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# Anti-Domestic Violence Policy in Bangladesh: Did Voice Trigger Teeth?

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# Abbreviations

ASK	Ain O Shalish Kendra
BLAST	Bangladesh Legal Aid Services Trust
BMP	Bangladesh Mohila Parishad
BNP	Bangladesh Nationalist Party
BNWLA	Bangladesh National Women Lawyers Association
CSW	Commission on Status of Women
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CIDV	Citizen's Initiative Against Domestic Violence
DWA	Department of Women's Affairs
ESID	Effective States and Inclusive Development
MOWCA	Ministry of Women's and Children's Affairs
MSVAW	Multisectoral project on Violence Against Women
PFA	Platform for Action
UN	United Nations
WID	Women in Development

# Summary

Longstanding advocacy for an anti-domestic violence law in Bangladesh gained traction after the 2009 election led to the appointment of a women's rights lawyer and activist as Minister of Women's Affairs, backed by the Prime Minister. They created institutional space for the Citizen's Initiative Against Domestic Violence advocacy coalition of civil society actors by defining a draft law as a deliverable for a donor-funded project. This provided resources, research, legitimacy, and leverage and helped to offset resistance from other ministries. This policy space enabled advocacy with parliamentarians and government officials, a media campaign to highlight the weakness of existing laws and numerous district level meetings with both governmental and civil society actors. The official backing of the consultation process broadened its reach and reduced the risks and costs for local civil society participation at the district level. The ruling party's two-thirds majority limited the need for compromises with the opposition, leading to a 2010 Domestic Violence Act that recognized new rights and the state's obligation to protect women in their homes. Since then, implementation has been under-funded and resisted by elements in the government, but the Ministry of Women's Affairs has sustained both the law and supports the advocacy coalition's monitoring of implementation.

# Introduction

In 2010, Bangladesh enacted an anti-domestic violence law. This law is considered a key milestone in making the state accountable for addressing gender inequality in the home. The women's rights groups had long mobilized for a law that specifically addressed domestic violence. Political shifts in 2006 and 2009, along with the presence of strong allies inside the state, led to the opening up of spaces for the policy coalition working on anti-domestic violence reforms, and led to an unprecedented co-operation between the state and civil society actors. I use the enactment of the anti-domestic violence law as a case study to explore the following questions:

- a. Who were the key actors inside the state pushing for legal change? And what factors triggered or influenced these state actors to create an enabling environment for the policy coalition?
- b. How did the policy coalition mobilize to take advantage of the opening space?
- c. What was the nature of the co-operation between the policy coalition and these state actors?
- d. What were the tangible changes that resulted from this collaboration?

I argue in this paper that the actions of the Minister of Women's Affairs and a senior official at the Ministry of Women and Children's Affairs (MOWCA) were crucial in opening up spaces for the members of the coalition advocating for an anti-domestic violence law. These actions helped the civil society-led Citizen's Initiative Against Domestic Violence (CIDV) coalition to sustain their advocacy for the legal reform. The coalition benefitted from the state opening up spaces in the following manner. First, the cost of organizing a wide range of actors was reduced, as the law was framed as a deliverable for one of the donor-funded projects of MOWCA. These costs pertained to research undertaken to prepare the draft law, to contact and meet female members of parliament to elicit their support, for organising discussions on the draft at MOWCA, through district-level consultations, and for media campaigns and other costs for building public opinion to support the passage of the law. Second, the risks of organizing were reduced because the demands and actions of the policy coalition gained legitimacy in the eyes of other state agencies through their association with the ministry and the official project. Third, political opposition to the proposed changes in policy spaces was the actions taken by the key allies inside the state.

Based on my analysis of the outcomes, I will argue the following. First, I will point out that the sandwich strategy framework expands the conventional feminist analysis of how pro-gender equality reforms occur, and their outcomes. Feminist policy studies (Mazur and Engeli 2018) is a relatively new area. Most of the literature explores how feminist policy coalitions' engagement with the state results in change. This change is explored in terms of how supporting changes led to increased legitimacy of actors or shifts in discourse around how issues are framed. However, few cases explicitly explore how openings created by state or elite actors reduce the cost of mobilisation or collective action.

Second, I will argue that the sandwich strategy framework may need to clarify further how it assesses the discursive shifts in policy as an outcome. This is because discursive shifts lead to a different kind framing of the accountability relations between citizens belonging to marginalized groups and the state. The sandwich strategy framework emphasizes assessing concrete outcomes. This means the framework goes beyond the mere rhetorical change in law or policy by focusing on changes in allocation of resources or change in service delivery or well-being of groups. While these aspects are important, a change in how rights are framed or claims of citizen's are established are not just rhetorical shifts. What is justified in policy and how this is justified, create specific forms of entitlements and official recognition for marginalised groups. These shifts in discourse, even if they are NOT accompanied by material gains or resource allocation change that effects service delivery, are particularly important for women. The change in policy discourse establishes not just whom states *answer to for delivery of certain services* (beyond the technical), but that the state is *accountable for* ensuring gender equality.

The data used in this paper was collected as a part of a larger comparative research project commissioned by the Effective States and Inclusive Development (ESID) Research Center. Data was collected in two phases. The first phase of the research (2014–2015) explored what drives gender equitable policy change in different political contexts. The second phase of the research (2018–2019) explored the gendered nature of informal networks and networking in policy change processes. Data was collected through process tracing, and involved timeline mapping, key informant interviews and participant observation of official meetings and review of secondary documents.

# The Bangladesh Context

Bangladesh became independent through a war against Pakistan in 1971. It is a Muslim majority state with a parliamentary system of government. Since independence, it has gone through alternative systems of military rule and democratic governance. After the transition to democracy in 1990, the two centrist parties, the Awami League and the Bangladesh Nationalist Party (BNP), have dominated the political scene. Both parties have informal-centralized systems, where senior leadership have unchallenged authority (Hassan 2013). Dynastic rule has further strengthened the power of the heads of these parties. The Awami League is led by Sheikh Hasina (the daughter of the previous leader), and the BNP by Khaleda Zia (the widow of the army general who founded the party). The Islamist party, Jamaat-e-Islami, though unable to secure more than four to eight percent of the votes, has over the years formed covert or overt alliances with these two parties to gain political power (Hassan and Nazneen 2017). The Bangladeshi state is characterized by systemic bureaucratic corruption, a politicised judiciary, and ineffective regulatory capacity (Hassan 2013). However, there is a vibrant civil society, with world-leading NGOs using various innovative methods to reduce poverty and raise awareness, and strong consensus among the political elite, bureaucracy, donors and civil society leaders on poverty reduction, and need for the state to play a key role in the development process (Hossain 2017).

When it comes to gender equity and women's rights, the political leaders and the state hold contradictory positions (Jahan, 1995; Kabeer 1988; Nazneen et al. 2019). The state has taken positive measures to increase women's participation in the labour force, promote girls' education, control fertility, and expand social safety net schemes specifically targeting poor women. The Bangladeshi state has been lauded for its remarkable pace in improving social development indicators (Nazneen et al 2011; Hossain 2018). Despite these positive gains, the state has also failed to reform biased family laws and has implemented policies that reinforce male privilege. During the 1970s and 1980s, high levels of donor dependency, and willingness of the donors to fund Women in Development (WID) programs led to the state focusing on gender and development (White 1992). The Ministry of Women and Children's Affairs (MOWCA) and the accompanying state gender machinery were established during these decades. Fuelled by the availability of donor funding (Jahan 1995), the NGO sector also expanded during this time, and gender equality and women's empowerment became a key area of focus (White 1992; Nazneen and Sultan 2009).

The women's movement in Bangladesh has a long history dating back to anti-colonial struggles from the early 20th century (Jahan 1995). The movement is largely led by middle class professional women, and composed of different kinds of actors, including large membership based national organizations, women-led NGOs, professional associations, and feminist research and advocacy groups (Chowdhury 2009; Nazneen and Sultan 2014). Since the return to multiparty democracy in 1991, given the significant role played by the women's movement in the pro-democracy struggles, women's rights organizations have gained space in policy and consultative spaces. The entry into these policy spaces has allowed women's rights organizations to collaborate with the state on various policy issues, particularly around the critical areas identified in the Beijing Platform for Action. While the women's movement has made their mark in policy processes, they face significant challenges. Their links with donor-funded schemes leave them open to the criticism that they pander to a Western agenda that violates cultural and religious norms (Jahan 1995; Chowdhury 2009). A second challenge is the rise of Islamist civil society and political groups that has limited the space for demanding changes that challenge religious doctrines (Shehabuddin 2008). In this

context, women's rights organizations have had to be politically savvy in the framing strategies they use and how they deploy their organizational and discursive powers to sway public opinion (Nazneen and Sultan 2014; Nazneen 2017).

## The Story of the Anti-Domestic Violence Law

Domestic violence against women in Bangladesh is widespread. A national survey of twelve thousand women revealed that eighty-seven percent of married women had experienced physical violence at one point in their marriage (BBS 2011). Marriage is universal in Bangladesh, with a large majority of girls married off before the age of sixteen. The relocation to the husband's natal home, economic dependency, limited mobility, social capital, and labor market skills, constrain women's ability to leave abusive marriages (Schuler and Nazneen 2018). A law that specifically addresses domestic violence has been demanded by women's movement actors since the 1980s, but the state was reluctant to challenge male power within the household.

The process that led to the enactment of the law began in 2002, with women's rights organizations seeking assistance from feminist lawyers based in India and Malaysia to draft a proposed law. Organizations that provide legal aid to survivors of domestic violence, namely the Bangladesh Legal Aid Services Trust (BLAST)<sup>1</sup>; Ain O Shalish Kendra (ASK)<sup>2</sup>; the Bangladesh Women Lawyer's Association (BNWLA)<sup>3</sup>, Bangladesh Mahila Parishad (BMP)<sup>4</sup>—gathered evidence on the extent of the problem to domestic violence. In 2007, a policy coalition was formed to lobby the government for the law. The Citizen's Initiative Against Domestic Violence (CIDV) comprised the above-mentioned organisations and other women's rights, children's rights and human rights organizations. Some of the policy coalition members were membership-based organisations while others were service delivery or rights-based NGOs and INGOs with a large beneficiary or client base.

The process gained momentum with the non-party caretaker government<sup>5</sup> that was in power in 2007–08, when the Advisor on Women's Affairs was a technocrat interested in women's rights issues. The policy coalition members were urged by the Advisor to submit a draft law, which led the above-mentioned organizations to think about forming a coalition. However, the process was stalled, as the caretaker government ran into difficulties with the Islamist groups over another policy reform related to women's economic rights (the National Women's Development Policy). However, in 2009, the Awami League won a landslide victory, and the person to head the Ministry of Women and Children's Affairs (MOWCA) was long-term women's rights activist Shirin Sharmin Chaudhury. This shift created an opening for the Citizen's Initiative Against Domestic Violence to re-engage with the state gender machinery on the issue.

The Minister for Women's and Children's Affairs suggested that the coalition's work could be institutionalized by incorporating the drafting of the law as a deliverable of the donor funded project MOWCA was then implementing—the Multi-Sectoral project on Violence Against Women (MSVAW). The project director of MSVAW played a key role in this process. Making the law a deliverable of a donor funded project ensured the following: a) the drafting process of the law had guaranteed funding; b) the delivery of the draft and enactment of the law became a key priority



of the MSVAW unit; and c) it also created scope for the Project Director and the Ministry to exert control over how consultations on the draft law and communications with other parts of the state would be managed (see below). It may also be argued that in Bangladesh, which has a long history of donor-dependence, treating the law as deliverable of a well-resourced project allowed the issue to gain legitimacy as a development concern, and not 'merely' a women's rights issue.

The work of the policy coalition faced resistance after the draft law was placed before the Ministry of Law for vetting. The close relationship between the MOWCA Minister and the Prime Minister, Sheikh Hasina, helped to minimize the contention around the law in the Cabinet. As discussed earlier, the power structure within the parties is centralized with both party leaders exerting enormous influence within their parties: all decisions are sanctioned by the head of the party, and the scope for dissent is limited. Dynastic politics means there are no effective challengers for leadership. The executive branch, particularly the Prime Minister, wields *de facto* power over other branches of the government. The exertion of this power is through personalised and informal channels, and personal relationships play a key role in gaining access to the top leadership and to advancing political and social agendas. This implies that support of the executive is crucial for policy reforms. With respect to the enactment of the anti-domestic violence law, the Prime Minister played a key role. The Prime Minister diffused resistance from the male parliamentarians around various clauses and provisions of the law. At each stage of the process, the policy coalition benefitted from the personal relationship and networks they had with the key players within the state, and the space for negotiations that were opened up by these key actors.

The Domestic Violence Act of 2010 was passed with relatively little scrutiny in the parliament. The law is expansive in its provisions: it defines the domestic beyond blood and marital relationships and provides for the right to residence, protection orders, recovery of personal assets and assets acquired during marriage, and temporary custody of children. The implementation of the law has been slow: it took three years to develop the rules of procedure alone, and the budget allocated for implementing the law is insufficient. MOWCA officers at the district level were identified as implementing officers, but they lack training and support from the administration. The support from 'service providing' agencies among civil society at the local level is limited. The training of judges, police and social welfare officers is still incomplete. The Ministry of Women and Children's Affairs (MOWCA) is the co-ordinating ministry, but it lacks teeth to require the co-operation of the Home, Justice, Health and Social Welfare Ministries. The law has faced various types of informal male resistance from different implementing officers at the local level. Despite this less than rosy picture, the government has effectively side-stepped pressure to scrap the law. The policy coalition has gained space to monitor the implementation of the law, and is co-operating with MOWCA, the Department of Women's Affairs and other relevant agencies to implement the law at the national and district levels.

# Unpacking the Anti-Domestic Violence Act 2010

## Case Using the ‘Sandwich Strategy’ Framework

This section focuses on the different elements of the case study to unpack which actor did what at different points in time, and how these actions influenced the chain of events and actions that followed. To unpack the iterative cycles through which policy change takes place I cluster my findings under four broad questions set in the introduction.

### Who were the key actors within the state, and what triggered ‘opening up of space’?

The brief sketch above on how the law was passed highlights that individuals in positions of power rather than institutions played key roles in opening up policy spaces to the CIDV coalition. These actors created an enabling environment inside MOWCA for the policy coalition to function. The key individual actors were: the Minister for Women’s and Children’s Affairs, the project director of MSVAW, and the Prime Minister. These actors were motivated by both instrumental and ideological reasons. Before analysing the incentives that influenced their specific actions I explore what factors triggered change in the balance of power between the national actors, and the pressures from international actors that created space for addressing domestic violence.

As pointed out earlier, the prevalence of domestic violence is high in Bangladesh, and it has been an issue around which women’s rights organizations have mobilised for three decades. However, securing traction from the state had been difficult. What led to the issue being picked up by the ruling coalition (the leadership of Awami League and the senior bureaucracy) were a few changes in the wider political context. First, in 2009 the Awami League came to power, securing a two-thirds majority in the parliament, which meant for the first time there was no need to enter into alliances with other political parties. Rules against floor crossing and control exerted by the Prime Minister inside the party and in parliament meant that the Awami League was able to push issues inside the parliament with limited challenges from the opposition.

Second, the BNP and its erstwhile coalition partner Jamaat-e-Islami, the latter of which had *de facto* veto power on women’s rights issues, were facing a legitimacy crisis because they were facing prosecution for abuses of power and corruption during their tenure in power (2001–2006). Third, Jamaat was facing further difficulties because many of their top leadership had been charged with wartime atrocities committed in 1971, which shifted their focus to more immediate matters around political survival rather than on women’s rights related concerns. Given these shifts in political power, the main hurdle for the Prime Minister and the Women’s Minister to overcome was building consensus within the ruling Awami League and the bureaucracy, rather than having to deal with a challenge from the opposition within parliament.

Another political shift at the national level that was critical in determining the nature of the space and room for manoeuvre available to the Awami League to promote women’s rights concerns was the rise of Islamist civil society groups and platforms such as Hefazat E Islam and Hizbut Tahrir (Nazneen 2018; Sabur, 2013). The focus of these groups was on other controversial policy issues (National Women’s Development Policy), and not on the anti-domestic violence law (Shahid 2018),

which contributed towards creating an enabling environment. However, the need to ensure that these groups were not offended by the clauses, provisions in and the framing of the law, influenced the negotiations between the policy coalition CIDV and the state agencies.

Apart from these national level shifts, international actors and United Nations processes also influenced the actions of the key actors. Internationally, the Bangladeshi state was under pressure to demonstrate its commitment towards promoting gender equality. The Bangladeshi state was widely lauded by the international community for its progress on social development, particularly for promoting women's empowerment (World Bank 2007). Bangladesh was scheduled for review in 2011 by the UN Commission on Status of Women (CSW) on its progress on implementing the Convention on Elimination of All forms of Discrimination Against Women (CEDAW).

The Prime Minister and the Women's Minister were aware that delivering on all the CEDAW commitments made in the previous round would be difficult, particularly as the Awami League would face stiff resistance from Islamists on reform of personal laws. The strong resistance they had already experienced towards the passage of the National Women's Development Policy had made them wary of introducing 'controversial' women's rights laws. The Awami League was unwilling to face a challenge from Islamist groups over women's rights issues, particularly when the Awami League government was also filing charges against Jamaat-e-Islami leaders over war crimes. They felt that it would be easier to enhance their international legitimacy by enacting an anti-domestic violence law that no actor had openly opposed, and which fulfilled a promise made in the previous round of the UN Committee on the Status of Women review. Undeniably, the funding for the Multisectoral Project on Violence Against women and the flexibility of the funders to incorporate the law as a deliverable of the project also acted as enabling factors.

## Opening from above: what actions did key actors take?

Three individuals played a critical role in creating the opening from above. The role played by the Minister of Women's and Children's Affairs was acknowledged to have been key by all actors. Shirin Sharmin Chaudhury had acquired positional power over the years inside the political party. She was personally close to the Prime Minister, Sheikh Hasina. The relationship was further strengthened by the fact that Shirin Sharmin Chaudhury had remained steadfastly loyal to the Prime Minister when other senior party officials had defected during the caretaker government, a time when many politicians faced criminal charges and jail sentences (Nazneen 2017). When the Awami League won the elections in 2008, Shirin Sharmin Chaudhury was in good stead and had the Prime Minister's ear. The Minister used this positional power to push forward the passage of the law. Shirin Sharmin Chaudhury's own experience as a lawyer had exposed her to the extent of the problem and difficulties faced by survivors of domestic violence. She was also a member of the largest women's rights organization, Bangladesh Mahila Parishad, and served on its central committee. This meant the leaders of the policy coalition had close access to her as a movement insider.

As a full Minister holding a cabinet position, Shirin Sharmin Chaudhury was able to take the following actions. First, she convinced the Prime Minister about the need for enacting an anti-domestic violence law. She also made the case why it should be the Women's Ministry and not the Law Ministry that prepared the draft. Second, she used her positional power to institutionalize the coalition's role in drafting the law. She proposed and convinced the Project Director of Multisectoral Project on Violence Against Women to take on the law as a deliverable of the project.<sup>6</sup> Third, she passed on information from Cabinet discussions and queries raised by other

Ministers to policy coalition members, so that the coalition was able to prepare answers needed to defend the provisions in the draft (Nazneen 2017). Fourth, the Women's Minister was willing to use her relationship with the Prime Minister to ask the Prime Minister to diffuse contention over the provisions in the draft law when this was presented to the Law Ministry for vetting and discussion within the Cabinet.

The director of the MSVAW project, Abul Hossain, is a senior bureaucrat in control of one of the longer running and better-funded projects of the Ministry. He managed to remain director of this project under different political regimes, and is himself well-connected with other key persons in the administration. He was willing to support the drafting of the law and manage the role of the policy coalition in order to enhance his control over the process, and at the same time showcase the project. He played a significant role in streamlining the drafting process, convincing different stakeholders and parliamentarians to attend the consultation meetings at the Ministry, and containing the tensions that arose between the Ministry of Law and MOWCA over the drafting of the law. Abul Hossain continued to play a significant role in determining MOWCA's role and its relations with the policy coalition for monitoring the implementation of the law.

The Prime Minister herself played a key role in diffusing contention over the draft law in the Cabinet. She tipped off the Women's Minister about areas of contention that may arise and asked her to coordinate with the CIDV coalition members to draft answers on these key points. She also informally let the Cabinet members know that she wanted the law to be placed in the Parliament as soon as possible and signed by the President before the end of the session in 2010 (Nazneen 2017). The Prime Minister also exercised her control over the party to diffuse any opposition in the Parliament from the male members of parliament (MPs). She instructed women MPs in reserved seats to highlight the need for the anti-domestic violence law when they were given the floor for the standard 'two-minute' interventions. The Prime Minister also informally signalled to the party whip that male MPs from her party opposing the law should be absent from the proceedings.<sup>7</sup>

The actions of the Women's Minister and the project director of the MSVAW project had several impacts on the work of the coalition. The institutionalization of the project as a deliverable minimized the cost of organizing in the following ways. First, the consultation meetings were called and hosted by the Ministry. This extended the reach of the policy coalition. The meetings included Citizen's Initiative on Domestic Violence (CIDV) member organizations, but the Ministry also called in other experts. The project resources were used for further research on gathering evidence. Second, the meetings at the Ministry were generally chaired by either the Women's Minister or the Chair of the Parliamentary Standing committee on Gender. This was a deliberate strategy to engage the female MPs who would not have attended if these were chaired by the Secretary. This meant that the Citizen's Initiative on Domestic Violence (CIDV) did not have to spend time and money to lobby female MPs separately.

Third, having an 'institutionalized' position within the Ministry meant the policy coalition had access to policy spaces they would not normally have been able to access. The policy coalition members were called to attend the debates in the Standing Committee on various provisions of the law. Access to the Standing Committee meetings played a key role in CIDV members being able to present evidence to argue on why the judiciary and not the executive needed to be the enforcing body. The CIDV members were also able to argue why the 'domestic' needed to encompass various forms of relations (beyond blood and marital relations). They were also able to make the following points: the law did not only protect women but was also needed to protect men from abuse; and that the right to residence in the marital home was key for women's security.

Fourth, under the MSVAW project, consultations were arranged at district levels with a wide range of stakeholders including with the judiciary, police, social welfare officers, local media and civil society actors. These meetings reduced the costs for the CIDV of mobilizing local support and participation. Finally, the personal interventions within the Cabinet by the Prime Minister and the informal discussions between the Women's Minister and the Prime Minister over the draft law ensured that many of the clauses were not altered at the Law Ministry, especially with regard to the definition of the family, and the right to residence. This meant that the CIDV alliance did not have to resort to costly and potentially counter-productive protests and media campaigns or advocacy to build support for these changes. It should be noted that the visibility of women's protests had drawn attention to issues before the formal drafting processes started, and the women's movement still uses discursive strategies, consciousness raising, campaigns and policy advocacy to engage with the state (Nazneen and Sultan 2014). However, the women's movement lacks the numerical strength of other social movements, such as the Islamist forces opposed to gender equality (Nazneen et al. 2019). This opening from above placed the policy coalition in an advantageous position. However, compromises had to be made over issues such as marital rape (which was removed from the draft) and the exclusion cohabiting couples, both of which were deemed culturally sensitive and challenges to Islamic values.

This opening up of space from above in 2008 also led to closer collaborations between the policy coalition and MOWCA. This collaborative relationship has had a long-term impact on the role of the coalition in monitoring the implementation of the law (discussed later).

## **Mobilization from below**

The previous section discussed actions by key actors inside the state to create an enabling environment for the coalition to work and how these actions reduced the cost of collective action and helped the coalition attain its goal. This section explores the actions and the responses of the CIDV coalition as it interacted with MOWCA and its key players.

Initially, CIDV was composed of twenty-five organizations with a varied set of skills. However, in terms of the actual drafting the law, individual members of Bangladesh Legal Aid Services Trust (BLAST), Ain O Shalish Kendra, Bangladesh National Women Lawyer's Association (BNWLA), and BRAC<sup>8</sup> took the lead. Over time, as the coalition's position became more institutionalized within the Ministry, a five-member drafting committee was formed to work with MOWCA. This committee interacted closely with the Women's Minister and the MSVAW project director. The creation of the five member committee to draft the law with MOWCA may suggest that the workings and networking activities of the coalition was led by a handful of its members. However, the work of the policy coalition also required interactions with other key players inside the state (besides MOWCA) and was conducted by different members apart from the five drafting committee members. The policy coalition also engaged in activities that would build a wider support within the civil society and the public for the law.

Admittedly, pre-existing social networks and personal relations played a critical role in how the coalition accessed the key players inside the state. As stated earlier, the Women's Minister was a movement insider, and a friend and former colleague of several of the leaders of the policy coalition. Undeniably, these pre-existing relationships provided a scope for frank interactions, but also created trust between the Women's Minister and leaders of the policy coalition. The following quote from a CIDV member highlights this aspect and the role played by the Women's Minister:

When Shirin Sharmin Chaudhury became the Minister of Women’s Affairs, we were very happy as she was one of us... and a lawyer to boot... Previously those serving in the caretaker government were also our people but the political reality was different so the issue had stalled... The Minister herself took a personal interest and was willing to put the Ministry’s resources at our disposal... She lobbied to get the Ministry in charge of the process and not the Ministry of Law... she tipped us off about the kind of queries that may be placed. She knew X, Y, and Z and those who drafted the Act, so for us to access her was not an issue... When the Act was placed in the Cabinet for debate she asked for a special briefing and specifically asked us to respond to the queries that was privately asked by the Prime Minister before the Bill was placed, which is not the norm (CIDV member, interview).

Some of the policy coalition leaders had social connections to the Prime Minister (e.g., as former university classmates), and the policy coalition members used these links to present evidence on the extent of domestic violence and the rationale behind various provisions in the law, particularly when the Prime Minister was trying to contain resistance within the Cabinet. One CIDV member made the following observation:

X had gone to the university with the Prime Minister—they have a ‘tumi –tumi’ relationship [they use the informal ‘you’ with each other]—and sometimes they meet socially. She is not the only one... You do not always meet to talk shop [i.e., discuss the anti-domestic violence act]—but you can raise it on these occasions and they have done so. They have reminded her that this was an election pledge... that we [women’s movement actors and their allies] are hoping that she will come through, and how both nationally and internationally this will contribute to her legacy... She the [PM] was also able to ask for clarifications and advise on matters informally a few times... and she trusted these friends (CIDV member, interview).

These instances indicate the important role of personal relations and informal networking, and how the policy coalition use these for promoting gender equity concerns.

There is limited documentary evidence on the breadth of collective action that was mobilized by the opening. However, it is clear that the previous experience of the policy coalition members mobilizing together on various issues related to women’s rights, including violence against women (trafficking, acid attacks and other forms of violence) and the existing networks they had with human rights organizations, child rights and LGBT rights organizations, the media, and links inside the judiciary and the police, were critical to the successful passage of the law. During 2008–2009, in the build up to the tabling of the law, CIDV member organisations representing broad memberships and beneficiary bases, including the Bangladesh National Women Lawyer’s Association (BNWLA), Action Aid-Bangladesh (AAB)<sup>9</sup>, CARE-Bangladesh,<sup>10</sup> Ain O Shalish Kendra (ASK), Naripokkho<sup>11</sup>, and the Manusher Jonno Foundation (MJF)<sup>12</sup> used their own project funds to hold national level workshops with policy coalition members and other civil society actors and state officials to resolve any contentions related to the draft law, and to collate the ideas and experiences of legal aid provision by women’s rights groups. For example, a key workshop was organized by CARE-Bangladesh to create space for policy coalition members to learn from Indian lawyers who had drafted the Indian anti domestic violence law and consult the membership about how to approach various state officials. The discussions also explored the various provisions in the law and how to make the provisions in the law palatable in the South Asian context.

CIDV members also used the different issue-based or policy networks they had formed or were members of to create wider demand for the law. For example, Naripokkho used the Doorbar network, a network of small and medium women’s rights organizations they had helped form, to



discuss the issue at the district level. Similarly, Bangladesh Mahila Parishad used its own membership base to discuss the law at the local level. The targeting of different state agencies and civil society actors reveal attempts by the coalition to create a wider support base. CIDV members also highlighted the need for the law at various workshops, meetings, and seminars at the district level. The size of these meetings and workshops varied widely. The policy coalition member organizations had used project funds for organizing some of these workshops, and this activity gained momentum once the law was taken up as a deliverable by the MSVAW project. For example, during 2006–2008, a USAID-Academy for Educational Development AED funded project carried out a series of district level workshops before the CIDV coalition was formalized. These workshops aimed to raise awareness about the need for a law. The Bangladesh National Women Lawyer's Association (BNWLA) used Manusher Jonno Foundation funding during 2007–2010 to collect evidence on the prevalence of domestic violence, and to advance consultations on the provisions of the proposed draft. Both these processes helped to create public opinion in favor of an anti domestic violence draft law. CIDV members also used their links with the national media to highlight the loopholes in the existing legal frameworks and to present evidence they had gathered over the years to that highlight the extent of the problem. Although no specific numbers are mentioned, formal consultations organized at the district level under the MSVAW project further deepened the policy coalitions engagement with the state agencies at the local level.

The challenges of mobilizing at the district level were not due to a lack of material resources. Domestic violence only gained prominence as a development issue in the last decade, and once it had, donor funding was made available for sensitization and provision of legal aid in the last decade. Women's rights organizations had been working on this issue for years, incorporating domestic violence under other gender justice projects. The main challenge was gaining traction with the state agencies, but once the formal endorsement of the issue was signalled by the Executive and the MSVAW project took up the draft law as a deliverable, organizing formal consultations under the project was easier. It is not clear whether these formal consultation workshops have continued after the passage of the law. The District Commissioner meets all service providing agencies, along with the district MOWCA officer, to review the progress in implementation of the law during regular meetings which also scrutinizes implementation of all projects. There are annual review meetings held under the MSVAW project with the Department of Women's Affairs (the government agency tasked with implementing policies), and the policy coalition to review the progress of the law.

The following could be gathered from the interviews and project documents about the processes of mobilisation from below. While all twenty-five member organizations integrated advocating for an anti-Domestic Violence law in their advocacy work, some organisations such as Naripokkho, Bangladesh Mohila Parishad (BMP), Bangladesh Legal Aid Services Trust (BLAST), CARE-Bangladesh, Bangladesh National Women Lawyer's Association (BNWLA) that had membership at the local level and connections at the grassroots, played a key role in building broader support for the adoption of the law. The risk of advocating for this law to the local level state officials was not high, as this had been endorsed by MOWCA. The risk from oppositional groups was low, as none of the key Islamist parties had opposed the law. The material costs of organizing events were in some cases borne by the MSVAW project. Other kinds of costs in terms of accessing district level officials to come to events and outreach were easier with respect to the formal consultations organized under MSVAW, as these were seen as official events. The formal consultation on the draft law was largely ceremonial at the district level.

It is difficult to judge whether the collective organizing had multiple-cycles or whether the change happened in a single wave. The collective efforts from below appear to have sustained momentum during 2009–2010, when the law was being passed, making it appear as if the collective organizing took place in a single wave. However, the gathering of evidence, framing demand for the law and providing an alternative for what needed to change, or the overall process of drafting the law, was slow. This process had three distinct phases. From the 1980s to the late 1990s, CIDV coalition members recognized and raised the need for change, but had not formed a coalition that focused on domestic violence. Between 2002–2006, the mobilization against domestic violence took place through gathering evidence, conducting research into alternatives and framing a common narrative at different levels. Once the policy coalition was formed in 2007, there was a shift in the way women's rights organizations directed their efforts. In 2009, the shifts in the wider political scene triggered an opening and the key actors were willing to facilitate an enabling environment, so that the CIDV's engagement with the state and mobilization at multiple levels became easier. Currently, the coalition's efforts are focused on developing guidance, training and monitoring the implementation of the law.

A question that remains difficult to answer conclusively is about whether earlier waves of collective action had helped make the opening from above. The mobilization for various laws to address violence against women (for example, the Dowry Prevention Act of 1980 and the Prevention of Cruelty to Women and Children Act of 2000) created scope for interactions with state officials at various intervals, and these interactions created space for raising the issue. Domestic violence as an issue also gained ground among state agencies and the ruling elite as the issue gained prominence at the international level. However, it may be argued that the presence of a clear constituency that kept pushing on various issues pertaining to violence against women, signalled to the political elite that there was support for the agenda. When it was politically opportune for the ruling elites to take up this issue given wider national and international changes (as described above), the elites were willing to take the agenda forward.

## State response

In this final section, I explore the kinds of state responses to the policy coalitions demands. Various parts of the state machinery responded to the demands raised by the Citizen's Initiative Against Domestic Violence differently. While key actors inside the state, including the Ministry and the Prime Minister, were in favour of the new law, there was resistance from the Law Ministry, the Cabinet, and from male members of parliament. The breadth of resistance inside the state is unclear. The resistance from the Law Ministry was partly the result of a turf war between the Ministry of Women and Children's Affairs and the Law Ministry. The Law Ministry's objection to some of the clauses also stemmed from the fact that the Law Ministry held different ideas about nature of the law and who and what it should cover (Nazneen 2017). In terms of resources, personnel and position within the government, the Ministry of Women and Children's Affairs was a weaker Ministry, but it was able to withstand pressure partly because the Women's Minister was a part of the inner circle, and the Prime Minister was willing to back the Ministry's position.

The resistance inside the Cabinet and by male MPs were about specific clauses that challenged family values or male power/control. The law was perceived as an instrument that women would abuse (for example, by filing false claims), and something that would give power to women which would lead to disintegration of families. The resistance was diffused by the Prime Minister, mostly by providing practical examples and evidence, and by highlighting how domestic violence also affected men and children. Resistance was also contained using informal practices that limited dissent in these formal spaces, as noted above.



In terms of the outcomes, the overall picture is mixed. The anti-domestic violence law is a key milestone because it carries the potential to change the relationship between (women) citizens and the state. It reframes what is considered as ‘private or domestic’ and highlights that the state is not just accountable to women but also accountable *for* keeping women safe *inside* the home. However, the slow implementation of the law not only points to the weak state capacity (i.e. lack of resources, trained personnel, adequate shelter and facilities etc) but also to an unwillingness among the implementing officers to accept the new formal rules (non-compliance) and ambiguities and inconsistencies that exist within the formal rules. Gender biased attitudes of implementing personnel and deliberate negligence of duties reduce the accountability of frontline implementing staff (Nazneen 2017). Table 1 (below) shows where the capacity gaps are and the kinds of accountability challenges these raise.

**Table 1. Steps Taken so Far to Implement the Law**

Action	Year	Gaps in the process	Observations/ key capacity/ accountability challenges
Rules of procedure	2013	Draft submitted to the Ministry of Women and Children’s Affairs in 2012	Took 3 years to develop; the majority the cases were filed under these rules
Developing training modules	2013	By the Citizen’s Initiative Against Domestic Violence	Took three years to develop; not led by the government, perhaps contributed to not being included in the government trainings.
Training of MOWCA officers	2013–2014 (in all 64 districts)	Led by the Citizen’s Initiative Against Domestic Violence	No refresher trainings. No government ownership.
Preparing catchment areas of service delivery organisation, information registry	Catchment area identification: 2013; Service delivery organisation list: 2014	Delayed publishing list by the Ministry of Women and Children’s Affairs	No updating of the list; gaps in delivery
Training of police officers	The Citizen’s Initiative Against Domestic Violence provided training	Not institutionalized	Not all officers have been covered; knowledge gaps; gaps in delivery of service
Training of magistrates / judges	The Citizen’s Initiative Against Domestic Violence provided training	Not institutionalized	This was done under project funding by CIDV members; affects delivery of justice; no government ownership

Cases filed	Case Filed under Domestic Violence Act 2010 from Jan–Dec 2018:  Total Application: 420 Appeal: 249	Status of these cases: – District Women’s Affairs Officers responded to 53 cases out of the 64 – Chief Judicial Magistrate responded to 13 cases out of the 64 (51 of the cases had no appeal Application) – Police Stations responded to 60 cases out of 292	Slow uptake is due to the fact that the legal process is seen as cumbersome by the women. Most women also prefer to stay within the marriage and not antagonize the husband by filing a complaint/ case. Most application received by legal aid organizations report women and families prefer informal mediation; for example in 2019- BLAST reported they receive 122 application and most were settled through mediation
Monitoring of cases	CIDV members: Bangladesh Legal Aid Services Trust , Bangladesh National Women Lawyer’s Association and Naripokkho monitors cases filed under project fund	Monitoring and tracking format needs to be revised	Continuing monitoring activities is difficult— when project fund ends. Gaps in holding state to account

*Compiled by author:* Ministry of Women and Children’s Affairs (MOWCA) website; Bangladesh National Women Lawyer Association (BNWLA) report, and personal communications with CIDV, August 2020

Table 1 shows the gaps in terms of implementation of the law, and the continuing challenges of tackling domestic violence in Bangladesh. In terms of implementation, progress was mostly made with respect to training. The trainings took place during the initial period because CIDV members covered these under donor-funded projects. However, these trainings did not result in the Ministry officers taking a stronger role in implementing this law at the district level. This is partly due to the lack of resources and co-operation from other actors such as the police, judiciary, and medical officers at the local level. There are also procedural gaps. For example, implementation of this law is not specified in the job description of the Department of Women’s Affairs’ officials. With respect to specific aspects of the law being implemented compared to other provisions the recent trend shows that the number of applications received have slowly gone up, which indicates that the law is being used. However, this increased number of applications has not directly translated into cases being filed and resolved in court.

How has the engagement in this reform process affected the position of the coalition and the key actors within the state? CIDV remains an active body engaged with MOWCA and Department of Women’s Affairs in monitoring the implementation of the law. As it had played a key role in the development of training modules and guidelines and in providing training to Ministry officials and the police, the legitimacy of the coalition is well-established. It also acts as a watchdog to keep the issue alive by monitoring implementation using coalition members’ own project funds. Their role in drafting the law has also established them as the go-to expert body on domestic violence.

For example, at the start of the COVID-19 pandemic, CIDV played a key role to push forward the agenda for creating digital courts to deal with incidence of domestic violence.

As for the Women's Minister, she moved on to become the first female Speaker of parliament. Her involvement in the enactment of the law has enhanced her reputation. The MSVAW project director has continued his directorship and has played a key role in developing the rules of procedure. MOWCA institutionally remains a weaker ministry, and with the departure of Shirin Sharmin Chaudhury seems to have less clout than in the past. Despite having less clout, the engagement with CIDV and monitoring of domestic violence law implementation have allowed the Ministry to resist the pressure from other Ministries to scrap the law. The other outcome of this reform process has been the increased awareness in the media to highlight statistics and incidence of domestic violence, which has brought a change in the discourse used to discuss domestic violence.

## Final Reflections

So what does the Bangladesh story tell us about how openings from above facilitate mobilization from below and whether these twin processes facilitate shifts in power and accountability outcomes?

Before I focus on these questions, I will make some points about the usefulness of the sandwich strategy as a framework. The analysis of the story of collective action using the idea of iterative cycles allows one to trace the impacts of specific events and actions undertaken by different key players. Process tracing allows one to interrogate systematically the claims made by the key informants about the specific reform, and also to track which factors, actors, relationships mattered at what stage of the change process. The sandwich strategy framework's focus on how costs of collective action were reduced through an analysis of openings from above created by key actors and how policy coalitions interacted with these openings, is useful for tracing the way gender positive policy reforms take place. As stated earlier, the systematic analysis of what may have reduced costs of collective action does not always feature in feminist movement literature. In addition, much of the research conducted on feminist movement and legal change focus on the adoption process (law making) and end there. These may not necessarily unpack what were the outcomes for different actors beyond the reform cycle. The focus on the latter is useful if one needs to explore the impact on accountability outcomes- particularly gender bias and gender capture.

As for whether voice leads to teeth in the Bangladesh story - the jury is still out on this. While the implementation of the law has been slow and weak, the policy coalition remains active, and still plays a role in monitoring and raising questions about the state's role. The wider change or shift has been the way domestic violence is framed and viewed. This discursive shift is important to capture especially when it comes to issues that are not just merely about improving services for marginalized groups but the state being accountable for gender equality. This change in discourse has the potential to change state-citizen relations as the state is held to account for ensuring safety of women in the private sphere by the policy coalition and other actors (media). But how this legal change affects resource allocation or delivery of services (care for survivors and justice) remains to be seen.

# Bibliography

- BBS. 2011. *Violence Against Women in Bangladesh 2011*. Dhaka: Bangladesh Bureau of Statistics.
- Chowdhury, Elora Halim. 2009. "Transnationalisms Reversed: Engaging Religion, Development and Women's Organizing in Bangladesh." *Women's Studies International Forum* 32 (6): 414–423.
- Engeli, Isabelle, and Amy Mazur. 2018. "Taking Implementation Seriously in Assessing Success: The Politics of Gender Equality Policy." *European Journal of Politics and Gender* 1 (12): 111–129.
- Hassan, Mirza, 2013. "Political Settlement Dynamics in a Limited Access Order: The Case of Bangladesh." *ESID working paper 23*. Manchester: Effective States and Inclusive Development Research Centre, University of Manchester.
- Hassan, Mirza and Sohela Nazneen. 2017. "Violence and the Breakdown of the Political Settlement: An Uncertain future for Bangladesh." *Conflict, Security and Development* 17 (3): 205–223.
- Hossain, Naomi. 2017. *The Aid Lab: Understanding Bangladesh's Unexpected Success*. Oxford: Oxford University Press.
- Hossain, Naomi. 2018. "Post-Conflict Ruptures and the Space for Women's Empowerment in Bangladesh." *Women's Studies International Forum* 68 (May): 104–112.
- Jahan, Roushan. 1995. "Men in Purdah and Women in Public: Rokeya's Dreams and Women's Struggles in Bangladesh." In *The Challenges of Local Feminisms: Women's Movement in Global Perspective* edited by Amrita Basu. Boulder: Westview press.
- Kabeer, Naila. 1988. "Subordination and Struggle: Women in Bangladesh." *New Left Review* 168: 95–121.
- Nazneen, Sohela. 2017. "Negotiating Gender Equity in a Clientelist State: The role of informal networks in Bangladesh." In *Gender and Informal Institutions* edited by Georgina Waylen. London: Rowan and Littlefield.
- Nazneen, Sohela. 2018. "Binary Framing, Islam and Struggles for Women's Empowerment in Bangladesh." *Feminist Dissent* 3: 194–230.
- Nazneen, Sohela, and Naomi Hossain and Maheen Sultan. 2011. "National Discourses on Women's Empowerment: Continuities of Change?" *IDS Working paper 367*. Brighton: UK.
- Nazneen, Sohela, and Maheen Sultan. 2009. "Struggling for Survival and Autonomy: Impact of NGO-ization on Women's Organizations in Bangladesh." *Development* 52 (2): 193–99.
- Nazneen, Sohela and Maheen Sultan, eds. 2014. *Voicing Demands: Feminist Activism in Transitional Contexts*. London: Zed Books.

- Nazneen, Sohela and Sam Hickey and Eleni Sifaki. 2019. *Negotiating Gender Equity in the Global South: the Case of Domestic Violence Policy*. London: Routledge.
- Sabur, Seuty. 2013. "The Enemy of My Enemy is My Friend." *Alal O Dulal blog*. Accessed 18 February 2018. [http://dulal18.rssing.com/chan-19793025/all\\_p1.html](http://dulal18.rssing.com/chan-19793025/all_p1.html)
- Schuler, Sidney and Sohela Nazneen. 2018. "Does Intimate Partner Violence Decline as Women's Empowerment becomes Normative? Perspectives of Bangladeshi Women." *World Development* 101: 284–292.
- Shahid, Tahrat Emma. 2017. "Imaginary lines? Islam, secularism and the politics of family laws in Bangladesh." Unpublished DPhil thesis, University of Oxford.
- Shehabuddin, Elora. 2008. *Reshaping the Holy: Democracy, Development and Muslim Women in Bangladesh*. New York: Columbia University Press
- White, Sarah. 1992. *Arguing with the Crocodile: Gender and Class in a Bangladeshi Village*. London: Zed Books
- World Bank. 2007. *From Whispers to Voices: Gender and Social Transformation in Bangladesh*. Dhaka: World Bank

# Notes

- 1 A legal aid organisation with branches in every district: <https://www.blast.org.bd/>
- 2 A legal aid and human rights NGO: <https://www.askbd.org/ask/>
- 3 A professional association of women lawyers: <http://bnwla-bd.org/>
- 4 A membership based national women's rights organisation: <http://bnwla-bd.org/>
- 5 Between 1996 and 2010, Bangladesh had a caretaker government system intended to manage elections and political transitions freely and fairly.
- 6 There are differing views on this – with the project director claiming that he was already on board. However the policy coalition actors have differing views about the role he played throughout – especially that he changed colors about the anti Domestic Violence law once Awami League came to power.
- 7 This is an informal practice to contain dissent in the party.
- 8 An international development non-governmental organization headquartered in Bangladesh. <http://www.brac.net/>
- 9 International NGO.
- 10 International NGO.
- 11 National Level Feminist Organization.
- 12 Intermediary funding organization.

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