COUNTERING BACKLASH RECLAIMING GENDER JUSTICE

WORKING PAPER 5

ANALYSIS OF VOICE AND AGENCY IN COUNTERING BACKLASH AGAINST GENDER JUSTICE:

SYNTHESIS OF THREE POLICY CASES IN BANGLADESH

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ABOUT

Countering Backlash aims to create much needed new knowledge around the complex phenomena of patriarchal backlash and identifying opportunities for women's rights organisations and other gender justice defenders, to address the erosion of gender objectives within development and counter gender backlash. The programme's main countries of focus are Bangladesh, Brazil, India, Kenya, Lebanon, Türkiye and Uganda.

Led by the Institute of Development Studies, Countering Backlash is being implemented by a consortium which includes: Advocates for Social Change Kenya, the Arab Institute for Women at the Lebanese American University, BRAC Institute of Governance and Development, BRAC James P Grant School of Public Health, Centre for Basic Research, Centre for Health and Social Justice, Gender at Work, Nucleus of Interdisciplinary Women's Studies of the Federal University of Bahia, Özyeğin University, Refugee Law Project, SAHAYOG, and Women of Uganda Network. The programme is funded by the Swedish International Development Cooperation Agency (Sida).

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ABBREVIATIONS

AAB	ActionAid Bangladesh
ADB	Asian Development Bank
AL	Awami League
ASK	Ain o Salish Kendra
BIGD	BRAC Institute of Governance and Development
BJP	Bharatiya Janata Party
BLAST	Bangladesh Legal Aid and Services Trust
BMP	Bangladesh Mahila Parishad
BNP	Bangladesh Nationalist Party
BTRC	Bangladesh Telecommunication Regulatory Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CiDV	Citizens' Initiative against Domestic Violence
CSA	Cyber Security Act
CSO	civil society organisation
CTG	caretaker government
DPA	Data Protection Act
DSA	Digital Security Act
DVPPA	Domestic Violence Prevention and Protection Act
DWA	Department of Women Affairs
FAO	Food and Agriculture Organization
FCDO	Foreign, Commonwealth and Development Office
FIR	first information report
FY	fiscal year
GD	general diary
GDP	Gross Domestic Product
GPEA	gendered political economy analysis
HFLR	Hindu Family Law Reform
ICT	information and communication technology
IDI	in-depth interview
JI	Jamaat-e-Islami
JMS	Jatiya Mahila Shangstha
JP	Jatiya Party
JPGSPH	James P. Grant School of Public Health

KII	key informant interview
MJF	Manusher Jonno Foundation
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MoWCA	Ministry of Women and Children's Affairs
MP	Member of Parliament
NGO	non-governmental organisation
NGOAB	NGO Affairs Bureau
OGBV	online gender-based violence
PCSW	Police Cyber Support for Women
PDPA	Personal Data Protection Act
PIL	public interest litigation
PM	Prime Minister
PMO	Prime Minister's Office
RMG	ready-made garments
Sida	Swedish International Development Agency
TCB	Trading Corporation of Bangladesh
TIB	Transparency International Bangladesh
UN	United Nations
UNFPA	United Nations Population Fund
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review
US	United States
USAID	United States Agency for International Development
UWAO	Upazila Women's Affairs Officer
V-Dem	Varieties of Democracy
WRO	women's rights organisation

1 INTRODUCTION

This paper consolidates research conducted in Bangladesh on three policy cases to understand how gender justice movements formulate their demands on specific issues in response to the backlash they encounter from anti-rights actors. It examines these cases to highlight the similarities and differences in how the movements strategised to place their demands, the alliances and coalitions they formed, the opportunities they seized, the spaces (policy, civic and popular) they were active in, and the results they achieved. It also scrutinises the backlash they faced, the actors involved, the strategies employed by these actors, the alliances formed, and the outcomes obtained. The analysis is done within the common framework of the Voice Strand of the **Countering Backlash: Reclaiming Gender Justice research programme**, and this paper serves as a country-level synthesis document. It aims to address the research questions collectively formulated by the Voice Strand members, as will other country synthesis papers.

Countering Backlash: Reclaiming Gender Justice is a six-year-long research programme, funded by the Swedish International Development Agency (Sida), which aims to identify opportunities for women's rights organisations (WROs) and other gender justice defenders to counter backlash and address the erosion of gender justice objectives across India, Bangladesh, Brazil, Kenya, Lebanon, Türkiye and Uganda. To understand the challenges of backlash and the erosion of gender policies, the project addresses new opportunities for intersectional and decolonial feminist impacts through three intertwining strands: Voice, Policy & Practice, and Patriarchy. In Bangladesh, the BRAC Institute of Governance and Development (BIGD) has been working on the Voice Strand since 2019.

The Countering Backlash research conducted by BIGD selected three policy cases reflecting issues currently under debate in Bangladesh with evident backlash against the demands made by gender justice actors. BIGD had previously done research on the formulation of the Domestic Violence Prevention and Protection Act (DVPPA), where it was found that passing the law did not ensure its implementation due to significant resistance. Therefore, the DVPPA was chosen to enhance understanding of the backlash faced at the implementation stage of a policy or law. Another case selected was the Hindu Family Law Reform (HFLR) initiative, which involved women as a discriminated group seeking their rights within a minority community itself subject to discrimination and violence, and which faced virulent backlash from within the Bangladeshi Hindu community. Finally, BIGD continued its work on online gender-based violence (OGBV) by studying online violence and backlash against gender activists and influencers, particularly in relation to the Digital Security Act (DSA) 2018, which in 2023 became the Cyber Security Act (CSA), legislation intended to provide security to users and the state. All three issues are highly contentious, have elicited different kinds of backlash, and involve different sets of actors.

1.1 METHODOLOGY

For all three cases, we conducted policy maps to review the key current areas of contention, the gains or tangible progress, how these gains are under threat, the key actors for and against the gains, and the strategies being used to counter the threats to the gains. Gendered political economy analysis (GPEA) was carried out to further analyse the context of each case. A continuous media tracking exercise was also conducted to monitor important events and incidents, helping to track episodes of backlash related to the three cases. A key part of our approach was to capture both backlash and counter-backlash actors' voices, perspectives, and interpretations. For OGBV, we conducted netnography, a qualitative social media research method, to understand social interactions in digital media and the nature of OGBV. Based on a pilot study and observatory conducted for the Policy & Practice Strand of the Countering Backlash programme, issues and actors around OGBV were identified and interviewed. This paper also uses data from a participatory "observatory method" developed under the Countering Backlash programme, involving six panel discussions with gender justice activists in the form of self-reflections.

For primary data collection in all three cases, key informant interviews (KIIs) and in-depth interviews (IDIs) were conducted with women's rights and gender justice actors, their allies, relevant stakeholders, and opposition actors in the respective policy areas. We also reviewed relevant national laws and policies in addition to secondary literature.

The paper will explore the following research questions:

1 How is the voice (agenda and organising) of gender justice actors being affected by the current wave of backlash against gender equality?

2 How are gender justice actors framing demands, building constituencies, and forming alliances to amplify their voice? What kinds of compromises are being made in this process?

3 Under what conditions are gender justice actors able to have an impact (be heard; seen as legitimate claimants; heard in which space)? Where are the new energies?

1.2 CONCEPTS: VOICE AND BACKLASH

In this paper, we will primarily use concepts related to voice and backlash, which we discuss briefly below.

Voice

Gender justice or feminist organisations are the primary means of expressing the opinions, positions, and interests of various women's constituencies. These organisations seek to influence policies, laws, institutions, and organisations towards gender justice goals by demanding responsiveness and accountability from the government. They use their collective voice to legitimise claims, build constituencies, and develop strategies to mobilise at local, national, and international levels (Nazneen 2022). In doing so, they encounter various forms of backlash, which they counter through various strategies using their voice and agency. In contesting power relations, voice can be used to bargain, negotiate, and defend one's interests.

The term "voice" is used as a metaphor for powerful speech and is most often associated with acts or arguments that influence public decisions. Voice can be individual or collective, public or private. For women's public voice to be effective, it needs to be heard by others and acted upon (Goetz and Musembi 2008). While voice has intrinsic value in allowing women to articulate their demands and be heard, it also has instrumental value in enabling women to attain various outcomes important for substantive equality and the enjoyment of rights (Goetz 2003). As described by Goetz and Musembi (2008), voice has two dimensions: content (what is said) and performativity (how it is said). The performative aspect, or how women voice their opinions and concerns, is mediated by gender and social norms regarding expected gendered patterns of behaviour; for example, women are not expected to assertively demand their rights. It is recognised that women's collective action has pioneered innovative ways of using voice and has been stronger on voice (mobilising, forming alliances, and raising the profile of various issues) than on building institutions that can endure and engage at the level of formal politics (Goetz and Musembi 2008). The ability to voice has also been a form of individual and collective agency for women, which has helped them in making strategic life choices and in taking actions to attain desired outcomes (Agarwal 2010; Kabeer 1999). Agency can be seen in bargaining and negotiation, deception and manipulation, subversion and resistance as well as reflection and analysis (Kabeer 1999), which not only helps in analysing the behaviour of women's rights organisations in establishing their rights; but also in unpacking the behaviour of backlash actors. The concept of voice also applies to backlash actors. They too organise themselves as social movement actors through a 'sustained campaign of claim-making, using repeated performances, that advertise their claim, based on organisations, networks, tradition and solidarities' (Tilly and Tarrow 2015: 11, in Nazneen 2024: 18).

The use of voice can be observed in the counter-tactics to backlash, such as the framing of demands, evidence generation, alliance-building (creating a collective voice), and developing alternative narratives to challenge stereotypes and gender norms, as well as seeking accountability (Batliwala 2012; Lewin 2021; Nazneen and Hickey 2019; Nazneen and Mahmud 2012; Tarrow 2011), which will be discussed in this paper.

Following the Voice Strand framework, while analysing the cases, we will discuss what is being said (content), how it is being said (performance), strategies used by feminist advocates for framing agendas, the kinds of support needed for amplifying voice, and the contextual conditions that lead to recognition as claimants (Nazneen 2024). We will also observe whether the feminist voice is heard and acted upon. As Nazneen (2024: 17), quoting Gammage et al. (2016), mentions, 'where and when issues are voiced and by whom, influence its effectiveness in being heard by others and acted upon'. We will also explore how voice is "gendered" in the forms of expression it takes and is allowed to take.

Framing is a key strategy used by both backlash and counter-backlash actors for articulating and communicating their claims. According to Benford and Snow (2000: 614), framing 'implies agency and contention at the level of reality construction'. The issue will be presented in a way to gain wider support. The political opportunity structures available at a given time or context will also influence how feminist activists should present and frame their claims in order to gain public support (Johnston and Noaks 2005).

Feminist scholars (Nazneen and Hickey 2019; Waylen 2017) and our previous work (Sultan and Mahpara 2020) have shown how gender justice coalitions use informal networks to further their claims and amplify their voice, allowing them to access and influence allies within policy spaces and the media. While this has proven to be an effective strategy in policy adoption processes (Sultan and Mahpara 2020), it does not hold for policy implementation because the "rule enforcers" are not the "rule makers" (Nazneen 2018; Waylen 2017).

Backlash

Faludi (1991) explained backlash as the intense counter-assault on women's rights in the context of the United States (US). Based on this definition, Mansbridge and Shames (2008) argued that backlash can be an act of persuasion as well as an act of

coercive power. Flood et al. (2018) have defined backlash as "resistance" against progressive change. Often, resistance takes the form of denial of a problem and can be manifested through the refusal to accept responsibility for dealing with the change process. The manifestations of backlash can broadly be divided into discursive strategies, direct attacks or overt strategies, and indirect strategies (Nazneen 2024). Backlash ranges from physical violence such as murder and sexual assault to rhetorical subterfuge (Piscopo and Walsh 2020).

Backlash does not always involve direct opposition or hostility to feminist initiatives. It can take the form of trivialising gender issues through a demonstration of lack of interest, inaction, and non-participation (Flood et al. 2018). This also relates to inaction by implementing agencies and their use of different excuses for not taking responsibility for a change process due to lack of ownership, expecting only those who mobilised for the change to take responsibility (Lombardo and Mergaert 2013).

Although the existing literature conceptualises backlash as either episodic or continuous (Townsend-Bell 2020), scholars argue that backlash can be both episodic and continuous (Piscopo and Walsh 2020). Backlash is continuous in the sense that it may emerge from a long history of state-sponsored violence, institutionalised discrimination, and disregard for minority communities (Chigateri and Kundu 2024; Rowley 2020). Backlash in this case is not reactionary to feminist gains; rather, it is a structural condition embedded within the system.

Several debates persist in the literature and research on these issues to which this paper will contribute. These include:

- It is sometimes difficult to capture the cyclical nature of backlash within a project timeframe. Movement/counter-movement frames may happen over a long period. It is challenging to decide how far back in history to situate an issue and how best to capture the history. Additionally, as many struggles are ongoing, we can only capture events up to a certain moment.
- For some cases, allies can slowly turn into opposition. It is important to unpack how actors who once supported a movement and its agendas are no longer supportive and the consequences of this shifting of roles/positionality. It is crucial to understand what in the context or framing of various issues determines whether an ally becomes opposition.
- Countering strategies may take the form of subversion or even silence and this may be the only option available in a given context, but what does it mean in terms of agency and voice in countering backlash?
- The intentionality of actors varies depending on critical junctures or certain windows of opportunity, it is important to interpret this both in research and in action. The intention/decision not to act can also be a form of agency for oppositional actors. It is important to consider their agency and the consequences of these actions on gender justice policies.

2 CONTEXT

This section provides an overview of the backdrop against which backlash is unfolding in Bangladesh. It highlights political power shifts, different power structures, the major power holders, the role of gender equity actors, donors and international agencies, and the major events that have affected formal power structures and society and the economy.

2.1 SHIFTS IN POLITICAL POWER

Since Bangladesh's independence in 1971, governments have been chosen through elections, with the type of rule varying over time (Hassan 2013; Hassan and Nazneen 2017). Although numerous parties have contested national elections, four parties have remained the major power holders: Awami League (AL), Bangladesh Nationalist Party (BNP), Jatiya Party (JP), and Jamaat-e-Islami (JI).

The most recent ruling party, AL, came to power in 1996 for the first time under the leadership of Sheikh Hasina as Prime Minister (PM). There was a change of regime in 2002 after the fifth Bangladesh Parliamentary Elections when BNP regained power. From 2007 to 2008, the military became the de facto supreme power holder, backing a caretaker government (CTG) (Hassan 2013). By the end of 2008, the country's political settlement evolved towards a one-party system, and AL returned to power in 2009 under Sheikh Hasina. Since then, the country's political climate has gradually shifted from competitive clientelism to dominant party rule (Hassan and Raihan 2017), with AL in power. These political settlement characteristics indicated that the country was on the verge of becoming an authoritarian state.

AL came to power for the fourth consecutive time through the 12th general elections in January 2024. The opposition party, BNP, announced its boycott of the election after the PM refused to step down and make way for a neutral CTG to conduct the election. Prior to the election, various foreign embassies and international organisations advocated for free and fair elections and unhindered political activities by the opposition. The government reacted strongly to what it called 'foreign interference in the internal affairs of the country' (The Daily Star 2023c).

However, on 5 August 2024 the government was toppled by a student-led movement and Sheikh Hasina had to flee the country. An interim government is presently in place and the country is going through a period of political turmoil.

2.2 FORMAL POWER STRUCTURES AND MAJOR POWER HOLDERS

Under the parliamentary form of government, the PM was the ultimate power holder. As part of the AL agenda, the PM sought to be seen internationally as promoting gender equality and had received various awards for her role in this. In the absence of a strong opposition, the PM wielded almost absolute power. In Parliament, AL held 297 out of 300 seats, with 50 additional seats exclusively reserved for women. Women parliamentarians were unable to advocate for gender equality independently of their party due to rules against floor crossing, but played an informal role in persuading their male colleagues (as in the case of the DVPPA). Left to themselves, parliamentary debates have shown that Members of Parliament (MPs) have often been misogynistic. However, if given the directive to support a policy or law favoured by the leadership/PM, they have endorsed it (Akter 2019; Panday and Li 2014).

The judiciary has formally become independent of the executive, however it remains controlled by the latter, as demonstrated by the forced expulsion of the incumbent Chief Justice in 2017. Despite being slow, corrupt, and politically biased, the judiciary is still considered as a last resort by women's rights, human rights, and legal aid organisations.

2.3 SHIFTS IN REGIONAL ACTORS AND DONORS' ROLES

Since the 1980s, development partners have played a significant role in Bangladesh's development and the promotion of women's development and the gender equality agenda. This strengthened the national women's movement to push for improvements in health, education, services, employment, legal rights, and even political representation. Civil society groups, organisations, and individuals are well-networked and integrated with regional and international networks, coalitions, and associations, and are visible in various international forums. However, in the last 10 years, with the growth of the Bangladesh economy, aid dependency has decreased as a percentage of the national budget, and grants have decreased relative to loans. Donor agencies themselves have recognised that their power and influence are not as significant as before (Sultan and Nazneen 2018). In 2023, various international actors advocated for free and fair elections, but to no avail.

2.4 MAJOR GENDER EQUALITY ACTORS

The women's movement in Bangladesh traces its roots back to the anti-colonial movements against the British and later against Pakistan, pre-dating the country's independence. Over the years, the movement has focused on issues ranging from women's economic empowerment, political participation, violence against women, legal reforms, and gender mainstreaming in public policies (Jahan 1995). The state's relationship with the women's movement has changed over time. Initially confrontational, it became more cooperative in the 1990s. The state has held contradictory attitudes towards gender equality. Governments have had to balance being "modernisers" who promote the inclusion of women while also being careful not to appear "anti-Islamic" or upset traditions to secure votes (Nazneen 2018).

The polarisation of civil society space, along with increased marginalisation within the mainstream political space, made the women's movement dependent on personal relationships with the state bureaucracy for exerting influence and advancing gender equity concerns (Nazneen 2017). However, over the past 15 years, Bangladesh's socio-political context has changed from a multiparty democracy, open to addressing gender justice demands, to a dominant party rule, which is less responsive to civil society demands and more suspicious of offers of collaboration (Sultan and Mahpara 2023). This has hampered strategic alliances between the women's movement and the state.

The women's rights movement has faced backlash at various times from various quarters. The 1980s and 1990s witnessed backlash from local religious leaders in rural Bangladesh against non-governmental organisation (NGO) and civil society organisation (CSO) work on microcredit which organised women to be involved in market activities and to participate in public meetings. The NGOs and CSOs also faced resistance for providing training on women's rights at the community level. Islamic political parties campaigned against women's work in the ready-made garments (RMG) sector and their NGO membership (Shehabuddin 2008; Sultan and Mahpara 2020) and the movement against *fatwa* in village *shalish*[1] (Siddiqui 2010). Later, there was widespread Islamist mobilisation by Hefazat-e-Islami against the equal inheritance rights clause for women in the National Women's Development Policy in 2008, 2010, and 2013 (Nazneen 2017; Sultan and Mahpara 2020). Hefazat's explicit anti-women's rights agenda restricted the space available for dialogue between different groups and changed the wider context of collaboration with women's religious groups (Nazneen 2017).

Another growing constraint for women's organisations has been the reduction in funding support for their activities, a trend that started in the 2000s (Nazneen and Sultan 2014). While established national-level organisations have been able to survive and even expand their activities in this adverse context, smaller local organisations have found it harder to do so (Nazneen and Sultan 2009).

2.5 THE COVID-19 PANDEMIC EFFECT

We now turn to examining through a gender lens how the most significant event in recent years, the Covid-19 pandemic, affected society, and the economy.

After the first formal case of Covid-19 was recognised in March 2020, schools were closed and a series of countrywide lockdowns were imposed. There was a fear, justified by the increased reporting about domestic violence incidents in the global media, that Covid-19 and its associated restrictions on mobility would lead to higher levels of domestic violence. Research by BIGD and findings from organisations working in the field indicated that Covid-19 made access to remedies and justice more difficult for domestic violence survivors/victims. The evidence generated helped advocate for access to courts, police, and hospitals during the pandemic.

When education, work, and daily communication were confined to online platforms, the importance and effectiveness of the digital space became more evident. According to the Bangladesh Telecommunication Regulatory Commission (BTRC), by the end of October 2021, 129.18 million people (almost 80 per cent of the total population of Bangladesh) were using mobile internet. This included an additional 28 million internet users who started using the technology after the first Covid-19 lockdown in April 2020 (BTRC 2021). Online activism slowly expanded, but whilst the increase in activism favoured gender justice, the heightened

"Another growing constraint for women's organisations has been the reduction in funding support for their activities...

[1] Religious leaders would make pronoucements of punishments against women infringing social mores based on their interpretation of religious texts ("*fatwas*" in village arbitration meetings (*shalish*) which were challenged in court by Ain-o-Shalish Kendro, a human rights NGO.

use of the internet led to rising rates of violence against women in the digital space which can be considered part of the larger backlash against women's rights activism, systematically using fear tactics to create a loss of confidence.

Bangladesh, like many other countries, has faced significant economic challenges due to the Covid-19 pandemic, leading to increased financial burdens and a loss of gross domestic product (GDP). The country's export industry experienced a sharp decline of 17 per cent in the fiscal year (FY) 2019–2020, with an 18.12 per cent decline in RMG exports (World Bank 2020). The pandemic-induced closures of various industries have had a substantial impact on the cost of essential goods, commodities, and energy. In May 2023, the rate of inflation reached a record high of 9.94 per cent on a point-to-point basis (Bangladesh Bank n.d.) and the World Bank's prediction for Bangladesh was that 'elevated inflation and weakening of external demand and policy uncertainty are expected to slow growth to 5.2 from 7.1 per cent in the last year' (World Bank 2022: 12).

3 AUTHORITARIAN TENDENCIES

It is important to examine how the political climate affects the space for women's rights and gender justice issues. This section provides an overview of the country's political settlement and how it has influenced mobilisations around feminist causes.

In 2017, the global community acknowledged that democratic backsliding was taking place, with a consensus that the world is experiencing 'the third wave of autocratization' (Shahan and Rahemin 2023). Democratic backsliding denotes the state-led deliberate weakening or elimination of any political institutions that sustain an existing democracy. In the contemporary era, democratic backsliding is characterised by promissory coups, executive aggrandisement, and long-term strategic harassment and manipulation of elections (Bermeo 2016). According to the 2023 Varieties of Democracy (V-Dem) report, in 2022, 72 per cent of the world's population were living under autocracies (Papada et al. 2023). Bangladesh's political settlement can be seen as part of this global trend, and the country has been undergoing a process of de-democratisation.

With AL having been in power for the last 15 years, uncontested, Bangladesh is considered to be an electoral autocracy where 'states are now being transformed into exclusionary systems, power is concentrated in the hands of one person or a small group, state institutions are weakened, and accountability mechanisms are decimated' (Riaz 2024: 1). Although there is debate over whether the characteristics of dominant party rule and autocracy are the same, we will look at it as a dominant party state with autocratic tendencies. It is too soon to say if and how these tendencies will be reversed by the recent political upheaval.

The CIVICUS People Power Under Attack 2023 report identifies Bangladesh as having a closed civic space (CIVICUS 2023). The legitimacy and ability of civil society actors to operate in the civic space have been threatened and actively restricted. With a "shrinking space", the dominant party state has been embracing a new generation of restrictions aimed at limiting the influence of CSOs in shaping policies and/or curtailing their capacity and authority to 'organise, to operate, to have a legitimate voice, to protest and to dissent' (Hayes et al. 2017). The state adopted and used regressive policies and legislation, such as the revised Foreign Donations Act 2016, the CSA, and the National Information and Communication Technology (ICT) Policy, to restrict dissent. This limited the scope for freedom of expression and activism for social movements. The regime also tightened its political grip over civil society groups and various business associations, muting critical voices.

> **"With a shrinking democratic space and less threat of alternative electoral champions, the state has become less responsive to gender justice demands...**

With a shrinking democratic space and less threat of alternative electoral champions, the state has become less responsive to gender justice demands, shrinking the space for negotiations and the bargaining capacities of gender justice actors to push forward their agendas (Sultan and Mahpara 2023). Under this context, there have been some recent policy shifts that have eroded and affected women's rights. These include restrictions on NGO activity, restrictions on the media, regressive amendments to laws on violence against women, restrictive legislation being proposed for data security, and reducing the autonomy of the judiciary, which will be discussed below (Riaz 2024).

Various legislation and practices have limited the scope for freedom of action and expression, such as the revised Foreign Donations Act 2016, which has increased government control over NGOs receiving foreign funding. Although the regulations have not changed in the last five years, their implementation has become stricter, with organisations working on democracy and human rights being targeted. In the pre-national 2024 election period, several rights-based organisations had clearance for project funding stalled and were verbally instructed to limit their programmatic activities.

The ICT Policy and the DSA/CSA placed curbs on social media and any criticism of the ruling party. The National ICT Policy has acted as a barrier to suppressing opinions expressed online. Section 57 of the ICT Act punishes citizens for posting defamatory opinions and information on digital platforms that can hurt political and religious sentiments. With increased surveillance of the media, content and opinions are being filtered, and in many cases, tracked and regulated. Bangladesh's media ranking in the Press Freedom Index dropped to 163rd out of 180 countries in 2023 (The Daily Star 2023a). While the DSA was ostensibly created to protect internet users (especially

women) from cybercrimes it has been used differently. Backlash actors are quick to invoke the DSA against online posts considered as hurting religious sentiment.

With the increased use of the internet and social media, data privacy has become an issue of serious concern. The Government of Bangladesh is set to enact a Personal Data Protection Act (PDPA), with the aim of protecting personal data. Human rights groups and activists have expressed concerns about this Act.

As mentioned in section 2, the role of the courts and judiciary has been curtailed by the executive, as part of the strengthening of executive power. As shown above, there is a greater centralisation of executive power. De-democratisation and authoritarian tendencies have resulted in a shrinking of civic and political space. With restrictions on the media and greater control over data and the online sphere, the scope for gender justice activism and voice has become increasingly constrained. It is within this context that we will be analysing the policy cases of OGBV, HFLR, and DVPPA implementation. We will now briefly present the background of these policy cases.

4 BACKGROUND ON POLICY AREAS

4.1 ONLINE GENDER-BASED VIOLENCE

Gender-based violence refers to harmful acts directed at individuals based on their gender. Women, girls, and gender-diverse people face high levels of violence not only in the physical sphere but also online. Observing the gendered nature of this offence, UN Women in 2017 described cyber violence or cyber abuse,[2] including hate speech, public shaming, spamming, hacking and identity theft, cyberstalking, surveillance tracking, malicious distribution of illegal material such as recordings of rape, "revenge porn", "morphing" (the manipulation of a person's image, often onto a different body), making threats or sending obscene emails or text messages, including threats to inflict physical harm, sexual assault, or to kill, as well as efforts to instigate suicide (convincing or compelling a person to end their life) (Bangladesh Legal Aid and Services Trust [BLAST] and BRAC James P Grant School of Public Health [JPGSPH] 2017).

Technological advancements have made internet access more widespread, affordable, and faster, reaching larger segments of the Bangladeshi population across socioeconomic classes and remote areas. As of December 2023, Bangladesh had 60 million Facebook users, representing 34.1 per cent of the total population, with a majority being men (BTRC 2021). This increased connectivity has facilitated greater online presence and activism but has also led to heightened government surveillance and censorship, creating a dynamic tension between freedom of expression and state control. In 2018, the Government of Bangladesh adopted the DSA to regulate digital space. The main objective of this law was to restrict freedom of expression. The government has been using the DSA against its critics since the law was adopted. Several people have been arrested under the DSA for criticising the government, including Shafiqul Islam Kajol, Ahmed Kabir Kishore, Khadijatul Kobra, and Shamsuzzaman Shams (The Business Standard 2023). While the DSA does not seem to have been used yet against any activist or citizen protest or anyone carrying out online violence, the DSA is a form of backlash by the state against anyone who dares to criticise the government.

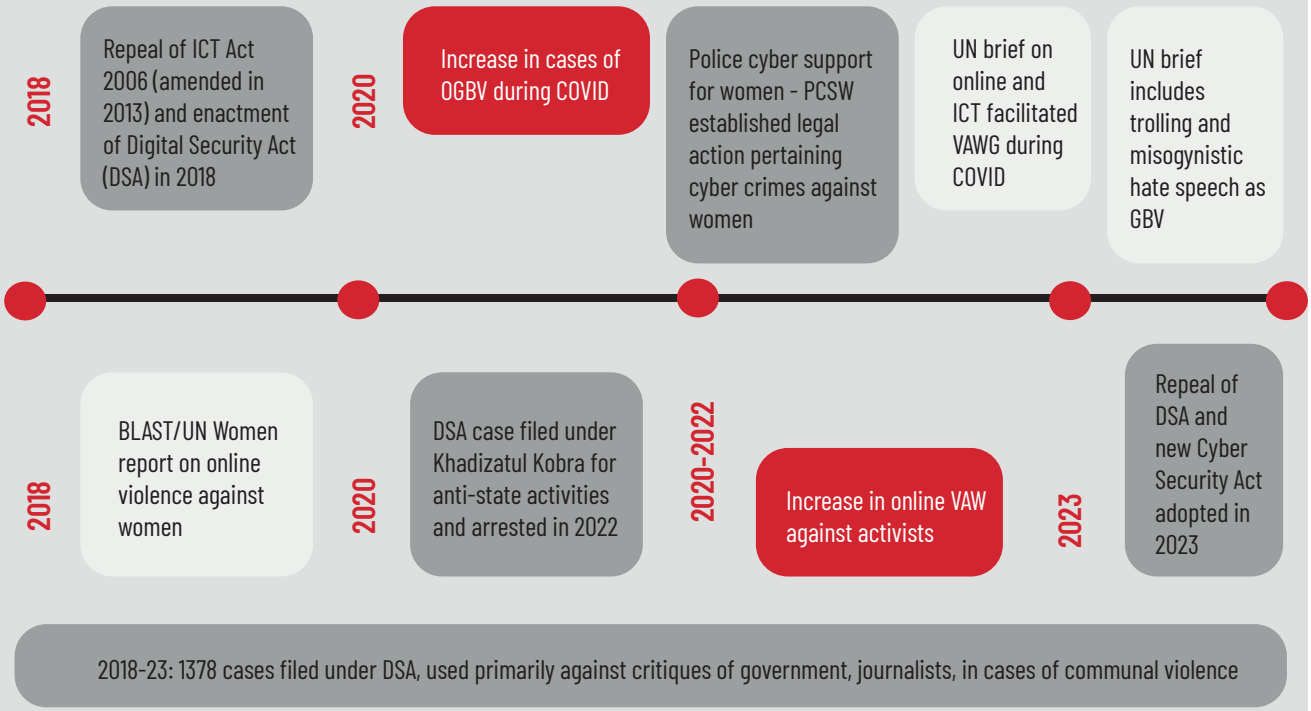
Before the 12th national parliamentary election in January 2024, the decision was taken to replace the controversial DSA with a new 'Cyber Security Act' (CSA). The government announced this new law without consulting any stakeholders and provided 14 days to comment on the draft law. However, most of the comments from civil society actors such as Transparency International Bangladesh (TIB) and BLAST were unaddressed. The bill was passed in September 2023. While it has reduced sentencing for a few crimes, the provisions of the DSA pertaining to state security and restriction of freedom of expression remain intact, which has been termed as 'old wine in a new bottle' (The Daily Star 2023b).

Contestation against the laws is taking place in the policy, civic, and popular space by different actors. In the policy space, it is mostly organisations advocating for either reform or repeal of the CSA, such as TIB, BLAST, and legal activists. There has been a great deal of activity in the policy space around the revision of the DSA into the CSA, with human rights groups and activists criticising the laws for aiming to curtail freedom of speech and expression. On the other hand, gender justice activists are more involved in contesting in the civic and popular spaces. They are vocal about gender justice and OGBV, organising physical protest events and campaigning on different topics online. They also use online space (which is both a civic and popular space) for awareness, organising, and mobilising support. Figure 4.1 provides a timeline of the movement between 2018 and 2023.

> **"...increased connectivity has facilitated greater online presence and activism but has also led to heightened government surveillance and censorship..."**

[2] There are a few alternative terms used by practitioners and human rights defenders to define or identify OGBV, including 'technology-facilitated gender-based violence'.

Figure 4.1 Timeline OGBV Case 2018-23



Source: Authors' own

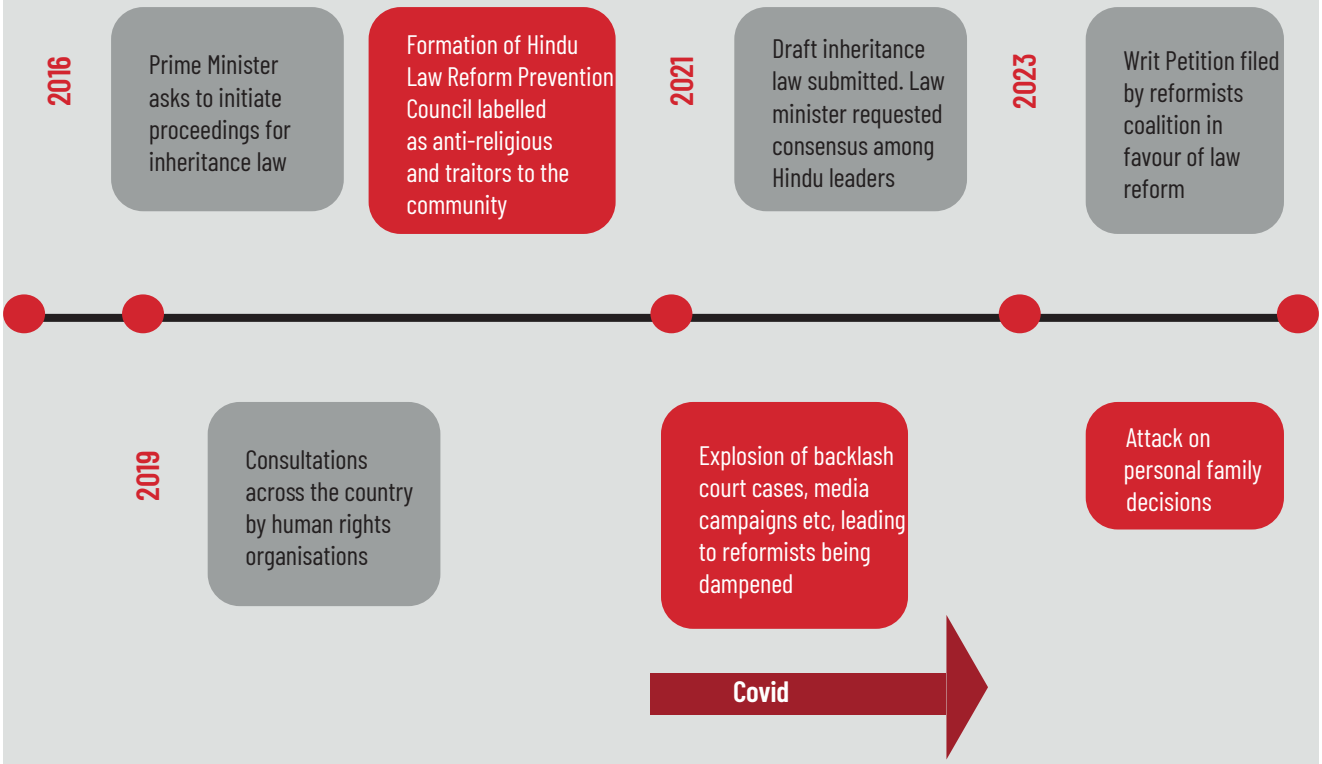
4.2 HINDU FAMILY LAW REFORM

As Bangladesh is a Muslim-majority country, efforts have focused on reforming Muslim Family Law, while Hindu Family Law has been left largely untouched, retaining many gender-discriminatory clauses. WROs and NGOs like Ain o Salish Kendra (ASK) and BRAC have recognised through their legal education programmes that Hindu women are not benefiting from the same legal rights as Muslim women in terms of marriage, divorce, and inheritance. These organisations have prepared periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by the Bangladesh government, highlighting issues of discrimination in family law. In 2009, a coalition called the Hindu Bibaho Ain Pronoyone Nagorik Uddog (Citizens' Initiative for Formulation of the Hindu Marriage Law) was formed to advocate for Hindu marriage reform. The same alliance is now working to reform Hindu Family Law under the banner of the Citizens' Initiative on Hindu Law Reform Coalition. In addition, Bangladesh Hindu Bouddha Christian Mahila Oikya Parishad, the women's wing of the Bangladesh Hindu Bouddha Christian Oikya Parishad, has demanded reform of Hindu Family Law. Another pro-reform organisation is the Bangladesh Hindu Ain Shongskar Parishad (Bangladesh Hindu Law Reform Council), which grew out of online discussions in reaction to various debates for and against Hindu law reform.

The Citizens Initiative had previously prepared proposals for reforming family law but had only managed to achieve voluntary registration of marriages, which was legislated in 2012. In 2016, in response to a proposal by the PM to provide equal rights in marriage to Hindu women, the coalition regrouped and began consultations and meetings to draft a new law. This effort faced significant backlash. Reformers were subjected to personal attacks (questioning the Hindu identity of the reformers and their personal benefits associated with the reform), stigmatisation, and vilification, mostly in online spaces and print media. The opposition also used legal cases to harass and intimidate the reformers. Several cases have been filed by the opposition against the reformers over the last several years for allegedly hurting the religious sentiments of the minority Hindu community. There have been threats and instances of physical violence, including the physical disruption of meetings and manhandling of speakers.

Opposition has come from several fronts. The Hindu Bouddha Christian Oikya Parishad, one of the influential traditional community representatives, continued their earlier resistance to family law reform, and new groups were also formed. In 2019, a

Figure 4.2 Timeline HFLR (Inheritance Law) Case 2016-23



Source: Authors' own

platform of 20 Hindu community groups, under the banner of the Hindu Paribarik Ain Poribartan Protirodh Committee (Committee Against the Changing of Hindu Family Law), protested rights activists' demands to reform the existing family law and ensure equal property rights for women. The National Hindu Grand Alliance (Mohajote) is another active opposition actor. The state has been reluctant to take a proactive role, citing the need to avoid hurting religious sentiments. Anisul Huq, the then Law Minister, and Sheikh Hasina, the then PM of Bangladesh, were both receptive to the initiative but ultimately chose to wait for a consensus within the Hindu community. When matters seemed to reach a stalemate, the women's coalition decided to file a public interest litigation (PIL) in 2023, demanding to know why the state would not grant Hindu women equal rights in marriage based on the principles of equality in the constitution and international human rights conventions like CEDAW.

The contestations over HFLR are taking place not only in the policy space through the submission of the Hindu Inheritance Act 2020 to the Ministry of Law by the reform coalition and through the filing of the PIL, but also on social and mainstream media, and at the community and family levels, where debates about marriage, divorce, property division, and inheritance take place. Both support and opposition emphasise community-level engagement, forming grassroots-level committees for their organisations. The timeline of the movement is illustrated in Figure 4.2 above.

4.3 DVPPA

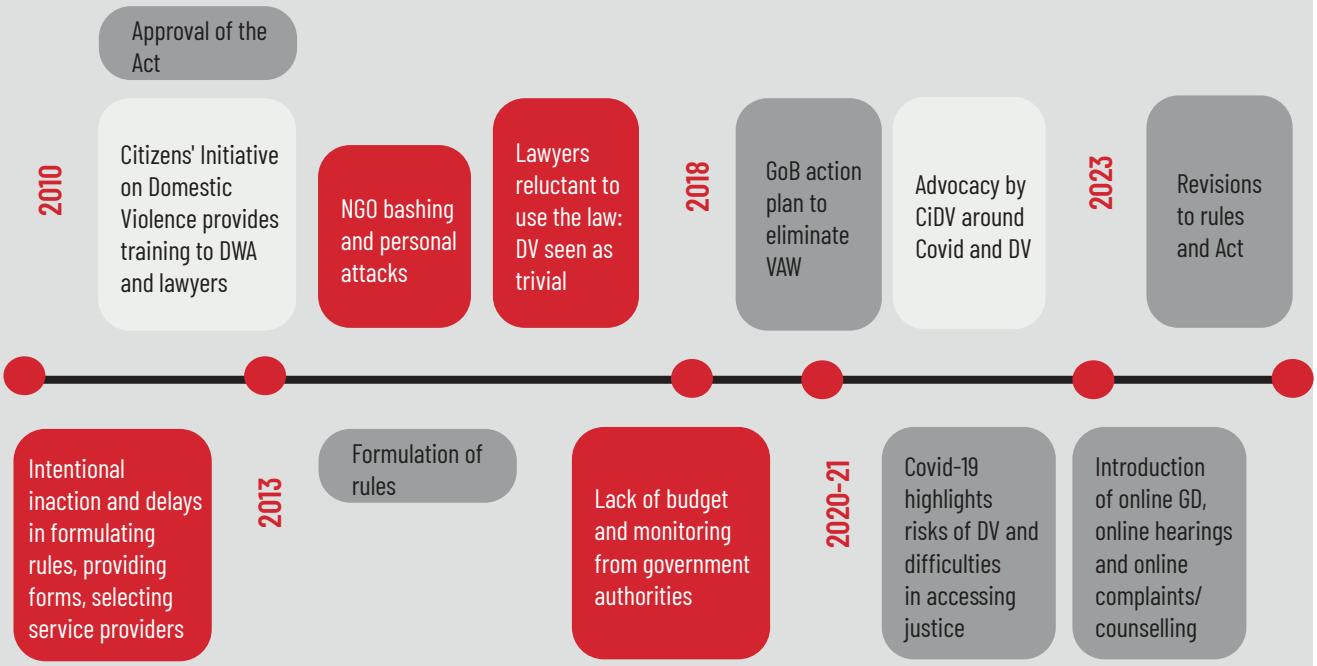
The DVPPA was passed in 2010. However, 14 years after its adoption, implementation of the Act is still hampered by numerous barriers. According to the DVPPA 2010 and the 2013 rules, the responsibility for implementing the Act has been assigned to the police, enforcement officers (Department of Women Affairs [DWA]), legal aid providers, lawyers, medical service providers, and shelter homes. Our research found that the implementing agencies were mostly unaware of their roles and responsibilities under the Act or were disinterested in the issue of domestic violence. Overall, the role of the Ministry of Women and Children's Affairs (MoWCA) in implementation has been unsatisfactory, with no follow-up and very weak monitoring.

The implementation of the DVPPA 2010 has faced backlash in the form of deliberate inaction, disinterest, deprioritisation, and delegitimisation/disqualification (Flood et al. 2018; Lombardo and Mergaert 2013) by the authorities responsible for its execution. There is a refusal to acknowledge or accept domestic violence as a human rights violation that must be taken as seriously as any other rights violation. Women and their complaints of domestic violence are stigmatised, stereotypes of women being responsible for violence against women are used (victim blaming), and the experience of domestic violence itself is trivialised and not considered worthy of the time and attention

of lawyers, magistrates, and law enforcement authorities. The gender norms that normalise and deprioritise women's experiences of violence influence both those seeking justice and those responsible for providing redress.

As the state has become less responsive to civil society's demands, the strategic partnership that was developed during the Act's adoption between the state and CiDV activists is no longer effective at the implementation level. With the present emphasis on implementation, contestations are taking place in lawyers' chambers, offices of DWA officials, police stations, and legal service NGO offices. With existing socio-cultural norms and domestic violence continuing to be viewed as a personal matter and less important than "real crimes", it is still seen as an issue to be resolved informally, between the couple, and without government intervention for redress.

Figure 4.3 Timeline DVPPA Case 2010-23



Source: Authors' own

5 HOW BACKLASH IS MANIFESTING

In this section, we will review how backlash manifests itself across the three cases, what is being contested, by whom, the form the backlash takes, the spaces it is carried out in, the strategies and allies of the opponents, and the contextual shifts of which they have taken advantage.

5.1 WHAT IS BEING CONTESTED

In exploring the manifestation of backlash across the three cases, a central theme emerges: the contested nature and delegitimisation of these issues. Backlash is evident in the vigorous contestation of fundamental rights and principles. Whether it is the dismissal of online violence, Hindu women's rights in marriage and inheritance, or the neglect of domestic violence, backlash actors perpetuate entrenched narratives that uphold traditional power structures and discriminate against women and other gender identities.

In the case of OGBV, backlash actors resist granting women and girls the right to express themselves freely, advocating instead for adherence to morality, social norms, and religious precepts. This constrains women and girls within predefined gender and sexual roles and expectations. Any deviance is met with censure, threats, and attacks. That these responses are forms of violence is not acknowledged or given legitimacy. This sentiment permeates discussions on OGBV, where dissenting voices downplay its significance and dismiss it as a lesser issue compared to concerns about political freedom of expression and religious criticism. For a long time, older feminist organisations also did not recognise online violence as being as serious as physical violence, and it is only in recent years that this acknowledgement has emerged.

> *Those who work on feminist movements in the development sector for a very long time, I think most of them have limited knowledge on cyber technology. I think they don't understand the importance of the crime, especially the old organisations.* (Interview with online gender activist 2, 8 October 2023)

In the case of HFLR, contestations revolve around interpretations of inheritance rights and the right to divorce for Hindu women. Proponents of reform argue for constitutional equality and gender rights, while opponents assert the sufficiency of existing religious-based laws and warn against potential consequences such as increased abduction of Hindu women by Muslim men if they are allowed to inherit property.

> *Those who think from the societal perspective, are saying that if Hindu daughters get property, they will fall into the trap of "Love Jihad". Their [Muslims who create the "Love Jihad" trap] main target is property. Their target is property. They are powerful and will claim their wife's property by force. I will say that the girl will not get property. They will say that she will. They have more force and I cannot stop them. Ultimately they will say that Hindus cannot stay here and will leave the country.* (Interview with strong opposition respondent B, 3 March 2023)

The contestation is further fuelled by historical injustices against the Hindu community and communal tensions with the Muslim majority, with opposition voices framing reform as an encroachment on cultural identity and a threat to minority rights.

In the context of DVPPA, the contested issue lies in the recognition and response to domestic violence as a violation of rights. Despite legal acknowledgement, domestic violence is often trivialised and neglected as a private matter, reflecting entrenched attitudes towards gender and domestic life. The contestation here centres on the rights of women to bodily integrity and protection from violence, with systemic barriers hindering access to justice and support services.

“Those who think from the societal perspective, are saying that if Hindu daughters get property they will fall into the trap of "Love Jihad". Their [Muslims who create the "Love Jihad" trap] main target is property...

[3] “Feminism is Cancer” is a Facebook group consisting of men who oppose feminism, women's rights, gender diverse populations, and lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA) issues. They launch online threats, attacks, and doxing attempts on women and gender justice activists.

5.2 MAIN OPPOSITION ACTORS

Across the three cases, oppositional actors exhibit both similarities and differences in their identity, coherence, and tactics, influencing the dynamics of the debates. In the case of OGBV, opposition is sometimes amorphous, initially stemming from individuals making sporadic comments on social media platforms, reflecting diffused dissent. Depending on the issue and context, different population groups are ignited. However, organised groups like "Feminism is Cancer"[3] have emerged, marking a shift towards more coherent opposition, with collective voices weaponising decontextualised social and religious narratives against feminism and women's rights. This opposition predominantly operates in online spaces, utilising social media platforms to disseminate their narratives and target activists. Oppositional actors can be male or female, educated or non-educated, rural or urban, institutional or individual, but with a noticeable shift towards a younger demographic.

In the case of HFLR, public opposition is mobilised through Hindu organisations such as the Bangladesh National Hindu Grand Alliance, which plays a significant role in mobilising opposition against reform efforts, framing them as threats to Hindu cultural identity and traditional practices. The opposition here operates through various means, including public demonstrations and press statements, with both women and men in leadership as well as in membership. This is supplemented by opposition at the family level from male family members opposed to equal inheritance rights.

In contrast, in the DVPPA case, opposition manifests within institutional bodies responsible for delivering remedies, such as magistrates, lawyers, and health services. Their neglect of domestic violence issues reflects systemic barriers hindering access to justice and protection for survivors, contrasting with the more overt forms of opposition observed in the other cases. However, there is also trivialisation of domestic violence even among family members, community members, and allies of women's organisations.

Despite these differences, there are also notable similarities across the cases. In all cases, oppositional actors are diverse but their objectives are similar, resisting granting women and girls the right to express themselves freely, instead advocating for adherence to morality, social norms, and/or religious precepts (in the case of HFLR). But while oppositional actors in OGBV, HFLR, and DVPPA share common themes of resistance to women's rights and gender justice, the specific actors and contexts vary, highlighting the complex interplay of societal attitudes, political ideologies, and institutional dynamics shaping these debates.

"I find it offensive when police officers of other divisions say that women would not have been harassed if they were a bit careful..."

5.3 FORMS OF BACKLASH FACED IN POLICY AREAS

A prevalent form of backlash against OGBV is denial, where the severity and reality of online violence are downplayed or dismissed, often attributing blame to victims for not being cautious enough.

> *I find it offensive when police officers of other divisions say that women would not have been harassed if they were a bit careful. They want us to only raise awareness, but it is not only about that. This perception about why women are harassed needs to change.*
> (Interview with law enforcement official, 4 December 2023).

This denial extends even to some gender justice activists, reflecting a generational divide in recognising the significance of online harassment. Name-calling, slut-shaming, and character assassination are common tactics employed by oppositional actors to discredit and silence activists. Among all the labels, the term "prostitute" is most widely used. Moral policing is another strategy, with religious reasoning used to justify criticism of women's clothing choices and lifestyles.

Legally, the CSA serves as a form of backlash by the state against dissenting voices, enabling the suppression of free speech under the guise of protecting religious sentiments and national values. The CSA's vague provisions can be interpreted subjectively, allowing for the criminalisation of speech critical of the government or religious norms. Moreover, legal cases are filed against activists and reformers to hinder their advocacy efforts.

> *It [CSA] might be used against us, which is a weapon of the government. How? When we talked to revoke this, they said if this Act doesn't exist, there are instances of gender-based violence, pornography, cyber stalking, malware, different forms of harassment against women, how do we deal with this? They have used it as justification against us that this should not be revoked.*
> (Interview with legal practitioner 1, 14 December 2023)

Across these policy areas, similarities emerge in the tactics employed by oppositional actors, including delegitimisation, vilification, stigmatisation, and moral policing.

Opposition to HFLR manifests through various forms of stigmatisation and delegitimisation. Proponents of reform are vilified as lacking strong family foundations or being influenced by external agendas, such as Christian donor-funded missions. Women advocating for reform are targeted based on their marital history and attire, while men supporting reform are accused of being motivated by self-interest or government incentives. As stated by one of them 'But yes the others do attack personally. They abuse verbally. They also threaten to kidnap us' (Interview with Citizen's Initiative respondents E and F, 28 February 2023). Another reform activist mentioned:

> *They tell the women who join us 'don't protest, don't go with those other women, they are bad (nosto). Especially me, the women I brought out, those who spoke out in meetings and seminars, they would take photos of them and print them in papers and say whatever they wanted. The women who spoke out were harassed online and received criticism. Both on-line and in print. We have to face this.*
> (Interview with pro-reform ally 2, 5 March 2023)

The opposition frames the issue as a threat to Hindu cultural identity and tradition, using religious authority and scripture to justify their stance. The framing of Hindu women as vulnerable to "Love Jihad" reinforces narratives of victimisation of the Hindu community and underscores fears of demographic change and loss of cultural heritage.

In the case of DVPPA, backlash takes the form of deliberate inaction and neglect by institutional bodies responsible for providing remedies and protection to survivors. Service providers, including the judiciary and law enforcement agencies, often fail to implement provisions of the law effectively, perpetuating social norms and ideologies that prioritise family unity over women's rights. Domestic violence is trivialised, women victims of domestic violence are stigmatised, and the law itself is discredited as an "NGO law" (in a context where government agencies look down on NGO interventions).

Across these policy areas, similarities emerge in the tactics employed by oppositional actors, including delegitimisation, vilification, stigmatisation, and moral policing. However, the specific contexts and discourses vary, reflecting the complexities of gender dynamics, religious ideologies, and state interventions. While OGBV and domestic violence are denied and delegitimised as forms of violence, the victims are subject to character assassination and stigmatisation. On the other hand, HFLR contends with the dynamics of a minority community feeling victimised and vulnerable to the loss of their culture, land, and women. While DVPPA confronts institutionalised forms of neglect and inaction within service agencies, in the case of OGBV, the institutional measures themselves (enactment of the DSA and then CSA and their enforcement) are seen as forms of backlash by the state against the online freedom of expression.

5.4 FORMS OF 'VOICE' TAKEN BY OPPOSITION ACTORS

In the case of OGBV, the voice of opposition actors ranges from individual acts of hate speech to organised campaigns driven by conservative religious ideologies. While many of these opposition actors operate as individuals, there is evidence to suggest that they are influenced by conservative narratives regarding gender roles and women's rights. Their comments often reflect themes commonly found in conservative religious sermons, indicating a collective orientation shaped by popular perceptions of gender. A gender justice activist described it as, 'they sound like they all heard the same conservative religious sermons (*waaz*), which often insult women's choices, or are part of some organised system' (Interview with gender justice activist 1, 25 August 2023). Moreover, oppositional voices can manifest themselves both continuously, through everyday misogyny resisting feminist dissent, and sporadically, triggered by specific content or events. On the legal front, the opposition to addressing OGBV is reinforced using legal mechanisms such as the CSA, which serves as a source of fear for activists and reformers.

In the context of HFLR, oppositional voices are primarily organised through large, religion-based CSOs such as Oikya Parishad and Mohajote. These groups wield power both overtly, as representatives of the community, and through their large membership and support networks. Their opposition to reform efforts is framed as protecting minority interests and resisting external influences on religious and cultural traditions. Legal strategies, such as filing cases against individual reformists, are employed to delay or obstruct reform, with efforts to delegitimise the reform process by labelling it as non-serious or illegitimate. They have also tried to discredit the women's rights reform group, Hindu Bibaho Ain Pronoyone Nagorik Uddog, as being made up of "NGO women" and therefore not representative of the community.

In the case of DVPPA, oppositional voices are heard through victim-blaming narratives perpetuated by lawyers and magistrates dealing with domestic violence cases. Women are often blamed for bringing violence upon themselves or accused of fabricating allegations to seek divorce and compensation. The framing of domestic violence as a trivial matter undermines the seriousness of the issue and contributes to delays and inaction in addressing complaints. Moreover, labelling the DVPPA as an "NGO Act" further diminishes its credibility and effectiveness in the eyes of legal practitioners and policymakers. In the present context of vilification of NGO activities by the government, it means that it is a "non-serious act" formulated by non-professionals, without the validity and legitimacy of being fully owned by the government (Sultan and Mahpara 2023).

5.5 SPACES IN WHICH OPPOSITION ACTORS ARE MOST ACTIVE

Opposition actors involved in OGBV are active in policy, civic, and popular spaces. There is a lack of streamlined approaches from the government and state actors to address OGBV effectively. Laws and practices surrounding OGBV often marginalise women and gender justice activists. Despite civil society actors being invited to provide input, their fundamental critiques are often disregarded by the government. In the civic sphere, opposition actors mobilise both online and offline to suppress the voices of gender justice activists, even within groups traditionally assumed to be allies, such as left-wing student groups. The popular space, comprising both online and offline platforms, sees the dissemination of decontextualised religious and social narratives that contribute to the perpetuation of OGBV (Mahpara et al. 2022).

Opposition actors to HFLR also operate in policy, civic, and public spaces. Legal strategies, such as filing cases against reformers and NGO personnel, are used to impede reform efforts. Additionally, public demonstrations and protests are organised to exert pressure on policymakers. They are active on social media as well as in mainstream media, such as TV talk shows. There is a strong use of religious references and the use of cultural and religious spaces of the Hindu community (e.g. pujas, i.e., religious festivals) to disseminate their views.

Concerning DVPPA, opposition actors are active in institutional, community, and family spaces. Institutional spaces like courts, police stations, and hospitals resist addressing domestic violence seriously. In public spaces, community groups, locally elected representatives, and influential figures contribute to the normalisation of domestic violence. At the family level, there is a lack of acknowledgement of domestic violence as a significant issue (Sultan and Mahpara 2023).

> *Alternative options should have been suggested as these are family matters. 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. If the matter should stay within the family, then I do not think it is rational to bring the matter to the court of a first-class magistrate.*
> (Group discussion with magistrates, 25 August 2022)

5.6 BACKLASH STRATEGIES USED BY OPPOSITION ACTORS

Across OGBV, HFLR, and DVPPA, opposition actors use a range of strategies beyond discourse to resist reforms and maintain the status quo. Whether through legal threats, online or physical harassment, funding restrictions, or institutional influence, these actors seek to block various efforts at change and reform and preserve existing power dynamics.

One government strategy is the use of fake consultations or performative engagement. The government may announce consultation periods or invite input from stakeholders, but these efforts often lack genuine consideration or follow-up, serving more as a facade of inclusivity rather than meaningful engagement. Legal experts have recounted instances where their input was solicited but ultimately disregarded, allowing the government to claim consultation without meaningful action. 'Discussion with me was part of a safeguard to show that some kind of discussion is ongoing. That we have been working on it. He used me apparently' (Interview with legal practitioner 1, 14 December 2023).

Another tactic used by opposition actors is the threat of legal action under the DSA or CSA. Activists speaking out against government policies or advocating for justice have reported receiving threats of DSA/CSA cases being filed against them. The fear of facing legal repercussions stifles dissent and forces activists to self-censor or adopt more cautious approaches to advocacy.

Furthermore, attacks online are employed to silence activists and remove them from digital spaces. Opposition actors use tactics such as mass reporting of social media accounts or deploying bots to flood activists' online platforms with spam or objectionable content. By disrupting their online presence, activists are hindered in their efforts to mobilise support and raise awareness about critical issues. 'They spammed us

with bots, with fake Facebook IDs. Recently, they reported my account so many times that it got disabled' (Interview with gender justice activist 2, 8 October 2023).

Additionally, funding restrictions are imposed on organisations critical of government policies or advocating for human rights. NGOs reliant on foreign funding, such as BLAST and TIB, face challenges as their funding is restricted or scrutinised by government authorities. This restricts their ability to operate effectively and undermines their advocacy efforts.

Regarding HFLR, opposition actors primarily use their institutional power and influence to impede progress. Religious-based CSOs leverage their status as representatives of the community to justify their opposition to law reform. They mobilise support at various levels to resist reforms perceived as challenging traditional norms or religious ideologies.

In the context of DVPPA, legal stakeholders attempt to discredit the Act by finding fault with its provisions or shifting responsibility to other agencies, stating that the rules of business are unclear, DWA or service providers do not fulfil their responsibilities, etc. Judicial magistrates interviewed mentioned a delay in selecting or the lack of designated service organisations as a reason for the lack of implementation of the DVPPA (group discussion with judicial magistrates). Another judge in the same discussion felt that one of the reasons for the failure of the Act was the 'failure of the service'. This undermines efforts to enforce the law and provide adequate protection to victims of domestic violence.

5.7 ALLIANCES AND THEIR RELATIONSHIP TO STRUCTURES OF POWER

In the case of OGBV, opposition actors often operate without direct ties to formal structures of power. While organised groups like "Feminism is Cancer" or conservative individuals perpetrate harassment and violence in online spaces, there is a lack of information on from where the organised backlash actors are receiving support. When victims seek legal recourse, they encounter barriers such as police unfamiliarity with online complaints and difficulties in providing evidence of abuse. When the DSA/CSA is used in the interests of the state (or to protect the interests of the state), intelligence agencies, law enforcement agencies, and the judiciary are used to serve these interests.

The former ruling party in Bangladesh, the AL, shared close political ties with India's Bharatiya Janata Party (BJP). Policies

> **"The wider society's reluctance to recognise women's rights to bodily integrity and freedom from violence reinforces support for oppositional views, perpetuating norms that prioritise marriage and obedience to tradition...**

restricting civil society, such as increased regulations on foreign funding, have been mirrored in Bangladesh after Indian models. The DSA and Personal Data Protection Act (PDPA) draw inspiration from Indian legislation, indicating a policy alignment between the two countries. The AL, historically viewing itself as a defender of minority rights and secularism, sought to maintain support from minority communities, including the Hindu minority. While it avoided antagonising conservative elements within these communities, it also faced pressure to fulfil promises made to them, such as returning expropriated land and establishing minority protection measures.

The HFLR opposition includes influential figures who hold positions of authority and respect within society and had close ties with the AL government. These figures, often representing conservative interests, wield significant influence in shaping policy and public opinion. The wider society's reluctance to recognise women's rights to bodily integrity and freedom from violence reinforces support for oppositional views, perpetuating norms that prioritise marriage and obedience to tradition and male guardians over women's well-being.

Similarly, in the context of DVPPA, societal norms play a crucial role in shaping attitudes towards gender-based violence. The prevailing belief in the primacy of marriage and women's obedience to their husbands perpetuates support for opposition actors who seek to maintain traditional power structures. The lack of viable alternatives for women, including shelter and livelihood options, further reinforces adherence to these social norms, compelling women to return to abusive relationships despite the risks to their well-being (Sultan et al. 2022).

Overall, opposition actors across HFLR and DVPPA benefit from societal norms and alliances with influential figures who are part of traditional power structures (Sultan et al. 2022). Their resistance to reforms aligns with broader societal attitudes, posing challenges to efforts aimed at advancing gender equality and addressing violence against women. In the case of OGBV, the executive branch of government itself makes use of the CSA for surveillance and control of dissent (Riaz 2024).

5.8 CONTEXTUAL SHIFTS OPPOSITION ACTORS ARE ABLE TO LEVERAGE

Contextual shifts have profoundly influenced the landscape in the case of OGBV. The political situation in Bangladesh, characterised by a lack of a functioning democracy, has enabled the ruling party to enact laws such as the DSA based on its interests without significant opposition. This trend is exemplified by the introduction of the DSA before the 2019 elections and the approval of the CSA before the 2024 elections, solidifying an autocratic framework. However, criticism from human rights bodies and the UN regarding Bangladesh's surveillance-centric laws and approach to cyber security has added international pressure. During the Universal Periodic Review (UPR) presented to the UN Human Rights Council in Geneva in November 2023, concerns about government surveillance and restrictions on freedom of expression were raised, highlighting the need for greater accountability and respect for human rights in digital spaces (Riti 2023).

With regards to HFLR, contextual shifts include influences from neighbouring India's Hindu nationalist movement, which has strengthened the Hindu identity in Bangladesh. The ruling party, AL, has traditionally positioned itself as a defender of minority rights, but promises made to the Hindu community, such as land restitution and the establishment of a Minority Protection Act, remain unfulfilled. Additionally, anti-NGO sentiments and a declining Hindu population further make the context for HFLR advocacy efforts more challenging.

Similarly, for the DVPPA, the absence of a functioning multiparty democracy reduces advocates' leverage. Delegitimisation of NGO activities and challenges to gender norms hinder policy implementation efforts. In this context, the government's alignment with prevailing gender norms and elite interests poses significant barriers to DVPPA advocacy.

6 COUNTERING BACKLASH

In this section, we will review the counter-backlash actors, the key framing strategies they use to counter the claims made by backlash actors (or reclaim their positions), other strategies employed, their main allies and the tensions within these alliances, the spaces they are active in, and how they have responded to contextual shifts.

6.1 THE NATURE OF THE FEMINIST COALITION OPERATING IN EACH POLICY AREA

Examining the nature and dynamics of feminist coalitions operating within various policy areas, particularly concerning issues such as OGBV and legislative reform, reveals both similarities and differences in their objectives, composition, strategies, and levels of engagement. This comparative analysis sheds light on the nuanced approaches taken by feminist alliances in addressing diverse challenges and advancing gender justice agendas.

In the case of online gender justice activism, multiple feminist coalitions and human rights/governance actors converge to address cyber security issues and combat OGBV. Different youth-led gender justice activists and organisations demonstrate a diverse and fluid landscape of civic engagements, operating both in civic and popular spaces. They leverage online platforms to mobilise support, raise awareness, and advocate for policy reforms in the digital sphere. Simultaneously, human rights and governance actors engage with data security and privacy issues within the broader context of civil rights advocacy.

The feminist coalitions in policy domains such as domestic violence prevention and Hindu family law reform illustrate a diversity of strategies and alliances within the women's movement. The CiDV exemplifies a collaborative platform comprising WROs, human rights groups, and NGOs advocating for legislative reforms and policy implementation. In contrast, the Citizens' Initiative on Hindu Law Reform has a narrower focus on specific legal reforms for the Hindu community, seeking to mobilise grassroots support and cooperate with other community bodies to bring about change, such as with the Mahila Hindu Bouddha Christian Oikya Parishad and the Bangladesh Hindu Law Reform Council.

> **"Feminist coalitions...emphasise OGBV as form of violence as real as physical violence, with consequences in terms of insecurity and mental health.**

While the CiDV prioritises engagement with government institutions and policy-making processes to enact and enforce domestic violence legislation, the HFLR coalitions adopt a multifaceted approach, combining legal advocacy, community outreach, and public awareness campaigns to advance HFLR. Moreover, the presence of organisations like the women's wing of the Bangladesh Hindu Bouddha Christian Oikya Parishad underscores the importance of intra-community collaboration and grassroots mobilisation in challenging traditional norms and power structures and promoting progressive reforms from within. 'As a social organisation, I have to go with society. I cannot go against society. I cannot break society. I have to build society' (Interview with pro-reform ally 2, 5 March 2023).

6.2 KEY FRAMING STRATEGIES USED BY FEMINIST COALITIONS IN MAKING COUNTER-CLAIMS

Across these policy areas, feminist coalitions employ framing strategies that prioritise rights-based narratives, intersectional perspectives, and strategic alliances. While the specific framing tactics vary depending on the context and objectives of each coalition, common themes emerge, including the importance of challenging dominant discourses, amplifying marginalised voices, and mobilising collective action. Moreover, coalitions demonstrate resilience and adaptability in responding to backlash and navigating complex socio-political landscapes. Their collective voice (Goetz and Musembi 2008) used in this strategic framing has an instrumental value in enabling them to reclaim discursive spaces (Lewin 2021) and advancing gender justice, social equality, and human rights (Goetz 2003).

Feminist coalitions engaged in online security and safety issues use social media platforms to humanise issues, highlighting individual experiences to evoke empathy and garner support. They emphasise OGBV as a form of violence as real as physical violence, with consequences in terms of insecurity and mental

> **Whether it is educating victims about their rights, raising awareness about the prevalence and impact of gender-based violence, or informing communities about legal protections, awareness-building plays a central role.**

health. Additionally, framing OGBV as a freedom of speech (or even "fascist") issue rather than solely a gender issue serves to broaden the discourse and mobilise broader support. While demanding freedom of speech, feminist activists use their individual as well as collective voice to frame strategies to challenge restrictive laws and societal norms (Goetz and Musembi 2008; Batliwala 2012). For instance, activists question the DSA's legitimacy, framing it as a tool of state security and repression rather than human security. They argue that it prioritises law and order maintenance over rights-based perspectives, particularly gender perspectives. This framing emphasises the need to reinterpret laws through a rights-based lens and challenge state-centric narratives.

Feminist coalitions use their voice to adopt framing strategies that centre on rights-based arguments and the experiences of marginalised groups (Goetz 2003). The use of this voice is performative with focus given on how their demands are framed (Goetz and Musembi 2008; Nazneen 2024) and how this influences discourse (Lewin 2021). For example, in advocating for reforms in Hindu Family Law, activists frame their demands in terms of women's rights within marriage, property rights, and inheritance. They highlight the economic and social suffering faced by women under existing laws and traditions, emphasising the need for legal recognition and equality. Moreover, activists leverage constitutional rights and universal human rights standards to legitimise their demands and challenge discriminatory practices. This framing strategy aims to build public support, compel government action, and promote systemic change.

Feminist coalitions advocating for the implementation of the DVPPA frame domestic violence as a human rights violation and a societal issue requiring systemic change. They collectively voice their demands by using media mobilisation to change norms and attitudes about domestic violence, building public opinion in favour of women's rights and developing alternative narratives to challenge gender stereotypes (Batliwala 2012; Lewin 2021; Nazneen and Hickey 2019). Framing strategies emphasise the need for social change, practitioners to have a better understanding of the law, victims to understand their rights, and governmental accountability. By linking the DVPPA to international conventions and constitutional rights, activists increase the legitimacy of their demands and mobilise support for policy reforms.

Common themes emerge in the framing strategies employed by feminist coalitions. Firstly, these include rights-based narratives. Across OGBV, DVPPA, and HFLR, feminist activists prioritise rights-based arguments to challenge systemic inequalities and advocate for policy reforms. Secondly, intersectional perspectives: coalitions recognise the intersectionality of gender-based violence, domestic violence, and family law reform, framing issues in ways that acknowledge the diverse experiences and needs of marginalised groups.

The efficacy of these narratives and framings are varied and not all are equally effective in countering backlash. This will be discussed below in section 7.3.

6.3 OTHER STRATEGIES DEPLOYED BY COALITIONS TO AMPLIFY THEIR VOICE

Although the OGBV, HFLR, and DVPPA cases use diverse approaches aimed at amplifying voices and addressing gender-based injustices, beyond discursive strategies, several commonalities emerge.

Advocacy for legal reforms is a common strategy in collectively voicing demands (Batliwala 2012) promoted more strongly in HFLR and DVPPA and by human rights and governance actors in the case of OGBV. All three cases involve advocacy efforts aimed at legal reforms or implementation. Whether it is challenging existing laws, demanding accountability for their enforcement, or seeking amendments to address gaps, legal advocacy is a common thread. This goes hand-in-hand with gathering documentary evidence, for instance in the DVPPA case information on the difficulties in implementing various laws and policies is collected. Organisations provide feedback to authorities on gaps in DVPPA implementation, demanding accountability (Batliwala 2012; Nazneen and Hickey 2019).

Another common strategy is creating awareness and providing education (Batliwala 2012). Whether it is educating victims about their rights, raising awareness about the prevalence and impact of gender-based violence, or informing communities about legal protections, awareness-building plays a central role. This includes media mobilisation to raise awareness (Gamson 1989), change public attitudes, and build momentum for policy reforms. Building capacity is a strategy employed across the cases, for example campaigns and training sessions educate individuals on online safety and create the capacity to navigate digital spaces

securely. By training law enforcement officers, service providers, or community members, capacity building enhances response mechanisms and empowers stakeholders.

Networking and coalition building feature prominently in each case. By forming alliances with like-minded organisations, pooling resources, and amplifying voices collectively (Goetz and Musembi 2008), feminist coalitions increase their impact and legitimacy. Activists leverage strategic alliances with CSOs, legal practitioners, and government institutions to advance their agendas and mobilise support for policy reforms, resulting in the kinds of support needed for amplifying voice, and leading to contextual conditions which make their voices heard (Nazneen 2024). Networking includes forging international partnerships and engaging with international bodies, conventions, declarations, and conferences to amplify advocacy, draw attention to human rights violations, and build pressure for policy changes at global levels (Batliwala 2012). Leveraging global partnerships and international engagement enhances visibility and accountability.

In the case of OGBV, activist groups and individuals provide each other with digital support networks, offering advice and emotional assistance to victims of OGBV. There is a strategy of combining online and offline protests where activists use offline protests (e.g., "Rage Against Rape"[4]) to visibilise their demands, while preparing online to ensure participant safety.

In the case of the HFLR, a unique strategy is performative representation. Having Hindu, female NGO members as the face of the movement demonstrates to the Hindu community that the movement for change is being led by their own community. Although not extensively used by the NGO coalition, online platforms and talk shows are used to air their views. When other strategies seemed blocked, a writ petition was filed challenging the government to address discrimination and reform family law, utilising constitutional and human rights frameworks. The movement also challenges traditional and religious norms, with some activists openly questioning the legitimacy of traditional male leaders.

Having Hindu, female NGO members as the face of the movement demonstrates to the Hindu community that the movement for change is being led by their own community.

> *The state is not giving attention to some of our fundamental rights. The Bangladesh constitution says that women and men have equal legal rights (8:20). They (the Government) say, "Bring your Hindu leaders". Who has made them leaders? I don't recognise them [as leaders]. I think if 500 Hindu women are listed in Dhaka city, my name will be one of them. If these 500 women don't know [recognise] these leaders, then how can they claim to be leaders? Those leaders work for men. They will never do anything positive for women's equal rights to property, in my opinion.*
> (Interview with Citizen's Initiative respondent C, 18 February 2023)

In the case of the DVPPA, a strategy has been to build capacity and combine this with advocacy. Coalition members conduct training sessions with government officials, judicial officials, and lawyers, advocating for the implementation of DVPPA by engaging with legal stakeholders.

CiDV has also been able to use contemporary events to highlight and frame their cause as an important issue requiring an immediate response (Nazneen and Hickey 2019; Tarrow 2011; Tilly 1978). The Covid-19 pandemic was leveraged to highlight the urgency of domestic violence issues, with studies conducted to understand its impact. It was also used to highlight the difficulties women face in accessing justice and services. Although the law is not being implemented and is not understood, it is still seen as a means of bringing about social change, shifting norms and behaviours towards rejecting violence.

Activists demonstrate adaptability in responding to challenges such as backlash, generational tensions, and religious opposition, employing strategies like self-censorship and strategic invisibility to maintain safe spaces and mitigate risks.

6.4 MAIN ALLIANCES AND COMPROMISES MADE

In analysing the main alliances and compromises made in forging them across the three cases, several key themes emerge.

For OGBV, allies in human rights and governance spheres include legal activists focused on reforming the legal framework to prevent and redress OGBV, as well as international proponents of freedom of speech. One significant compromise involves reconciling differences in priorities among allied organisations. While some prioritise combating OGBV, others have broader agendas, such as civil rights or freedom of speech. Balancing

[4] "Rage against Rape" was a protest organised in front of the Parliament by Feminists Across Generations, a coalition of organisations, to express their solidarity to the victims of rape.

these diverse priorities often requires compromises on the focus and scope of advocacy efforts. Tensions and compromises also exist regarding intergenerational alliances. Younger activists seek better relations with older generation feminists, but differences in priorities and engagement strategies cause friction within the movement leading some actors to become inactive. For example, the older generation prioritise physical violence over online violence. Allies can become opposition depending on the issue at hand. For instance, left-wing student organisations, usually considered allies, may hesitate to participate in protests due to perceived threats or political considerations. This highlights the complexity of allyship dynamics and the fluidity of alliances based on contextual factors.

The HFLR case involves informal coordination and understanding among reform actors, including the Citizens' Initiative on Hindu Law Reform Coalition, Bangladesh Hindu Ain Shongskar Parishad, and Bangladesh Hindu Bouddha Christian Mahila Oikya Parishad. These coalitions demonstrate strength through unity and strategic alliances. However, differences in priorities and interests exist among organisations within the Citizens' Initiative on Hindu Law Reform Coalition. Secular organisations like Bangladesh Mahila Parishad (BMP) and Naripokkho have had to make conscious decisions to engage in issues affecting a specific religious community, highlighting the complexities of coalition-building. Compromises may be necessary in deciding leadership and representation within the alliance. Disagreements arose over whether public interest litigation should be led by Hindu organisations or rights-campaigning organisations, exemplifying negotiations over power and legitimacy within the reform movement (Nazneen 2024).

The CiDV brings together many organisations for the implementation of DVPPA. It has formed alliances with various stakeholders, both national and international, including the National Human Rights Commission, international development partners, and UN agencies. These alliances support efforts to implement and advocate for the DVPPA, contributing to broader awareness and action on domestic violence issues. Compromises are evident in strategic engagements with allies whose beliefs may not entirely align with the goals of WROs. For example, while BMP recognises differences in attitudes regarding domestic violence among district-level allies, they nonetheless strategically involve them to provide support to victims despite differing beliefs.

In conclusion, the cases of OGBV, DVPPA, and HFLR illustrate the diverse alliances and compromises inherent in advocacy and reform efforts. While allies contribute essential support and resources, compromises are often necessary to retain their support and to sustain the movement process and outcomes. It is about ensuring common goals by managing friction among movement actors. We have observed a process of navigating complex realities by the movement actors and their allies to achieve common goals amidst differing priorities and interests.

6.5 THE SPACES IN WHICH THE FEMINIST COALITION ARE ACTIVE

Across these movements, activists strategically engage in policy, civic, and popular spaces (Lewin 2021), each with distinct emphases and challenges.

In the OGBV case, younger online gender justice activists have had limited engagement in the policy space due to unfamiliarity with legal procedures and policy processes. However, recent collaborations, such as the Cyber Support for Women and Children Alliance, have enabled groups to leverage the support and expertise of organisations like BLAST, Naripokkho, and Mahila Parishad to engage in this area. Conversely, human rights groups focusing on online security and safety from a freedom of expression perspective are predominantly active in the policy space and have significant experience in engaging with the government to challenge and offer alternatives. Despite restrictions on free speech, there is active mobilisation both online and offline. Media platforms provide avenues for expression, with media associations advocating against threats to press freedom. In the popular and civic spaces, dynamic presences on social media and within physical protests like "Rage Against Rape" and "Shikol Bhangar Podojatra"[5] effectively challenge stereotypes and raise awareness.

CiDV has been consistently active in the policy space, engaging with the Ministry of Women's Affairs and officials and institutions under the Ministry of Law, Justice, and Parliamentary Affairs. Individual coalition members have closely engaged with implementation agencies such as law enforcement, courts, hospitals, and legal aid offices. The coalition has consistently fed back their experiences and documentation (through research) to the policy level. Training and orientation sessions have been provided to implementation agencies as well as panel lawyers dealing with domestic violence complaints.

[5] *Shekol Bhangar Podojatra*, or March to Break Shackles, was a torch procession organised on 14 October 2024 demanding an end to the normalisation of rape culture in Bangladesh and called for effective state policies to address the country's sexual violence crisis.

Various organisations pressed demands through consultations, webinars, and evidence presented to the state, ensuring that domestic violence was recognised and treated as a state emergency during the pandemic.

Engagement has also occurred in popular spaces using social media, television, and print media to create greater awareness of domestic violence, its forms, and its consequences. There is an increasing realisation that domestic violence can also occur in cyberspace and through digital means (Sultan et al. 2021). The Covid-19 pandemic led to the use of online complaints, online mediation, and advocacy to allow the use of virtual courts for cases of violence, although the latter was unsuccessful.

The pro-reform actors of HFLR are active in the civic space. The hopes and fears of both opponents and proponents of the reforms are nurtured and propagated in popular spaces, influencing policymakers, civil society, and ordinary families. Repercussions also occur at the family and personal levels, with individual members claiming rights from their brothers, husbands, and parents, facing either cooperation or resistance.

A respondent's account illustrates these challenges:

> *Both my parents were very progressive. My father built the house in such a way that the three of us siblings get equal shares. My father died suddenly. He didn't do any paperwork before dying. So I did not get any share legally. … Both my brothers, despite being progressive themselves, said, "What's the need to write it down? Ultimately, it is your and our children who will get it." They are not stopping me from going and staying there, but they are not giving me anything in writing [i.e. legally]. I might live and eat there, but I don't have the ownership.*
> (Interview with Citizen's Initiative respondent E, 28 February 2023)

There is a common strategy across the three cases of using policy spaces, with some actors being more experienced than others in doing so. Civic space and popular space engagement is common, but the constituencies where the engagement takes place differ for each issue. In essence, while each movement navigates policy, civic, and popular spaces, their approaches reflect the unique challenges and objectives of their respective causes.

6.6 RESPONDING AND CAPITALISING ON CONTEXTUAL SHIFTS

The movements have responded to contextual shifts in various ways, both capitalising on evolving opportunities while navigating increasing challenges.

In response to contextual shifts, the movement against OGBV has demonstrated adaptive strategies. Due to heightened aggression in online spaces and increased surveillance through the DSA/CSA, activists exercise caution and engage in self-censorship to evade state repression. Gender justice activists seek alternative strategies, such as leveraging social media platforms for awareness campaigns and adopting anonymous profiles to shield themselves from potential repercussions. It is crucial to note that both the DSA and the CSA were approved before national elections to assist the state in increasing its surveillance of opposition and dissent.

In the case of HFLR, no apparent shifts have taken place due to contextual changes. However, in the run-up to the 2024 national elections, various Hindu community groups emphasised previous political promises made by the AL to protect their interests and ensure their security. Reform actors responded to statements made by the PM which promised to consider their demands and asked them to bring proposals for her consideration. Backlash actors have reacted to the steps taken by the reform actors.

In the DVPPA case, the Covid-19 pandemic provided an opportunity to focus attention on domestic violence. CiDV members used the concept of the "shadow pandemic" (Batliwala 2012; Nazneen and Hickey 2019) to garner greater attention. Various organisations pressed demands through consultations, webinars, and evidence presented to the state, ensuring that domestic violence was recognised and treated as a state emergency during the pandemic. Discussions around Covid-19 and recent research showing that the DVPPA 2010 is not widely used (Sultan and Mahpara 2024) resulted in the MoWCA deciding to revise the Rules of Procedure. A committee was formed to work on this, including ASK and BMP, with the United Nations Population Fund (UNFPA) assisting the process. UNFPA shared a draft prepared with CiDV, who then interacted with the committee, suggesting revisions to both the law and its rules. This process is currently ongoing.

7 TRACING POWER AND VOICE IN BACKLASH-COUNTER BACKLASH DYNAMICS

In this section, we examine the broader picture of how backlash and counter-backlash dynamics play out in Bangladesh, providing a composite country-level analysis rather than a case-by-case review.

7.1 REFLECTIONS ON TEMPORALITY

Backlash and counter-backlash dynamics vary across different policy areas, influenced by the nature of the issues and the spaces where these dynamics unfold. As mentioned previously, debates in the literature contest whether backlash should be conceived as sudden, episodic ruptures or as continuous processes. Faludi (1991) and Mansbridge and Shames (2008) characterise backlash as time-bound and an extreme response to feminist gains, whilst other authors like Flood et al. (2018) and Lombardo and Mergaert (2013) classify backlash as subtle and continuous, manifesting as institutional inaction or delegitimisation.

Our analysis of the three policy cases reveals that backlash can be both continuous and episodic. The discrimination faced by Hindu women and the experiences of domestic violence victims represent a continuous process linked to social norms and institutional inaction (Flood et al. 2018; Lombardo and Mergaert 2013). For instance, in the HFLR case, backlash is neither strictly episodic nor continuous (Piscopo and Walsh 2020). As Chigateri and Kundu (2024: 106) argue, it is crucial to 'straddle these binaries and engage with backlash as both episodic and continuous' to understand it as cyclical and rooted in a 'long history ... of institutionalised discrimination' (Piscopo and Walsh 2020: 2). This is the case for the HFLR which emerges from a long history of communal violence, job and education discrimination, and loss of property and land rights endured by the Hindu community in Bangladesh. However, sudden moments of rupture also occur, such as when pro-reform actors organise events to advocate for legal changes, prompting backlash actors to react by organising parallel events to delegitimise their claims. Pro-reform actors also leveraged "opportunity structures" created by the then PM's announcements of intentions to reform laws.

> **During the Covid-19 pandemic, domestic violence was addressed as a "shadow pandemic" by CiDV to raise national awareness.**

In the case of DVPPA, backlash is subtle and continuous, manifesting as institutional inaction (Flood et al. 2018; Lombardo and Mergaert 2013). Despite the lack of sudden ruptures, increased exposure and attention can result from unprecedented international events. During the Covid-19 pandemic, domestic violence was addressed as a "shadow pandemic" by CiDV to raise national awareness. Gender justice actors took advantage of international attention to demand increased action including virtual courts, online first information reports (FIRs), and online mediation. However, response by the government was limited and these provisions were only provided for what the court considered to be "serious cases" which were not domestic violence.

Movements also capitalise on "moments" and "openings" created by UN processes, such as the UPR hearing of the United Nations Human Rights Council (UNHRC) in Geneva which created pressure on the government. The then law minister had to justify that the DSA was not in violation of fundamental rights and explain its replacement with the CSA. This event highlighted reformist efforts and was preceded by government consultations with civil society to understand their objections, prompting counter-backlash activities.

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The online space is new and evolving so backlash and counter-backlash strategies in this space are similarly evolving, for example young activists are being more cautious about protecting their identity and online safety.

Another aspect of temporality is the influence of national elections, with the government seeking to enact online surveillance laws before elections to control public opinion and discourse, resulting in the CSA being passed in August 2023 ahead of the January 2024 elections. National elections can thus be seen as points of crisis.

The temporality of backlash and counter-backlash is influenced by how these dynamics differ across policy areas, the nature of the issues, and the nature of the space. For OGBV activism reactions are more immediate due to the open and public nature of the internet, where contemporary issues continuously emerge and disappear. In contrast, DVPPA and HFLR issues relate to family space and concern rights within the home. For OGBV, backlash and counter-backlash are sometimes episodic and in response to specific events.

7.2 ARE COUNTERING STRATEGIES SHIFTING?

A key question is whether new or novel strategies have emerged in response to contemporary challenges. If so, what are these strategies, and how effective are they? Do they vary by policy area?

Up to 2010, when the DVPPA was enacted, the CiDV coalition focused on formulating and approving the act. However, once passed, the coalition shifted its focus to implementation of the Act, which involves new challenges and actors. Despite this shift, the coalition continues to use the same traditional strategies that were effective for the law's approval, such as workshops, seminars, commissioned research, and engaging policy-level individuals. Although the Act introduced a new way of thinking about domestic violence, the number of cases where the DVPPA is used remains dismally low, and there is little buy-in from lawyers and the judiciary. However, our research with BMP at the local level found engagement with the police, health services, local lawyers, local journalists, and local women's rights activists. While this did not result in using the DVPPA due to inaction by authorities and conservative gender norms, it did result in some women gaining redress for domestic violence through other laws or mediation. The use of informal networks remains useful for the DVPPA, both locally and nationally.

Women's rights activists working for the reform of the Hindu Family Law shifted their strategy from engaging with backlash actors, Hindu community leaders, and government authorities to posing a legal challenge by filing a PIL at the High Court. While the High Court ordered the Cabinet Secretary, Ministry of Law, Justice and Parliamentary Affairs (MoLJPA), MoWCA, and religious affairs secretaries to respond to the rule, this has not happened yet. Although the judiciary is often discredited for lacking independence and being influenced by corruption and the executive's will, it is still seen as a last resort for seeking recourse to human rights, the constitution, and international law. While PILs can be effective, many do not result in action or change. It is too soon to tell the fate of this one. However, collaboration between human rights and feminist groups and more communal groups supporting reform within the frame of Hinduism is an interesting development and may yield greater results than a movement led solely by human rights and feminist groups.

The OGBV struggle has been the most innovative in its counter-backlash strategies. It is unique from the other two cases due to the presence of younger activists, strong involvement with diversity and LGBTQI rights, and a mix of allies from different human rights backgrounds. The online space is new and evolving so backlash and counter-backlash strategies in this space are similarly evolving, for example young activists are being more cautious about protecting their identity and online safety. Although strategic invisibility helps them operate daily without constant threats, they mobilise openly on a larger scale when the opportunity presents itself, attempting to bring in larger women's/feminist movements. However, they face backlash within the movement, where their concerns are sometimes delegitimised and they are termed “keyboard warriors”.

7.3 PRODUCING AND CIRCULATING COUNTER-NARRATIVES

In all three cases, the movements have articulated counter-narratives, but they have been less effective in getting these narratives adopted by the wider public. We measure effectiveness by their ability to counter the framing of backlash actors, to influence public opinion in their favour, to bring about changes that they are advocating for, to increase the number of allies supporting their cause, and to increase the internal strength of their movement to sustain through different crises and attacks.

In the case of OGBV, movement actors advocated for safety and freedom of expression in the online space, criticising the DSA for restricting their freedom. However, the government co-opted the movement's framing. The introduction of the CSA was presented under the guise of 'providing security to women' in the online space. While the state ostensibly responded to the feminist agenda, it co-opted the language and repackaged the issue to serve its interests, primarily the control of dissent. This strategy has been termed as 'discourse capture', which is a key backlash mechanism (Lewin 2021). Consequently, people seeking legal action for cybercrimes may file cases under the CSA/DSA. Feminist activists, however, refrain from using the CSA out of fear it could be used against them and from an ideological stance that it is a "fascist" law. Gender-diverse populations also avoid using the law out of fear of harassment, as non-heterosexual activities are illegal. Nevertheless, according to law enforcement agencies, an increasing number of women are resorting to CSA/DSA to demand justice for cybercrimes committed against them.

In the case of HFLR, the movement's demands are not accepted within the wider Hindu community. Pro-reform actors of HFLR use religious scriptures to bolster their arguments for reform and create a counter-narrative. However, because they use different interpretations of the scriptures to counter backlash actors, it has become a battle of interpretations. The backlash actors are stronger due to their larger base of orthodox supporters. Although the state has given indirect support to the progressive Hindu community coalition, their numbers are still small. The state claims it can only carry out reforms if the entire Hindu community supports them. This is a form of deliberate inaction (Flood et al. 2018; Lombardo and Mergaert 2013; Nazneen 2024). Like the OGBV case, where the movement's framing was co-opted by backlash actors, in the case of HFLR, religious backlash actors claim that the protections within marriage demanded by reformists are already provided in Hindu scriptures.

> *When a woman comes into a family, her husband's family is her real family. Her position must be made strong. ... What happens on the day she is brought to her married home? The entry prayer will be "shomranggi...[in Sanskrit]" meaning that you are a princess to/above your brother-in-law, sister-in-law, and parents-in-law. You will come to this family as a "shomranggi" and you will be given a crown/tiara and you will have the keys to the household tied to your anchal [sari end]. From that day on, you are an owner of that family.*
> (Interview with strong opposition respondent C, 6 April 2023)

For the DVPPA, although the state accepts CiDV's formulation of domestic violence as a violation of rights, it is still not accepted within society. Backlash actors emphasise protecting traditional family structures and values over criminalising domestic violence. They oppose filing cases, arguing it leads to the breakup of families. Framing domestic violence as the "Shadow Pandemic" helped WROs to build momentum on their advocacy and allowed greater scope to demand changes and action from the state. However, despite the time and energy spent on framing domestic violence as a form of human rights violation, it remains challenging with all the social norms that trivialise the issue. Though the strength, social networks, and reputations of each of the WROs have enabled a positive difference at the subnational and individual levels, impact at the national level remains limited.

7.4 CREATING SPACES AND COUNTER-PUBLICS FOR VOICE: SUBVERSION AND EXISTENCE ON THE MARGINS

Across all three cases, efforts have been made to create alternative spaces for voice, but the success and sustainability of these spaces are debatable. Under the AL, the country became a dominant party state where the government controlled dissent through mechanisms ranging from oppressive laws to creating a climate of surveillance and fear of prosecution for "anti-state activities". Protestors and allies were stigmatised and threatened, and movements operated under constrained conditions. Spaces for dialogue with policymakers shrank. Invited spaces existed where counter-backlash actors participated on terms imposed and controlled by the opposition, resulting in constrained agency. Despite the "Monsoon Revolution" in August 2024 there is still apprehension whether civic engagement is free and safe for all.

The AL government regulated the online sphere through laws such as the DSA and CSA. Indiscriminate arrests of opposition political party members and civil society members through these laws have created fear in both physical and online spaces. However, OGBV activists have created new and alternative spaces. In response to the increasing online misogyny,

"The introduction of the CSA was presented under the guise of 'providing security to women' in the online space. While the state ostensibly responded to the feminist agenda, it co-opted the language and repackaged the issue to serve its interests...

'Sisterhood', a Facebook group run by Meye Network, works as an alternative space for almost 8,000 women. Contemporary feminist issues, gender-diverse population rights, and legal problems are discussed spontaneously, creating a safe space for women and gender-diverse people. The creation of an alternative space that promotes the inclusion of a gender-diverse community is unique. Similar closed groups and invite-only spaces use strategic invisibility to retain their safe space and avoid becoming targets of conservative or extremist groups. Existence on the margins is a reality for many Bangladeshi gender-diverse groups like TransEnd, Mondro, and Sannoy, who hold events and host Iftar and festivals where only community members or tolerant people interact, ensuring a "safe space". Although such freedom of expression in the form of art and poetry gives movements and communities hope, it is also true that this freedom is experienced within a small echo chamber and does not extend to wider society. The overall space for civil society and the voice of feminist movements has undoubtedly shrunk in the policy space where laws on cyber security are drafted and enacted.

In the case of HFLR, as the pro-reform actors' demands were not being heard by society in general, they sought the High Court as an alternative space to demand their claims (e.g., lodging PIL).

DVPPA-CiDV has continued to be active in the policy space, consistently feeding back their experiences at the policy level. During the Covid-19 pandemic, domestic violence was seen as an emergency needing state intervention. Members of CiDV mobilised for innovative measures like virtual courts, filing online general diaries (GDs), and conducting telephone mediations. Even before the pandemic, there were attempts to digitise judicial proceedings in the context of violence against women by both parliament and the Supreme Court, but these were not considered. Though the introduction of such a system was seen as an historic achievement in the judiciary, it did not significantly improve domestic violence survivors' access to justice (Sultan et al. 2021) because domestic violence is still not considered an emergency matter.

Overall, the HFLR and the OGBV activists are not being heard at the policy level, indicating civil space constraints. An anti-NGO bias within government also contributes to the discrediting of civil society actors, as discussed in section 3 above. However, space for discussions with technocrats or implementers is more open, as shown by analysis of the DVPPA implementation at the local level, and ongoing discussions with Jatiya Mahila Shangstha (JMS) and DWA on amendments to the DVPPA rules at the national level.

8 CONCLUSIONS

By studying the three movements, it seems that while they have not been able to eliminate the backlash they face, they have been able to counter it through different strategies such as framing, advocacy, and media mobilisation. How effective these strategies are in achieving their goals in the long run remains to be seen.

Our research shows that episodic and continuous backlash cannot be contrasted in Bangladesh's context. Initially, we assumed backlash to be only episodic, based on existing literature (Faludi 1991), manifesting as violent threats or direct actions against perceived or real gains. However, our research found that backlash is both continuous and episodic. With dominant gender norms and underlying misogyny, backlash is never absent and can manifest in various ways. Continuous backlash can take forms such as stigmatisation, vilification, inaction, and delegitimisation, while episodic backlash can erupt suddenly when existing norms and power structures are challenged through open defiance or protests, or even through actions perceived as defiant.

In other country contexts, the state itself has been considered as a backlash actor (El Rahi and Antar 2024), however, in the case of Bangladesh, while some state institutions act as backlash actors, others protect or promote women's or gender rights, such as Police Cyber Support for Women and the Bangladesh Law Commission. The Bangladesh state differs from other authoritarian states by not being a direct opponent in the DVPPA and HFLR cases, as these family-level issues pose no threat to state security or power. For example, in the case of Hindu family law, the state has remained noncommittal despite initially encouraging reform. Conversely, in the OGBV case, which directly relates to state security and interests, some state institutions are more directly involved as a backlash actor. Regarding sexuality and gender diversity, the state takes a hands-off approach, neither condemning nor condoning it. In addition, the state operates at different levels—national, subnational, and local—where actors and dynamics vary, as seen in the DVPPA implementation case.

The feminist response to backlash has involved both traditional (HFLR and DVPPA) and innovative (OGBV) strategies. Legislative advocacy, a traditional strategy, has been effective in bringing about policy and legislative change, such as in the DVPPA case. Alternatively, OGBV activists have adopted more innovative approaches, likely related to the nature of the space (online and rapidly evolving) and the characteristics of the activists (tech-savvy and younger generation). Here a collaboration has developed between gender justice activists, including queer rights groups, and human rights and governance actors. The former have realised their lack of understanding of policy and legal processes and have been reluctant to legitimise the DSA/CSA by engaging with the state on it. However, they now feel the need for policy engagement.

Our analysis supports the assumption that backlash at the implementation level differs from backlash at the policy formulation level, necessitating different approaches to countering it. Feminist movements have been more successful in countering backlash at the formulation level than at the implementation level (Sultan and Mahpara 2023; Waylen 2017). This highlights the need for different kinds of strategies at the implementation level than the formulation level as the actors and the interests are different, and 'rule makers are the not rule enforcers' (Waylen 2017).

Although building solidarity across the gender justice actors was a common strategy, there have been intergenerational tensions, particularly regarding OGBV recognition. However, HFLR has adopted a different strategy by reaching out to communities across the country rather than restricting itself to the women's rights movement.

The role and influence of international bodies and conventions as sources of support for gender justice struggles and activists are also in question. While counter-backlash actors in the three cases referred to human rights and international standards and used UN declarations and reviews to highlight their causes, the government appears less receptive and can afford to ignore these. The government was limited in its response to the UN framing of domestic violence as a "shadow pandemic", and the UN's critiques of repressive laws like the CSA/DSA did not influence the CSA's contents.

> **"With dominant gender norms and underlying misogyny, backlash is never absent and can manifest in various ways.**

> **Activism is continuing despite a lack of resources, restrictions on funding, and threats by surveillance agencies.**

Our analysis has validated the categorisation proposed by Nazneen (2024), emphasising the importance of intentional inaction as an indirect strategy of resisting backlash, which includes strategic invisibility. This provides safety and security to the movements while allowing informal mobilising or protests. This was observed in the case of OGBV protests in the context of a repressive state, which allowed the movement to survive (Lewin 2024). In the case of backlash actors too, we observed that intentional inaction can block, slow down and demotivate the movement, as observed in the DVPPA case. While the dismantling of gender equality institutions has not occurred, the judiciary's role in protecting and promoting human rights and gender justice has weakened. Conversely, the government has innovated by creating Police Cyber Support for Women (PCSW) to develop systems within law enforcement agencies to protect women experiencing online violence.

Although Nazneen (2024) speaks of the retraditionalisation of gender roles, in the DVPPA case, existing gender roles are emphasised to block women's access to provisions that would prevent domestic violence and provide protection. The co-option of feminist discourse (Lewin 2021) was not a dominant backlash strategy, as backlash discourses were strong enough to be coherent on their own and could overpower the framings proposed by gender justice actors. However, in the OGBV and online security legislation case, the government adopted feminist demands for the protection of online users, justifying the DSA and later CSA as measures to protect women from online violence.

Conducting interviews with backlash actors for this research was interesting and easier than expected. Access was easy, and the interviews were constructive and informative. Opposition actors in the DVPPA case did not consider themselves as opposition but rather as allies to the movement. Others appreciated the opportunity to present their views. However, understanding or capturing the impact of countering backlash strategies was challenging. Measuring impact, understanding the appropriate time frame for study, and attributing impact to counter strategies proved difficult.

The present context of increasing authoritarian tendencies and democratic backsliding, the difficulties and challenges gender justice movements have faced in voicing and promoting their agendas has become apparent in our cases. While gender justice activists can hold their ground and consistently frame their demands while maintaining certain restrictions, the openness and willingness of state institutions to prioritise these issues and to take the necessary actions is missing. Activism is continuing despite a lack of resources, restrictions on funding, and threats by surveillance agencies. In the face of increasing backlash against gender justice movements in Bangladesh, echoing Lewin (2024) in the three policy areas, survival is a form of resistance.

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ANNEX: SUMMARY OF ISSUES, ACTORS, AND TYPES OF BACKLASH BY POLICY CASE

Cases	Online Gender-Based Violence	Hindu Family Law Reform	DVPPA Implementation
The Issue	Women and girls face high levels of online harassment and violence, especially gender justice activists and gender diverse persons. Cyber security laws do not provide protection but are used to harass various groups, restricting freedom of expression and association.	The movement aims to reform Hindu family laws to remove discrimination within the law, ensure women's rights to property within inheritance law, and mandate marriage registration for Hindu couples.	Women and girls face high rates of domestic violence, lacking protection and redress mechanisms. Societal norms of heteronormativity, male head of household/ guardian, and the sanctity of marriage compel women to accept domestic violence.
The Gender Justice Actors	Online gender justice activists, BLAST, TIB, HR actors (Amnesty, media associations, Article 19, Democracy International, CCAF, Digitally Right)	Citizens' Initiative on Hindu Law Reform Coalition, Bangladesh Mahila Oikya Parishad, Bangladesh Hindu Law Reform Council	Citizens' Initiative against Domestic Violence (CiDV)—25 women's rights organisations (WROs) and human rights organisations
Backlash Actors	Individuals (making sporadic comments on social media), organised groups (e.g., "Feminism is Cancer"), certain state institutions/ actors	Bangladesh National Hindu Grand Alliance, Bangladesh Hindu Bouddha Christian Oikya Parishad, Bangladesh Hindu Ain Shanksar Protirodh Committee (Committee Against the Reform of Hindu Family Law)	Magistrates, lawyers, law enforcement agencies, health services professionals, family and community
Forms of Backlash	Delegitimisation, trivialisation, stigmatisation	Stigmatisation, vilification, personal attacks	Deliberate inaction, stigmatisation

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