

## **POLICY BRIEFING**

# **Countering Backlash in the Implementation of Bangladesh's Domestic Violence Act**

### **KEY MESSAGES**

- The brief is based on a twelve-month qualitative research on the implementation of the Domestic Violence Prevention and Protection Act (DVPPA) 2010, using gendered in-depth political analysis, 32 in-depth interviews, and a focus group discussion with proponents and opponents of the act, as well as those responsible for its implementation. Secondary materials were also reviewed.
- Domestic violence is recognised at the policy level as an area of violation of rights by both state and non-state actors, as evidenced by documents and formal statements. The responsibility for prevention and protection is clearly spelt out in the policies and laws.
- The implementation of the act has been faced with foot-dragging and delays. The non-implementation is indicative of a backlash against women's rights and the demand to prevent and redress domestic violence.
- It is observed that commitment to implementing the DVPPA is low at the implementation level, as evidenced by actions treating domestic violence as a trivial issue that should be resolved at the family level and unworthy of taking up time of the judiciary or law enforcement agencies.
- Prevalent gender norms and stereotypes hold women responsible for the violence they face and for resolving marital conflicts.
- In conclusion, effective implementation of the DVPPA will need a fundamental change in norms and attitudes among implementers, leading to the removal of barriers to action, the provision of supplementary support to victims, and revisions to the procedures to enable easier access to the protection of the Act.



**Effective implementation of the DVPPA will need a fundamental change in norms and attitudes among implementers, leading to the removal of barriers to action**

**Maheen Sultan and  
Pragyna Mahpara,  
BRAC Institute  
of Governance  
and Development  
(BIGD)**

## SUMMARY

Domestic violence rates are high in Bangladesh in spite of laws such as the Nari o Shishu Nirjatan Domon Ain and the DVPPA 2010. According to data from the Bangladesh Bureau of Statistics, almost three in every five women (57.7%) have experienced some form of physical, sexual, or emotional violence in their lifetime (BBS VAW Survey, 2015). While the formulation and enactment of the DVPPA in 2010 was an achievement for the government, especially the Ministry of Women and Children Affairs that proposed it and the coalition for domestic violence known as the Citizens Initiative against Domestic Violence (CIDV) that championed it, subsequent experience of implementation has been less positive. The implementation agencies do not have the same level of commitment to the act as those who formulated it. Dominant stereotypes about domestic violence being trivial, a personal matter, and women's fault, with marriage being seen as sacrosanct, have prevailed, resulting in inaction by service agencies and legal practitioners in implementing of the Act.

Research on the implementation of the DVPPA was conducted in 2022 by the BRAC Institute of Governance and Development (BIGD), BRAC University, as part of the "Countering Backlash: Reclaiming Gender Justice" programme hosted at the Institute of Development Studies, funded by the Swedish International Development Cooperation Agency (Sida) programme, and supported by the Swedish Government. As part of this the Policy and Practice strand supports partners in five countries to document and analyse policies and laws, and extra-legal and informal practices in specific policy areas which exemplify the backlash in each context.

The BIGD team conducted both primary and secondary research, with a total of 32 interviews with service agencies, legal professionals, women's rights and legal rights groups of the Coalition for Domestic Violence (CIDV) and its allies. Other documentation and research on the subject were reviewed. The Bangladesh Mahila Parishad was chosen as a case study as an active member of CIDV working closely on domestic violence cases. The study also examined the Munshiganj District Committee and its extensive engagement with domestic violence cases. In-depth interviews (IDIs) were conducted with seven CIDV members,

three BMP members in the central office, and five BMP members in Munshiganj. In total, 15 IDIs were conducted with BMP/CIDV stakeholders engaged the Act's implementation (allies at both national and local levels). Seven interviews were done with actors BMP/CIDV views as opposition at the implementation level. In addition, a focus group discussion (FGD) was done with five judicial magistrates and judges with experience pertaining to the DVPPA 2010.

## DOMESTIC VIOLENCE IN BANGLADESH

Domestic violence in Bangladesh is recognised as an offence that the state, society, and families have to prevent and take action against. According to data from the Bangladesh Bureau of Statistics, almost three in every five women (57.7%) have experienced some form of physical, sexual, or emotional violence in their lifetime (BBS VAW Survey, 2015). Despite an increasing number of countries adopting domestic violence laws in the Global South, there is a high prevalence of domestic violence (Nazneen and Hickey, 2019). This shows that political action has so far fallen short in addressing the problem.

Progress has been made in introducing legislation, but only adoption is not enough. There are deliberate efforts to delegitimise the issue of domestic violence and deprioritise it by not allocating financial or human resources. In a context where non-governmental organisations (NGO) are increasingly criticised by the state (Nazneen, 2018), the DVPPA is also stigmatised as an "NGO law" as it is known to have been promoted by women's rights and human rights organisations. Combined with the gender biases that operate within the judiciary and other government departments, this results in the DVPPA not being satisfactorily used and women not able to access remedies through it.

The current status of the Act reveals several barriers to effective implementation. In terms of service delivery, there is a lack of infrastructure such as inadequate shelter homes and lack of trained and experienced service providers such as medical professionals to counsel violence survivors (Huda, 2016). There is also a lack of conceptual and technical understanding of the

DVPPA amongst legal practitioners, mostly judges and lawyers, who still seem to be unaware (or uncomfortable) using the Act (BIGD, 2021). There have also been bureaucratic resistances, such as delays in the formation of rules and forms, inadequately trained enforcement officers from the Department of Women Affairs (DWA), and MoWCA's limited resources and poor coordination with other ministries.

Social norms also play a crucial role in determining how legal remedies are being used by survivors to seek redress from violence. It was observed that survivors often prefer seeking justice through community "shalishes," i.e. informal mediation, which are influenced by social norms and do not maintain legal parameters. Even if survivors resort to formal channels, there is a tendency amongst service providers like the police to go beyond their mandate advising domestic violence survivors to try mediation.

Effective implementation also depends on the priority given by the state to the issue of domestic violence. Currently, other issues such as child marriage and rape law reform are considered to be more important compared to domestic violence, as stated in several interviews. Moreover, with the change in political landscape with a dominant party rule, the state is no longer responsive to civil society. This has shrunk spaces for negotiations and bargaining capacities of gender justice actors to lobby alternative political parties to promote their agendas (Mahpara, 2020).

### **Legal and procedural difficulties**

There are also issues with the substance of the Act which make implementation difficult, as highlighted by legal practitioners, human rights activists, and other researchers (Huda, 2015; Yasmin, 2020) have identified. The DVPPA was made quasi-civil in nature, which is neither civil nor criminal, and instead of giving criminal sanctions, the Act was designed to provide civil remedies. The Act did not want to criminalise domestic violence as survivors often want to continue their marriages, and filing criminal cases against their husbands often results in divorce. A common frustration was observed amongst the struggle members and allies of the struggle and about the fact that only grievous injuries are considered criminal offences.

There are also procedural shortcomings that the respondents brought out. The few judges who have dealt with cases under the DVPPA have claimed the provisions to be confusing since the provisions of this law are different compared to the other laws related to violence against women (VAW). Despite the training received on the DVPPA, conceptual understanding of the Act among government agencies, legal practitioners, and service agencies remains limited. Interviews with CIDV members brought out the lack of clarity in the clauses of the Act which described how protection orders were to be carried out. There are delays in hearing of cases because of the large number of cases under the judicial magistrate courts. This delays the issuing of protection orders which should be given immediate attention for the safety of survivors. The Act does not specify which representative should be sent to check the survivor's condition after the court issues the protection order to ensure that the orders are being followed properly by the perpetrators. This makes survivors feel unsafe while continuing to live in their marital homes. Some CIDV members reflected that there are no performance indicators which would make the implementing agencies answerable, and therefore there is no accountability of these agencies for their performance.

### **Norms and attitudes**

The research found that the trivialisation of domestic violence is common and the dominant attitude was that domestic violence is a personal issue, a minor matter that should not bother the serious judiciary dealing with more substantial matters of serious crimes. These matters should be sorted out within the family through counselling of the couples and families so that they would learn to solve their disputes on their own and accept their socially determined roles within the family and society. A judicial magistrate stated, "I think we



**Almost three in every five women have experienced some form of physical, sexual, or emotional violence in their lifetime in Bangladesh.**

need to change our attitude towards family matters. The trend to bring family matters to court is not a good trend. This will increase family conflicts. Family matters should be dealt within a family environment.”

Although in Islam, marriage is a contract between two consenting adults (represented by her guardian in the case of an underage girl), it is still regarded as the ultimate goal for women and girls with who are expected to make all the sacrifices necessary to save the marriage, including putting up with violence and abuse. There was (and still is) a reluctance for the state to interfere in what is considered to be private matters within a couple. The hesitancy and delay in coming forward with complaints of domestic violence is due to the woman and her family members feeling that the family honour will be harmed by going public. There is a stigma attached with going to court, as well as litigation, where internal family matters will be disclosed publicly.

Notwithstanding what is in the law, the values, norms, and attitudes of legal practitioners involved influence whether the law is used and how it is used. The prevalence of gender discriminatory social norms and the never-ending efforts to preserve families at any cost are pervasive, including among the service providers working for women’s rights organisations. These norms determine the attitudes of the legal practitioners and are also shared by the implementing agencies, allies of the WROs, and even sometimes by the WROs themselves. These norms are used to justify certain forms of action and inaction. Rather than using the Act and its provisions, importance is given to dispute resolutions through mediations, or through village/community mediations (shalish) based on community norms. A women’s rights activist explained, “So we don’t really encourage going to court right away. It seems that going to court automatically leads to some reactions which are difficult to deal with. (...) Suppose the man says, ‘She made me serve time, I don’t want to keep this woman in my house.’ Sometimes guardians also say, ‘She filed a case against us? We don’t want her back.’”

Such norms also result in victim blaming. Women were accused of falsely filing cases for their own benefits (such as to receive dower money), as litigations lead to divorce. In other cases, other women in the family were blamed for creating conflicts.

## **Role of MoWCA/DWA**

Although the law was proposed by the MoWCA the research has shown a lack of institutional ownership of the law and its implementation is characterised by inaction and disinterest. The only role prescribed for the MoWCA in the Rules of 2013 is to provide training to the enforcement officers, police officers, service providing organisations, and related persons. The Women’s Affairs Officers interviewed did not speak clearly or confidently of their roles as enforcement officers. Similarly, other actors within the judiciary and police did not possess a clear understanding of the anticipated role of the DWA. In general, there was a reluctance among DWA officials to avail of legal measures as remedies for domestic violence. Their perception as revealed through interviews was that use of the DVPPA would lead to divorce and they wanted to avoid divorce as they felt women have no alternative to marriage.

According to the Rules of 2013, MoWCA was supposed to invite NGOs and other agencies to be enlisted as “service agencies,” i.e. organisations that violence survivors would be referred to for support services such as shelter and health care but it has not done so. The judicial magistrates interviewed in fact mentioned the delay in selecting/or the lack of designated service organisations as a reason for the lack of implementation of the DVPPA.

## **Role of police**

In spite of having special desks opened up in most police stations for women, children, people with disabilities, and elderly persons, the police feel that domestic violence is not a priority. A general observation by rights activists was that they had to follow up to ensure that the police would file cases that women wanted to file. A review of the formal roles and responsibilities of law enforcement agencies with regard to DVPPA implementation revealed a sense of disinterest and inaction in the face of incidents of domestic violence. None of the police officials interviewed seemed to be interested in referring victims to the DVPPA procedures as they felt they could not take any punitive action, which they thought would be wanted by the victims. The Officer-in-Charge of a police station stated, “if the case is serious, as it is in the case of physical assault, then we do not use the DVPP Act. It goes to other laws like the Nari o Shishu Nirjaton Domon or Dowry Prohibition Act.”

## RECOMMENDATIONS

### Revising procedures and strengthening implementation

- Clarifying the definition of psychological and economic abuse by including supplementary explanations as footnotes in the Act and the Rules.
- Including a provision for psychosocial counselling support for husband, wife, and family members in the law by experienced government agencies or service providers to be enlisted under DVPPA 2010.
- Ensuring accessibility of victims to magistrate or enforcement officers, e.g. by involving community-level volunteers or service providers.
- Providing options for legal counselling to complainants before going to the court.
- Mediation should be done by recognised organisations with legal authority, e.g. by enlisted service agencies.
- Strengthening the Distract Legal Aid Committee (DLAC) by increasing staff with adequate training and introducing compulsory pre-case counselling.

### Developing infrastructure and support structures

- Ensuring privacy in the court premises when magistrates deal with women or couples.
- Increasing resources for women domestic violence survivors so that they can take the option of exiting from a violent relationship, such as shelters (both short-term and long-term), economic support, vocational training in non-traditional areas, social safety net programmes by government and public-private partnerships with NGOs.
- Ensuring access to sign language interpreters for victims with speech disabilities.
- Allocating budget for implementation of the Act for each district, following the example of India.
- Increasing the number of Victim Support Centres to have one per district from the present situation of one per division.
- Police station Nari Shishu Protibondi Boishko Desks (Women Children Disabled Elderly Desks) to have regular interactions with the DWA.

### Facilitating norm change

- Providing training to judicial personnel, legal practitioners, and WRO/legal rights staff on domestic violence highlighting it as a human rights issue and emphasising “right to bodily integrity”.
- Providing information on alternative options to address domestic violence that do not involve the return to the marital relationship.
- Promoting examples of use of the DVPPA where both parties can recognise their faults and the harm done to each other and can renegotiate their relationship on the basis of mutual respect.

### Awareness building

- Creating awareness on what is domestic violence, including its causes and consequences for women, men, families, society and also on what are the available remedies (among victims and among service providers), and existence of a range of



## RECOMMENDATIONS CONTINUED

remedies. Men should be targeted specifically with information on domestic violence, remedies and that not all legal measures should lead to divorce.

- Incorporating discussions of DVPPA 2010 into professional training curricula at institutions such as the Judicial Administration Training Institute (JATI) and police training colleges.
- Bar Council basic training should include gender and law.

### Strengthening accountability mechanisms

- Strengthening monitoring of number of applications/complaints with MoWCA, consolidating data collected, and providing this publicly every quarter.
- Monitoring of applications under DVPPA 2010 and protection orders with police, with the latter providing quarterly public information.
- Judiciary providing quarterly public information on applications for protection or interim protection orders and the number of applications granted.
- Amending rules to ensure lines of accountability are clarified with responsibilities of different actors spelt out.

### Strengthening the CIDV platform to reinvigorate the movement against domestic violence

- Developing different strategies for facilitation of implementation compared to strategies for formulation/approval of laws and policies.
- Developing stronger alliances with implementers with less focus on policymakers
- Strengthening the cohesiveness of CIDV by avoiding having the same people representing their organisation in multiple fora which results in overload and making meetings virtual as needed and more interactive.
- Secretariat to involve members more in decision-making and carrying out actions, thus overcoming dependency on secretariat.
- Sourcing resources for full-time secretariat and continued activities.

## FURTHER READING

[Bangladesh Bureau of Statistics report on violence against women \(VAW\) Survey 2015.](#)

[Binary framings, Islam and struggle for women's empowerment in Bangladesh.](#)

Sohela Nazneen

[How does politics shape the negotiation of gender equity in the Global South? A comparative analysis.](#) Sohela Nazneen and Sam Hickey

[Access to justice during COVID-19 for survivors of domestic violence.](#) Maheen Sultan, Marufa Akter, Pragyna Mahpara, N.A. Pabony, and Fariha Tasnin

Exploring the obstacles in accessing justice for survivors of domestic violence: How effective is the Domestic Violence (Prevention and Protection)

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## CONTACT

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