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UNDERSTANDING GENDER BACKLASH: SOUTHERN PERSPECTIVES

Issue Editors Jerker Edström, Jenny Edwards,
Tessa Lewin, Rosie McGee, Sohela Nazneen and
Chloe Skinner



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'It's a Family Matter': Inaction and Denial of Domestic Violence*

Maheen Sultan¹ and Pragyna Mahpara²

Abstract This article provides a grounded example of backlash in action surrounding the implementation of the Domestic Violence (Prevention and Protection) Act 2010 in Bangladesh. While formulation and enactment of the law marked significant achievements, its implementation has been weak. Unlike conventional analyses that concentrate on backlash in gender equality policy formulation, this study focuses on the obstacles encountered during the implementation phase. Through in-depth interviews with advocates and stakeholders responsible for implementation, the article examines their attitudes and interests concerning the law and women's rights to life, dignity, and bodily integrity. Prevailing gender norms perpetuate the trivialisation of domestic violence, framing it as a personal issue of minimal importance. Consequently, service providers tend to delegitimise and deprioritise it. This article investigates the strategies and tactics of deliberate inaction employed by backlash proponents, which is different from lack of capacity, and explores the counter-strategies deployed by advocates aiming to ensure the Act's effective implementation.

Keywords domestic violence, backlash, inaction, strategies, voice, agency, Bangladesh.

1 Introduction and objectives

Domestic violence is prevalent in Bangladesh, with almost three in every five women (57.7 per cent) experiencing some form of physical, sexual, or emotional violence in their lifetime (Bangladesh Bureau of Statistics 2015). The government adopted the Domestic Violence (Prevention and Protection) Act (DVPPA) in 2010, which defines domestic violence as 'any form of physical abuse, psychological abuse, sexual abuse or economic abuse against a woman or a child of a family by any other person of that family with whom [*sic*] victim is, or has been, in family relationship' (Government of Bangladesh 2010).

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Adoption of the DVPPA in 2010 was a collaborative achievement of the elected Awami League government and the Citizens' Initiative against Domestic Violence (CIDV) coalition. The coalition consisted of women's and human rights organisations working on violence against women. It continued to advocate for effective implementation after the Act was passed. However, the experience with implementation has been less positive. Commitment to the Act by implementing agencies such as the judiciary, police, and Department of Women Affairs (DWA) officers does not match that of the formulators.

This article argues that dominant stereotypes regarding domestic violence as a trivial, personal matter and blaming women has resulted in inaction by implementing agencies, indicating a deprioritisation of the issue and a shortfall in political action to address the problem. The article aims to provide a grounded example of backlash in action regarding implementation of the DVPPA. It seeks to examine from the perspective of stakeholders interviewed the reasons for the Act's lax implementation. We argue that the drivers of weak implementation are related to intentional inaction, which in turn is motivated by entrenched gender norms. Together, this produces a subtle form of backlash, as described by Flood, Dragiewicz and Pease (2018) and Lombardo and Mergaert (2013). We discuss how social norms and ideologies about the family contribute to the neglect of protection and redress for women and girls who experience domestic violence, and how this impacts implementation of the DVPPA. Furthermore, we explore manifestations of backlash against the Act, as well as the countering backlash strategies and tactics employed by CIDV and women's rights organisations (WROs) advocating for the Act's implementation.

The article is based on both primary and secondary research, including a total of 32 in-depth interviews with women's rights and legal rights activists from CIDV, their allies, and other relevant stakeholders such as service agencies and legal professionals involved in the Act's implementation, including those opposing its use. Bangladesh Mahila Parishad (BMP), one of the pioneering and largest feminist organisations in Bangladesh, was selected as a case study as an active member of CIDV. To analyse the field-level barriers, BMP's Munshiganj branch was selected for having an active movement against domestic violence. Additionally, a focus group discussion was conducted with five judicial magistrates and judges experienced in the Act's implementation.

2 The Bangladesh context

During the formulation of the DVPPA, Bangladesh had a multiparty democracy, with influential allies of the women's movement holding key positions in government. They served as gatekeepers and champions in advocating for gender justice claims, resulting in a more responsive state towards gender justice agendas (Nazneen and Hickey 2019; Akter 2020; Mahpara 2021). However,

since the Act's adoption, domestic violence has lost its relative priority, with other concerns such as child marriage and rape law reforms gaining more prominence (Sultan, Mahpara and Tasnin 2022). The political landscape has also shifted over time to a dominant party rule, where power is concentrated within one political party (Hassan and Raihan 2017). This has not only reduced the state's responsiveness to civil society and gender justice actors but also limited opportunities for them to lobby alternative political parties to advance their agenda (Mahpara 2021).

In addition to political commitment, societal norms play an equally crucial role in shaping people's perceptions and behaviours towards domestic violence. Social norms define acceptable and appropriate actions for men and women in a group or society (Cislaghi and Heise 2019). Bangladeshi society is heavily influenced by discriminatory and restrictive gender norms, where marriage is regarded as sacrosanct. Women are expected to uphold family honour by preserving their chastity and conforming to the roles of obedient wives and caring mothers (Rozario 2001; White 1992), even at the cost of sustaining abusive marriages (Sultan *et al.* 2021). Conversely, men are viewed as protectors of female family members and may resort to disciplining them when necessary. Subsequently, chastising or even physically abusing women is often condoned. There is also a prevalent 'culture of silence' where women feel ashamed to report their experiences of domestic violence, often blaming themselves (Naved *et al.* 2018). According to a multi-country study by the World Health Organization (WHO 2005), two-thirds of Bangladeshi women who were physically abused by their partners had kept silent about the violence.

Norms are also reflected in the attitudes of legal practitioners, implementing agencies, WRO allies, and sometimes even within the WROs themselves, justifying certain actions or inactions related to the Act's implementation. While studies were done during the Act's formulation to estimate budget requirements, the estimated budget was not allocated after its approval.³ There is a tendency to rely on resolution through mediation or village/community proceedings (Sultan *et al.* 2021) instead of utilising formal justice channels or the provisions outlined in the DVPPA. Recently, the Covid-19 pandemic reflected a rise in the number of domestic violence reports (Kamal 2020). The increased reporting of violence since the DVPPA was passed indicates that more women want redress, but the persistent lack of responsiveness amongst stakeholders (legal practitioners and state actors) results in the Act not being implemented and domestic violence being insufficiently addressed.

3 Defining and operationalising concepts

In this article, we employ the concepts of 'backlash', 'voice', and 'agency' to understand the resistance towards the Act and WROs' endeavours to advance its implementation. Additionally,

we examine the strategies employed by WROs to counter the backlash.

3.1 Backlash

Backlash is a response to real or perceived challenges to existing power hierarchies (Faludi 1991). Flood *et al.* (2018) define backlash as 'resistance' against progressive change. They use the terms 'backlash' and 'resistance' interchangeably to describe any active form of opposition to progressive and feminist policies, perspectives, and programmes that aims to impede progress made towards gender equality and social justice. This can occur at both individual and collective levels and can be expressed through formal and informal means (*ibid.*). Often, resistance takes the form of denying existence of a problem and can be demonstrated through disavowal – the refusal to acknowledge responsibility for addressing the need for change (*ibid.*). In such cases, backlash is manifested in the form of trivialising gender issues through demonstrating a lack of interest, inaction, and non-participation.

Although backlash is typically examined in the context of policy or law formulation (Waylen 2017), it can also manifest during implementation processes. While it is commonly associated with overt and aggressive actions, it can take more subtle forms, as observed during implementation of the DVPPA. Backlash encompasses implementing agency inaction. Lombardo and Mergaert (2013) highlight how certain stakeholders provide excuses for their inaction, such as avoiding responsibility for the change process due to a lack of ownership by expecting those who initiated the change to bear the sole burden. They identify refusing to allocate resources for implementation, failing to enforce new policies, and neglecting to establish standards or timelines to monitor the change as examples of inaction (*ibid.*). This passive resistance represents an implicit form of institutional resistance. Choosing not to act is a form of agency, as it indicates the ability of service providers to make decisions about whether to initiate steps to alter the status quo (Agócs 1997).

3.2 Voice and collective agency

According to Goetz and Musembi (2008), the concept of voice comprises two dimensions: the content or what is expressed, and performativity or how it is expressed. Both the content and performativity of voice are influenced by formal rules governing expression, gender norms, and power dynamics (Oosterom *et al.* 2022). The ability to voice oneself represents individual and collective agency, enabling action to achieve desired outcomes, engage in bargaining, manipulate, subvert, and resist (Kabeer 1999).

WROs serve as a primary platform for expressing the opinions and interests of various women's constituencies and seek to exert collective agency to promote these. Their objective is to

influence policies, laws, institutions, and organisations towards gender justice goals by demanding government responsiveness and accountability. WROs utilise their collective voice to legitimise claims, build constituencies, and develop strategies for mobilisation at local, national, and international levels (Nazneen 2022). However, they often face various forms of backlash, which they counter through strategic use of their voice and agency.

3.3 Countering backlash strategies

WROs collectively employ various strategies to counter backlash. By strategy, we mean a 'movement's comprehensive, targeted plan of action, directed toward identified goals and preferred outcomes, assessing the availability of allies and resources, and anticipating the responses and behaviors of opponents' (Beckwith 2007: 315). 'Repertoires of contention' range from violent and confrontational to disruptive and contained actions, as classified by social movement theorists such as Tarrow (2011). When addressing the issue of domestic violence, coalition building becomes crucial to overcome opposition from actors involved in implementation who seek to preserve male power and privilege (Nazneen and Hickey 2019). It also involves forming collectives to establish a broad support base that amplifies WROs' voices, vision, and struggle (Batliwala 2012). Advocacy strategies and public opinion building are key components of seeking reform as well as for building pressure for implementation. Action strategies need to be adaptable to evolving realities (*ibid.*). Media also plays a significant role, as it can help counter opposition, generate public sympathy, and contribute to framing demands (Gamson 1989). These countering backlash strategies, while like those used to demand new policies and laws, are also being used to push for the Act's implementation and will be examined later in the article for their effectiveness.

4 Backlash against the Act's implementation

Since its approval, the DVPPA has rarely been used in cases of domestic violence (Huda 2016; Yasmin 2020). Yasmin (2020) analysed 70 court orders from judicial magistrate courts and 20 case records from six districts and found that in two districts the chief judicial magistrate courts did not have a single case filed under the DVPPA in the past ten years. In another district, only one petition was filed, and in two other districts, two applications were filed (*ibid.*).

There was a three-year delay in formulating and approving the Act's rules, leading to limited awareness and understanding among judges, magistrates, and lawyers. Furthermore, there is a perception that women who experience violence want more punitive measures than can be provided through the quasi-civil approach of the Act.

Backlash against the Act's implementation can be categorised into three main types based on the interviews. Firstly, there are loopholes and issues with the law itself, creating difficulties in effective implementation, which implementers use as excuses for their inaction. Secondly, there is resistance and backlash among legal practitioners, stemming from societal norms that manifest in various attitudes and actions. Lastly, deliberate forms of inaction and backlash against the DVPPA can be observed among service providers.

4.1 Legal challenges

The DVPPA operates under a quasi-civil framework. Rather than imposing criminal sanctions, the Act focuses on providing civil remedies, recognising that survivors often wish to preserve their marriages. However, when a perpetrator violates a protection order, it is considered a criminal offence, representing a shift from a civil remedy. Due to the unique provisions of the DVPPA compared to other laws addressing violence against women, there is limited understanding of the Act's intricacies. Even the few judges who have dealt with cases under the Act claim that the provisions are confusing: 'There is also no proper training, awareness building, or information sharing among the judges to really understand how this law's implementation should be.'⁴

Procedural deficiencies also contribute to challenges in implementation. Delays in case hearings, for instance, are common due to the high volume of cases.⁵ This hinders the timely protection of survivors who require urgent issuance of protection orders to halt ongoing violence. Interviews with CIDV members revealed a lack of clarity on the execution of protection orders. There is no follow-up by implementing agencies to ensure that perpetrators are adhering to the orders, even though the court should assign this responsibility to enforcement officers, service providers, or the police, as stipulated in the Act. This lack of oversight leaves survivors feeling unsafe.⁶ Finally, although one of the Act's innovative aspects was to guarantee women's right to stay in their marital homes, in rare cases, when survivors do receive protection orders, they often feel uncomfortable continuing to reside there.

4.2 Resistances by legal practitioners

The law's shortcomings do not adequately explain its underutilisation, although they are used by implementers to justify the lack of action. However, it is the attitudes of legal practitioners and the norms they adhere to which result in disavowal of the existence of a problem (i.e. not recognising domestic violence as a human rights violation), trivialisation, and lack of interest, that are manifestations of backlash (Flood *et al.* 2018; Lombardo and Mergaert 2013).

During interviews with 15 legal practitioners, virtually all of them praised the DVPPA as 'wonderful'; however, they quickly added

that the law was impractical or that they had never applied it. Male and female lawyers in Munshiganj shared similar beliefs about the sanctity of marriage and the need to uphold family honour. They blamed women for the violence they experience, portraying women as their own worst enemies, and depicting men as victims of women's greed and infidelity. Many emphasised the priority of saving marriages, highlighting the importance of mediation to 'protect families'.⁷ These norms that shape attitudes among legal practitioners manifest in various forms of backlash and resistance. Trivialising domestic violence is a common attitude, with a prevailing notion that it is a personal matter that should not concern the judiciary: 'The conflict is not with outside people. It is within the family. A man or woman in the family is being abused by another member of the family. So, the matter should stay in the family.'⁸

Victim-blaming was observed in Munshiganj, where, during interviews, individuals involved in cases portrayed survivors as adulterous and manipulative, falsely accusing their husbands to gain financial advantage. General stereotypes of women as perpetrators or enablers of violence were prevalent. 'When we [mediators] try to solve matters, another woman is mostly responsible for not being able to resolve [the situation]. We see other women encouraging survivors to go for a legal case.'⁹ Male and female lawyers, opponents of WROs as well as their supposed allies, accused women married to migrant workers of engaging in extramarital affairs to explain why women file domestic violence cases: 'Women are weak and commit adultery. They have physical needs... 80 per cent of them file false cases.'¹⁰

Additionally, lawyers and judges often downplay the significance of the DVPPA by labelling it as a 'non-governmental organisation (NGO) Act'¹¹ and 'NGO-led'.¹² This delegitimises the law, as government authorities have a negative perception of NGOs (van der Borgh and Terwindt 2012).

4.3 Ministry of Women and Children Affairs (MOWCA) and Department of Women Affairs (DWA): deprioritisation of domestic violence

Interviews with MOWCA and DWA showed that they had deprioritised use of the DVPPA. Despite the law being proposed by MOWCA and reviewed by the Ministry of Law, Justice and Parliamentary Affairs, there is a disavowal and lack of institutional ownership, resulting in inaction and disinterest (Flood *et al.* 2018; Agócs 1997).

DWA officers interviewed were more comfortable in discussing their role in carrying out mediation, issuing notices, and conducting inquiries for the court. Their focus was on advising women and their families on available options to address violence and abuse. However, DWA officials showed reluctance to utilise legal measures to address domestic violence, as they

believed that resorting to the DVPPA would result in divorce and women had no alternative to marriage: 'It is known that DWA officers do *salish* [informal dispute resolution mechanism]. They do not advise women to take legal measures fearing women would get divorced, and their families would break.'¹³ DWA officials also did not display confidence in their role as enforcement officers, and other actors within the judiciary and police lacked a clear understanding of the role DWA was supposed to play.

A common complaint among DWA staff was the lack of resources to dedicate sufficient time to their roles as enforcement officers. However, both DWA and MOWCA are no longer resource-starved agencies following recent budget allocations, and the insufficient allocation of human and financial resources for dealing with domestic violence is viewed as evidence of the low priority given by these agencies to implementing the DVPPA.¹⁴

According to the 2013 rules, MOWCA was to enlist NGOs and other agencies as service providers to support enforcement officers in their duties and aid women and child survivors. However, this provision has not been adhered to, which has resulted in a lack of support services for survivors. Interviewed judicial magistrates mentioned the lack of designated service organisations as a reason for the DVPPA's inadequate implementation.¹⁵ Finally, although MOWCA and DWA are supposed to monitor the Act's implementation, this is not institutionalised. MOWCA's failure to act on these last two areas is an illustration of its 'choosing not to act' and a manifestation of backlash (Agócs 1997).

4.4 Police: delegitimisation and disqualification of domestic violence complaints

In the context of the DVPPA, the police's role is primarily limited to providing information and referring victims to services. Under the Act, an application is submitted to the judicial magistrate for an interim protection order. However, none of the police officials interviewed displayed interest in referring survivors to the procedures outlined in the DVPPA, as they believed they could not take any punitive action, which is what they assumed the survivors would want. It remains unclear as to whether this is just an assumption by the police, or if it is indeed the genuine desire of the survivors themselves.

Furthermore, despite the establishment of special desks in most police stations for women, children, people with disabilities, and the elderly, the police view domestic violence as low priority and not a legitimate matter for their attention. They display reluctance in documenting domestic violence cases, thereby delegitimising such complaints (Yasmin 2020).

5 WRO strategies to counter backlash: incorporating feminist voice and using collective agency?

We now reflect on how successful WROs have been in incorporating a feminist voice within the setting and framing of the domestic violence agenda and using collective agency to counter the pushback. Space limits us to a summary of the findings and conclusions on strategies for countering backlash, but more details and discussion can be found in Sultan and Mahpara (2023).

In response to the inaction and deliberate delays, CIDV and its member organisations have mobilised and undertaken various strategies to counter the resistance faced. Their repertoire includes collective action to raise consciousness through national and local-level engagement, framing domestic violence as a rights violation (Nazneen and Hickey 2019), generating knowledge and evidence to convince stakeholders (Batliwala 2012), seeking media coverage to influence public opinion, capacity building, advocacy, and using informal networks (Nazneen and Hickey 2019; Waylen 2017). At the local level, they interacted more directly with implementers (e.g. magistrates, lawyers, law enforcement, DWA) in order to influence their actions. In general, the approach was collaborative, but in cases where the expected support was not forthcoming, activities could take a more confrontational approach, through protests and complaints to public representatives.

We conclude that the strategies employed did not reach their objectives because implementation was stalled. The emphasis on capacity building could not overcome a lack of will to implement the DVPPA. Demanding state accountability by using research evidence and organising regular consultation events has not been able to elicit substantive response. Working with lawyers and implementation agencies has had limited results and could not bring about systemic changes. CIDV has not been successful in bringing about a shift in norms and attitudes regarding domestic violence. Despite significant efforts made at the national level, visible impact has been limited. Conversely, positive outcomes have been observed at the subnational and individual case levels, where the strength, social networks, and reputations of the respective WROs have made a difference. However, success remains sporadic.

There are various reasons for the limited success of the counter-strategies. Overall, the political economy context at present is different from what it was in the formulation phase of the legislation. In addition, there are issues that concern WRO mobilisation itself.

We found that coalition strategies have been static over time. The forms of strategies and actions have become conventionalised and do not have the shock value of more disruptive and

innovative activities (Tarrow 2011; Batliwala 2012). CIDV has traditionally relied on advocacy, research, evidence generation, workshops, and informal networks, which worked well during adoption (Waylen 2017), but the same repertoire was continued during implementation. However, to sustain the movement, CIDV should have used more dynamic strategies which would adapt to the new realities of implementation (Batliwala 2012), built alliances with new sets of actors, and found new champions. Although there is an understanding within CIDV that the key actors for implementation are different from those during law formulation, this has not translated into new approaches. The question also arises as to whether subtle forms of backlash and deliberate inaction require different strategies to counter them.

6 Conclusion

We have established that there is backlash to the DVPPA (Flood *et al.* 2018; Lombardo and Mergaert 2013). The attitudes of legal practitioners and service agencies are manifestations of backlash in the form of denial, disavowal, and inaction, with stigmatisation of women, trivialisation of domestic violence, and delegitimisation of the law itself.

Domestic violence and family disputes in Bangladesh continue to be perceived and treated as trivial matters to be resolved through counselling or mediation, with the aim of restoring marital relationships. The severity and impact of violence faced by women are hardly recognised, acknowledged, or validated as an offence. Changing these gender norms, however, is a long-term process, and CIDV has had limited success in mobilising collective agency (Goetz and Musembi 2008; Kabeer 1999) to bring about a shift in these norms and attitudes.

The strategies adopted by CIDV and its members to counter the backlash have been only partially successful, raising the question as to whether subtle forms of backlash require specific types of strategies to counter them. Despite the strength and reputation of the coalition and its individual members, it has not been able to effectively build a voice powerful enough to demand accountability and responsiveness from the decision makers and government agencies. The coalition can bring the different stakeholders 'to the table' but has not been able to bring about the changes in outcome important for substantive equality and enjoyment of rights (Goetz 2003). Most of the CIDV members interviewed emphasised that the capacity to implement the provisions of the law could have been developed if there was state commitment. However, they were not able to facilitate the creation of this commitment.

One significant gain is increased awareness that psychological and financial abuse are punishable offences under the law.¹⁶ This knowledge has contributed to a more open public discourse on domestic violence. As a result, women are becoming more willing

to speak out about their experiences. This shift in awareness has also allowed lawyers, human rights organisations, and WROs to frame domestic violence as a violation of rights, providing a stronger foundation for advocacy and support.

Notes

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- 1 Maheen Sultan, Senior Fellow of Practice, BRAC Institute of Governance and Development, Bangladesh.
- 2 Pragyna Mahpara, Senior Research Associate, BRAC Institute of Governance and Development, Bangladesh.
- 3 Interview with CIDV member, 18 April 2022.
- 4 Interview with Dhaka University Law Professor, 26 April 2022.
- 5 Interview with CIDV member, 19 April 2022.
- 6 Interview with local BMP member, 21 May 2022.
- 7 Interview with District Women's Affairs Officer, 7 April 2021.
- 8 Group discussion with magistrates and judges.
- 9 Interview with theatre activist, Munshiganj, 21 May 2022.
- 10 Interview with local journalist, Munshiganj, 21 May 2022.
- 11 National BMP member, personal communication, 24 April 2022.
- 12 National ally, personal communication, 19 April 2022.
- 13 Interview with CIDV member, 11 April 2022.
- 14 Interview with CIDV member, 18 April 2022.
- 15 Group discussion, judicial magistrates, 8 August 2022.
- 16 National BMP member, personal communication, 26 April 2022.

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