralized, corporatist states prevent women from making claims about women's issues that do not directly relate to workforce participation; by contrast, federalist states are more permeable to women's interests that are not economically determined. Weldon (2002) examines 36 industrial

democracies and argues that states are most responsive to violence against women when they have an effective women's policy machinery[2] working in coordination with a strong, autonomous women's movement.

The underlying logic of both of these studies is that, in order for states to effectively implement policies on violence against women, institutional structures must prevent cooptation of women's issues that are exclusively related to gender, such as gender-based violence. Institutions must allow for the implementation of women's issues *as women's issues* rather than as a subset of a broader policy issues (such as labor). However, many developing countries do not have effective or well-funded women's policy machineries. Also, the development of institutions that address violence against women in these developing contexts deserves explaining. Women's policy machineries almost always address violence against women, but states can develop other institutions that address this issue as well, such as women's police stations or domestic violence courts. In order to explain responsiveness to violence against women across different levels of development, it is necessary to understand how and why the state develops institutions that address violence against women *in the first place*. This article helps explain this process in developing countries.

Percentage of Female Elected Representatives. The literature on women in politics addresses the impact of female elected representatives on raising awareness and enacting laws addressing women's issues in general (e.g., Duke, 1996; Flammang, 1997; Dodson, 2006), though not much of this investigates responsiveness to the issue of violence against women in particular or policy implementation (with the exception of Carroll, 2001). Several feminist scholars argue that increasing the percentage of female elected representatives is necessary for achieving substantive representation of women's interests (e.g., Phillips, 1995; Mansbridge, 1999). In particular, female representatives can represent the views of their groups at the policymaking table, bring new issues to the agenda, and pursue the vigorous level of advocacy that members of a group bring to their own concerns (Mansbridge, 1999).

However, women in politics in Latin America may face several obstacles that prevent them from effectively advocating for women's issues. Studies of female representatives in advanced industrial democracies indicate that there were few differences in policy proposals between male and female representatives in the 1970's, although females held more liberal attitudes toward women's issues. [This failure to translate] their attitudes into policy priorities has been attributed to the "lack of acceptance of women in the political arena [that] made them unwilling to risk their standing in the legislature to pursue issues that were not viewed as legitimate by their male colleagues" (Dolan, Deckman & Swers, 2007, p.248). Women also lacked the tenure or were denied positions on powerful committees, and had lower levels of participation than men on other policy-oriented activities including speaking on the floor and bargaining with fellow legislators. These historical obstacles for female representatives in the U.S. resemble current obstacles in Guatemala today. No matter how much a representative cares about women's issues, she may not have the tenure or may be denied the policy-making power to advance her agenda.

This is not to deny that female representatives are instrumental in enacting laws addressing violence against women. However, they may need other sources of pressure to legitimate their

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[2] Weldon (2002) defines a women's policy machinery is defined as "one or a set of government institutions with the main purpose of promoting the status of women."

case for passing new laws and may have their hands tied when attempting to implement further measures to make these laws effective.

Engendering Justice: Explaining the Development of Specialized Institutions

Women have been, and continue to be, marginalized within the legal system. Stemming from the history noted earlier in this article of violence against women being viewed as primarily a "private" issue. Integrating an appropriate legal response requires that states engender justice: that they create gender-specific institutions and procedures to address the problem in order to break with practices that systematically deny women justice. Developing specialized institutions is one part of this broader goal. As previously noted, existing literature on state response to violence against women or women's issues in general has focused primarily on actors within the state as sources of pressure for implementing laws, but does not address how these institutions are created in the first place. Creating and maintaining specialized institutions in contexts where there is little political will or resources to do so is challenge. All developing countries in Latin America have managed to build at least some such institutions, with varying degrees of effectiveness. These institutions are part of a broader struggle to increase state capacity to address women's issues in general and, specifically, violence against women. That these states have developed specialized institutions at all is somewhat of a puzzle, given their historical tendency to ignore women's issues and to treat domestic violence as a personal problem.

I propose that developing countries are more likely to create and maintain specialized institutions when domestic and international political and legal frameworks make the state more vulnerable to women's demands, and when civil society coordinates with the state and/or international organizations to take advantage of this political opportunity. Political opportunity structures are positive opportunities and obstacles provided by a specific political and social structure (Ferree, 2006). While globalization has presented many obstacles to advancing women's rights, it has also offered opportunities for women to coordinate on a transnational level (Moghadam, 2005). Domestically in Guatemala, transitional politics and the opening of the state to civil society has provided another opportunity, with its concomitant limitations. Civil society coordination brings necessary pressure and resources that would be difficult, if not impossible, to deliver otherwise. The construction and maintenance of CONAPREVI in Guatemala is an example of this process, but this explanation is intended to help us to understand the development of specialized women's institutions throughout developing countries in Latin America. Though the development of specialized institutions represent an advance toward improving responsiveness to violence against women, taking this pathway toward institution-building has its dangers and pitfalls.

In Guatemala, and throughout developing countries in Latin America, new political opportunities presented themselves which made states more vulnerable to women's demands. On the international level, the U.N. held international conferences and created international conventions specifically addressing violence against women. Snyder (2006, p. 24) calls the U.N. the "unlikely godmother" to a variety of local feminist initiatives by providing venues with fruitful interaction between women from the global South who raised the consciousness of more privileged women and changed the priorities of the U.N. to address these concerns. Regionally, women in Latin America also held conferences and created the Inter-American Convention on

the Prevention, Punishment, and Eradication of Violence against Women (Belem do Pará) in 1994. These international and regional norms were shaped in part by local women who returned home, and pressured states to comply with the conventions by changing domestic legislation and the shape of state institutions. In Guatemala, as in many other countries, the 1990's was a time of transitioning away from military authoritarian rule. The signing of the Peace Accords in 1996 marked the end of a brutal 36-year civil war. The process of negotiating the Peace Accords opened the state up to demands from civil society, including women's organizations. International, regional, and domestic norms all constituted a political opportunity structure which made the state more vulnerable to demands from women's organizations. Activists took advantage of this opportunity to engage in what Keck and Sikkink (1998, p.18) termed "accountability politics," or the "effort to hold powerful actors to their previously stated policies or principles." One thing that women began to demand was the creation of specialized institutions to address violence against women.

Another condition increasing the likelihood that states will create or support institutions is inter-institutional coordination among civil society and the state and/or international organizations. Scholarly literature on transnational advocacy networks (e.g., Keck & Sikkink, 1998; Fox, 2002) stresses the importance of linkages between international and national organizations, in part because international organizations working in coordination with national organizations can often exert more effective pressure on unresponsive states than (often under-funded and under-staffed) national organizations working autonomously. When women's organizations are coordinated with international networks, they can more easily engage in leverage politics, which is the "ability to call upon powerful actors to affect a situation where weaker members of a network are unlikely to have influence." In the next section, I describe how CONAPREVI was able to call upon the U.N. Special Rapporteur on Violence against Women in order to pressure the Guatemalan government to increase their responsiveness.

Coordination with international organizations can help to provide pressure to increase responsiveness, but also provide funding that is often necessary to create or sustain specialized institutions. International cooperation in Latin America is often engaged in projects aimed at strengthening the state. When states do not provide sufficient funding for programs, local women's movement organizations often seek support for the creation of state institutions from international donors. Finding funding is always necessary in order for women's institutions to operate. However, partnering with international organizations and gaining funding independent of the state *is a tactic* that women's organizations use in order to strengthen state institutions and make them more independent when the state is hostile to women's interests. Also, obtaining outside funding for a state institution is a way to make the institution itself more valuable to the state, because elected representatives get "credit" in the public eye for developing institutions that in fact cost the state very little. Even though politicians may not be interested in women's issues, making institutional advances that address violence against women is good for politicians who can claim these as "their" advances in order to gain women's electoral support.

Coordination between civil society and the state can make the idea of specialized institutions more palatable and practical, as activists often have the expertise (and access to financial resources) needed to design these institutions. When civil society actors seek and obtain allies within the state, they often put themselves in a position of providing assistance, but also continuing oversight and monitoring to try and ensure that the institution carries out its mission. This is a precarious relationship that can be fraught with problems, as women's movements can

be institutionalized and de-radicalized in the process of forming a working relationship with the state (Berger, 2006; Alvarez, 1999). At the same time, if institutions were created without the input of civil society, there is the risk that they would never be created and, if they were, they would risk being ineffective and unaccountable to the demands of civil society.

States are most likely to build new institutions and programs when political opportunities make states more vulnerable to women's demands, and when there are coordinated efforts to bring pressure and resources to the state. When women's movement organizations can expend their own energy planning for the creation of a new institution, and bring international support to the project in terms of pressure and/or funding, states often comply because it reduces the cost to creating them (and increases the political costs of ignoring these demands). This model of civil society coordination demonstrates a new route through civil society to building state capacity to serve marginalized groups. In Guatemala, several state organizations have followed this same pattern, including the Presidential Secretariat for Women (SEPREM, created in 2000) and the Institute for the Defense of Indigenous Women (DEMI, created in 1999). However, coordination is not without its pitfalls and perils, which will be discussed after the following section describing the experience of constructing CONAPREVI.

CONAPREVI: Institutional Creation through Opportunity, Pressure and Coordination

During the course of conducting fieldwork in Central America between 2006-2008, I found that what at first appeared to be a state response to violence against women was almost always an institution or program initiated by the local women's movement and supported by international funding. This is a pattern across several state institutions, including Women's Police Stations in Nicaragua, and the National Coordinator for the Prevention of Intrafamiliar Violence and Violence against Women (CONAPREVI) in Guatemala, which was originally initiated by local NGOs to address violence against women, then approved as a formal office of the state in 2000. The creation of CONAPREVI was the result of years of struggle and activism, as is true of all women's institutions that successfully gain status as state institutions. One of the key actors in this process was Hilda Morales, who has worked since the 1970's as an activist for women's rights in Guatemala and internationally as well. She was the recipient of Amnesty International's Ambassador of Conscience Award in recognition of her lifelong work (Amnesty International, 2004). Another key actor was Giovanna Lemus, director of the Guatemalan Women's Group (GGM, Grupo Guatemalteco de Mujeres). Founded in 1988, this is one of the oldest women's organizations in Guateamla. In 1991, a broad range of organizations working on women's issues formed a country-wide network called the Network of Non-Violence against Women (Red de la No Violencia Contra la Mujer, hereafter, the Network). In 2006, both women kindly took the time to explain the process and struggles for the creation of CONAPREVI.

There were several political opportunities opening up in Guatemala beginning in the late 1980s for women activists in Guatemala to mobilize and pressure the state to create legal norms, and then to implement them. The Guatemalan Women's Group worked hands-on with women victims of violence. Lemus notes that, in this work, they saw that laws protecting women did not exist, that there were not efficient forms of attention to victims, and it was very difficult to find appropriate responses to the problem. In the early 1990s, women fought for the creation of a law to protect women from violence. The ratification of the Interamerican Convention to Prevent,

Sanction, and Eradicate Violence Against Women in 1995 allowed them a political opening. In addition, the Peace Accords, signed in 1996, required "revising national legislation…to eliminate all forms of discrimination against women…and to give effect to the government commitments deriving from the ratification of the Convention on the Elimination of All Forms of Discrimination against Women" (Peace Accords, 1996). In addition, the Peace Accords recognized the importance of the active participation of women in politics, civil society, and as laborers. This provided a further tool to use the Peace Accords as a basis to press for implementation.

Hilda Morales and Giovanna Lemus both worked with the Network in order to pressure the state to create what became the 1996 Intrafamiliar Violence Law to come into compliance with their 1995 ratification. They were engaging in accountability politics by using this international convention to hold the state responsible for the principles they signed onto when they agreed to ratify the Convention. Lemus mentions that, unfortunately the law is very limited by focusing on intrafamiliar violence and they would have preferred a much broader law on violence against women. However, the law did give them an opportunity to pressure for further changes in policies, institutions, and practices. After the law was created, they continued to pressure, monitor, provide expertise, and seek funding for their initiatives to implement this new legislation.

In the 1990's, GGM began to seek direct coordination with the state. Lemus says that "as a group, having had the experience of assisting women, we noted that it was necessary to have an interlocutor with the state." They presented a strategy on how to communicate with the state, and presented it to the Network. Lemus notes that GGM proposed the idea of denouncing the state, and also combining forces. They formed the November 25 Coordinating Group (Coordinadora 25 Noviembre), which, among other things, has organized annual activities for the International Day for the Elimination of Violence against Women. This broad-based group of women's organizations worked together to pressure the state. Morales describes the variety of strategies they attempted for pressing to implement the new law. They were sending letters, and asking the state to meet with them. When the state refused to meet with them, they stood outside the offices with banners and demanded the state to meet with them. They marched, they had press conferences to explain what it was they expected from the State. Finally, she explains, the state began to receive them. At first, they were just pressuring for the state to apply the Intrafamiliar Violence Law, and later for the state to create regulations and procedures to develop the content and specify how state agents should apply the law.

One key to advocacy was gaining enough access to the state to gather information on problems with implementation. One of these studies, cited earlier in this paper, was conducted by Morales and the Network, and found grave problems with the court system refusing to apply the law or applying it in a way that reinforced discrimination against women. This documentation helped them to convince state and international actors to address these problems. The Network organized a proposal for the state to create an institution that would coordinate state and non-state actors working on implementing the law. After many years, they finally reached an agreement with the President to create this institution, which came to be CONAPREVI.

CONAPREVI was successfully approved in November of 2000 (by Government Accord number 831-2000) and created on January 5, 2001 (Diez & Herrera, 2007, p. 135). Among its many functions, CONAPREVI is in charge of coordinating, recommending, and advancing public policies to reduce intrafamiliar violence and violence against women. Morales noted that

it was not easy to create CONAPREVI. They were able to create the institution as a part of the new procedural law that implements the Intrafamiliar Violence Law in 2000. Two years earlier, a member of the Network talked with President Arzú's wife and gave a detailed explanation of their proposal to create CONAPREVI, but this attempt was unsuccessful. The Network waited until their next political opportunity opened up in 1999, and got the future president Portillo to sign a campaign promise that he would sign a law to create CONAPREVI if he gained office, and he did. Morales noted that it was Portillo's wife who wanted to create the institution, because she wanted to sit as a member. The political "alliances" with these president's wives were weak from the beginning and were not long-lasting. However, finding support from Portillo and his wife ended in successfully creating CONAPREVI.

CONAPREVI allows the Network to have a direct impact on implementation of the Intrafamiliar Violence Law through their formal coordination with the state. CONAPREVI began with three representatives of the Network and representatives from four different state institutions: a women's policy agency called the Presidential Secretariat for Women (SEPREM, Secretaria Presidencial de la Mujer), the Special Prosecutor for Women (Fiscalía de la Mujer), the Judicial Branch (Organismo Judicial), and the National Institute of Statistics (Instituto Nacional de Estadística). CONAPREVI was very underfunded and fairly ineffective in the beginning. It was placed institutionally in an awkward position, depending upon the Presidential Secretariat for Women (SEPREM, Secretaría Presidencial de la Mujer) for their budget. CONAPREVI and SEPREM were both doing similar work, and had conflicts with one another about how to divide up the tasks and the money.

Civil society representatives in CONAPREVI had, by that time, worked for years in coordination with international organizations. This allowed them opportunities to find out about available funding sources and they were already familiar with the standards for funding applications. In 1996, the state provided approximately $6800 in operating funds for CONAPREVI, and they were fighting to double this. In the end, they were successful at procuring funding from UNICEF, the UNDP, as well as the Dutch Embassy. This gave CONAPREVI the necessary funding and independence for them to start having a political impact. CONAPREVI was in charge of creating PLANOVI, which was the National Plan for Non-Violence Against Women, and sought funding for this and their other work. As part of their work, they continued to build relationships with people working in government. In order to create PLANOVI, they met with the Minister of Government and the Public Prosecutor's office. Now the Network has a within-state institutional basis for coordinating with state actors. Although progress has been very slow, CONAPREVI has been successful at creating new policies and procedures, overseeing training programs, and bringing pressure to the state.

Civil society representatives used their position in CONAPREVI to invite the U.N. Special Rapporteur on Violence against Women to visit Guatemala and pressure the State to respond to violence against women, and in particular, the alarming increase in homicide of women. Having civil society representatives in this state institution gave them the authority to be able to make the invitation. Yakin Erturk, the U.N. Special Rapporteur, made a historic visit to Guatemala in 2004, and met directly with President Oscar Berger and other high-level representatives in government and civil society. Berger was known for blaming the victim and publicly minimizing the problem of homicides of women and, in 2004, had publicly stated that "in the majority of cases, women [victims of violence] had links with juvenile gangs and organized crime" (CGRS, 2006). Although it is unclear if the visit itself made a real difference to his attitude, it did force

him to address the violence as a serious issue. Berger more recently publicly indicated that femicides are the product of societal inequalities and discrimination (CGRS, 2006). The U.N. produced several recommendations for Guatemala, that CONAPREVI can now utilize as a further pressure point to compel the state to implement measures to protect women from violence.

   Through the process of building a broad base of allies in the state and in international organizations, CONAPREVI grew from an idea in 1997 to an institution in 2000 to one with fairly substantial resources a few years later. How was the Network able to be successful in placing this explicitly feminist institution within the state structure? First, they offered a blueprint to the state of how they thought the institution should operate. Secondly, they were willing to operate at first with a very small budget. Third, they coordinated with international organizations to provide substantial outside funding. Although the advances have been slow, they are significant. Before this, women in the Network were fighting for the opportunity to meet with government officials, and now coordination between the state and civil society is an institutional requirement. This coordination allowed CONAPREVI to complete a much broader range of tasks to help implement the Intrafamiliar Violence Law, and create policies to address violence against women in general.

Opportunities and Potential Perils of Coordination

Although it offers many potential rewards, civil society coordination with the state and with international organizations has several potential drawbacks as well. Several of these have already been discussed, but one of these is dependence upon donors. No matter who is funding civil society, they are always subject to the concerns, directives, and limitations of donors. When civil society operates on a shoestring budget, they risk not being able to do much. When they partner with the state or with international organizations, they risk co-optation and financial instability. There is also a bias in the type of activists who tend to get funded and limitations on who may be represented by that activism. As Berger (2006) discusses, civil society itself is characterized by unequal relations of power (3). And, even more pronounced are the unequal relations of power that prevail when donors are selecting and working with recipients.

   Through discussions with a representative of the Dutch Embassy who partially funds CONAPREVI, I found that this coordinating body is a good example of the type of project that international donors like to support – one with a clear mission, well-educated members who speak English and understand how to work with international donors, relatively few overhead expenses, broad enough mission to make a somewhat measurable political impact, yet with few enough people involved so that it is not a bureaucratic headache. In short, this CONAPREVI is the type of organization international donors can easily manage and justify to their clients back home, who want to see the measurable impacts of their projects abroad. Donor funding patterns have profound implications for how well laws and programs on violence against women will be implemented. Finding international funding is more often than not a necessary condition for creating new state institutions. However, if international donors move to other priorities, these programs can stagnate or, at worst, close altogether. Progress in state response is always fragile, precarious, and dependent upon constant monitoring, funding, and vigilance.

Conclusion

Guatemala is one of the most dangerous countries in Latin America, and increasingly so for women. I argue that states are more likely to create state institutions when women's movement organizations work in coordination with state and international actors in order to apply pressure and bring resources to the state. In order to create and strengthen new state institutions that address violence against women, women's organizations must first come up with the blueprint for that institution, and coordinate with both state and international actors in order to apply pressure and provide resources to move it forward. Guatemala is one of the least responsive countries in the region, in part because women's organizations had a very late start organizing themselves and coordinating with the state and international organizations due to a protracted civil war from 1960-1996.

Although many advances have been made in a relatively short time, these advances have been slow and hard-won in a general socio-political context of widespread impunity that systematically discriminates against women. However, when women's organizations are able to effectively coordinate with state and international actors in order to bring pressure and resources toward their efforts, the state is much more likely to make advances.

Acknowledgments

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