esid | Effective States and Inclusive Development

identifying routes to social justice

ESID Working Paper No. 76

The politics of negotiating gender equity in Bangladesh

Sohela Nazneen[1] and Rezwan Masud[2]

February, 2017

[1]Institute of Development Studies (IDS), Brighton, UK

Email correspondence: s.nazneen@ids.ac.uk

[2] BRAC Institute of Governance and Development (BIGD), Dhaka, Bangladesh

Email correspondence: rezwanmasud@gmail.com

Abstract

In Bangladesh there is a paradox when it comes to securing gender-inclusive development outcomes. Since 1991, women have occupied the highest political office and women's presence is increasing, due to the existence of gender quotas. Women's movement actors have a long history of mobilisation for women's rights and securing progressive changes. However, this overlooks the complex ways in which power and politics operate in Bangladesh, including the difficulties of mobilising women as a political force in a patriarchal, informalised, clientelist context. Women, as a political group, have little to offer the ruling elites in Bangladesh: they do not vote as a block; gender equity concerns have little currency in mainstream politics; and women's organisations are weak actors in the formal political arena. This paper investigates two successful policy cases – the Domestic Violence Act 2010, and the expansion of access to primary education for girls – to investigate what led the state to address gender equity concerns successfully in some policy areas in a competitive clientelist context? What role, if any, did women and their allies play to make these changes happen? Why do some failures in implementation persist?

Findings indicate that the alignment between each policy reform and the dominant interests and ideas of the ruling coalition influenced the capacity and commitment accorded to each agenda. Progress on passing the Domestic Violence Act was made through the high degree of personal, historical and informal relations with supportive people in government. Opportunity was created by a key moment of state formation which opened up an absence of partisan politicking and a supportive advocate at the centre of government. Expansion of girls' access to primary education was carried along by a wave of political support for the expansion agenda, which fitted closely with powerful political logics concerning ideas, patronage, distribution, legitimacy and international support. In both cases, transnational actors, events and discourses are able to tip the balance in favour of women's rights, and South-South exchanges can play a vital role in promoting women's rights. Both cases reveal how the political settlement has shaped the promotion of gender equity in Bangladesh, and the value of moving beyond the usual focus on the impact of gender quotas and the effectiveness of state gender machinery, to the deeper forms of politics and power relations that shape progress on this front.

Abbreviations

AL	Awami League
ASK	Ain O Shalish Kendra
APWA	All Pakistan Women's Association
BBS	Bangladesh Bureau of Statistics
BLAST	Bangladesh Legal Aid Services Trust
BMP	Bangladesh Mohila Parishad
BNP	Bangladesh Nationalist Party
BNWLA	Bangladesh National Women Lawyers' Association
CAMPE	Campaign for Popular Education
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CIDA	Canadian International Development Agency
CiDV	Citizens' Initiative against Domestic Violence
CrPC	Criminal Procedure Code
CTG	Care Taker Government
DFID	Department for International Development
DPE	Department of Primary Education
DV Act	Domestic Violence Act
DWA	Department of Women's Affairs
EFA	Education for All
ESID	Effective States and Inclusive Development Research Centre
GIZ	Deutsche Gesellschaftfür Internationale Zusammenarbeit (German Society for International Development)
MJF	ManusherJonno Foundation
MOE	Ministry of Education
MOPE	Ministry of Primary Education
MOPME	Ministry of Primary and Mass Education
MOWCA	Ministry of Women's and Children's Affairs
NWDP	National Women's Development Policy
NWDP	National Women's Development Policy
PEDP	Primary Education Development Programme
RDP	Rural Development Programme
RPO	Representation of People's Ordinance
SIDA	Swedish International Development Co-operation Agency
UNICEF	United Nations International Children's Emergency Fund
UPE	Universal Primary Education
USAID	United States Agency for International Development
VGD	Vulnerable Group Development

I.   Introduction

Bangladesh presents an interesting paradox when it comes to women's inclusion in politics and securing gender-inclusive development outcomes. Since 1991, women have occupied the highest political office and women's presence in politics is increasing, due to the existence of gender quotas at the national and local levels of government. Women's movement actors have been active in policy spaces since the democratic transition in 1991. Recently, Bangladesh has been lauded for its remarkable pace in reducing maternal mortality and fertility rates, reaching gender parity in primary and secondary school enrolment, and for enacting various laws addressing violence against women (World Bank, 2008). Increased women's presence in formal politics and policy spaces alongside these achievements in securing gender-equitable development outcomes would indicate that a positive relationship exists between women's inclusion in politics and their influence over policy outcomes (Escobar-Lemmon and Taylor-Robinson, 2014).

However, the above interpretation overlooks the complex ways in which power and politics operate in Bangladesh, including the difficulties of mobilising women as a political force in a patriarchal, informalised, clientelist context (Hassan, 2013). Women, as a political group, have little to offer to the ruling elites in Bangladesh, as they do not vote as a bloc, gender equity concerns have little currency in mainstream politics, and women's organisations are weak actors in the formal political arena. Moreover, the progress Bangladesh has made in securing gender equitable development outcomes, while significant, should not be exaggerated, as failure in effectively implementing gender equity policies in many areas have deterred women's progress. For example, Bangladesh also has failed to effectively retain female students at the primary level and address quality issues in education, which has gendered implications.[1] It also has high levels of violence against women,[2] despite the different laws enacted to protect women.

These failures and constraints raise the following questions: what led the state to address gender equity concerns in some policy areas successfully? What role, if any, did women and their allies play to make these changes happen? Why do some of the failures in implementation persist? We take a qualitative case-study approach, which looks at how deeper forms of politics and power relations shape the adoption and progress of gender equity policies.

The majority of the literature exploring Bangladesh's achievements in addressing gender equity has analysed the impact of state policies, the role of the state agencies and donors in policy formulation processes and the larger socioeconomic changes that created enabling conditions for attaining gender equity goals (World Bank,

---

[1] See ESID education research.
[2] The Bangladesh Bureau of Statistics' (2011) survey of 12,000 women revealed that about 87 percent of ever married women had experienced physical violence during the course of their marriage.

2008). This literature focuses on the formal processes and mechanisms set up to attain changes, and tends to ignore how power relations are organised between different actors and groups within informal as well as formal spaces and processes, and how these relations underpin the way institutions function (Waylen, 2013). We use new thinking on the politics of how institutions function to investigate these processes, drawing in particular on 'political settlements' analysis.

Political settlements reflect the balance of power in society and negotiations that take place among elites and social groups to attain this balance (Di John and Putzel, 2009). Usually in developing countries, these bargaining processes tend to be based on personalised processes of deals-making, rather than formal rules, and result in institutions that function in informal and clientelist ways. Scholars have identified Bangladesh as reflecting a 'competitive clientelist' type of political settlement (Khan, 2010;Levy, 2014), in that (until recently) elites had to struggle constantly to assert their power and legitimacy vis-à-vis other organised elites with a similar level of power, in a context within which political power is expected to change hands regularly. Such contexts tend to limit the time horizons of political elites to short-term considerations of maintaining power, encourage the politicisation of public space and bureaucracy, and the treatment of political subjects as clients.

There are significant gaps in understanding how these informal and clientelistic forms of politics that characterise the political settlement in Bangladesh shape the prospects for women's inclusion in politics and policymaking and gender-inclusive development outcomes.[3] Likewise, there is a large body of literature on women's political empowerment and gender mainstreaming of different social sectors in Bangladesh that has not investigated the deeper forms of politics identified by political settlement thinking.[4] By employing a political settlements approach to analyse women's political inclusion and the promotion of gender equity, this paper therefore seeks to make advances in both fields. The paper explores these issues through case-study analysis of two reforms aimed at promoting gender equity. The Domestic Violence Act of 2010 was selected as a transformative legal reform and the provision of access to primary education for girls was chosen as a case that falls under the ameliorative policy category.[5]

The paper does investigate the nature of women's inclusion in Bangladesh and how far this shaped their ability to promote these reforms, but goes beyond issues of political agency to analyse the structural and historical political factors at work here. Using an adapted political settlement framework (Figure 1), we investigated the influence of the history and the nature of women's inclusion in critical junctures of

---

[3] See Khan (2010); Hassan (2013).
[4] For a brief review of existing literature on women in politics see Chowdhury (1994); Panday (2008). The literature on gender mainstreaming is too extensive to list out here; see White (1992), and Kabeer (1994) for history of gender mainstreaming of the state agencies.
[5] Ameliorative policies are defined as those that improve the status of women as a group and alleviate gender-based class inequities. Transformative ones are those that challenge dominant views and norms on gender equity, as often expressed in religion or traditions based on culture (Htun and Weldon, 2010)

Bangladesh's history that led to women being able to demand for change; the influence of ideas and discourses (both national and international) that created 'windows of opportunity'[6] (Waylen, 1998) for women to make claims; the interests and incentives of the ruling elites and also other actors that have a considerable stake in supporting or opposing these gender equitable changes; and also the institutional norms that flow from the competitive clientelistic character of the political settlement.

Figure 1. ESID adapted political settlement framework
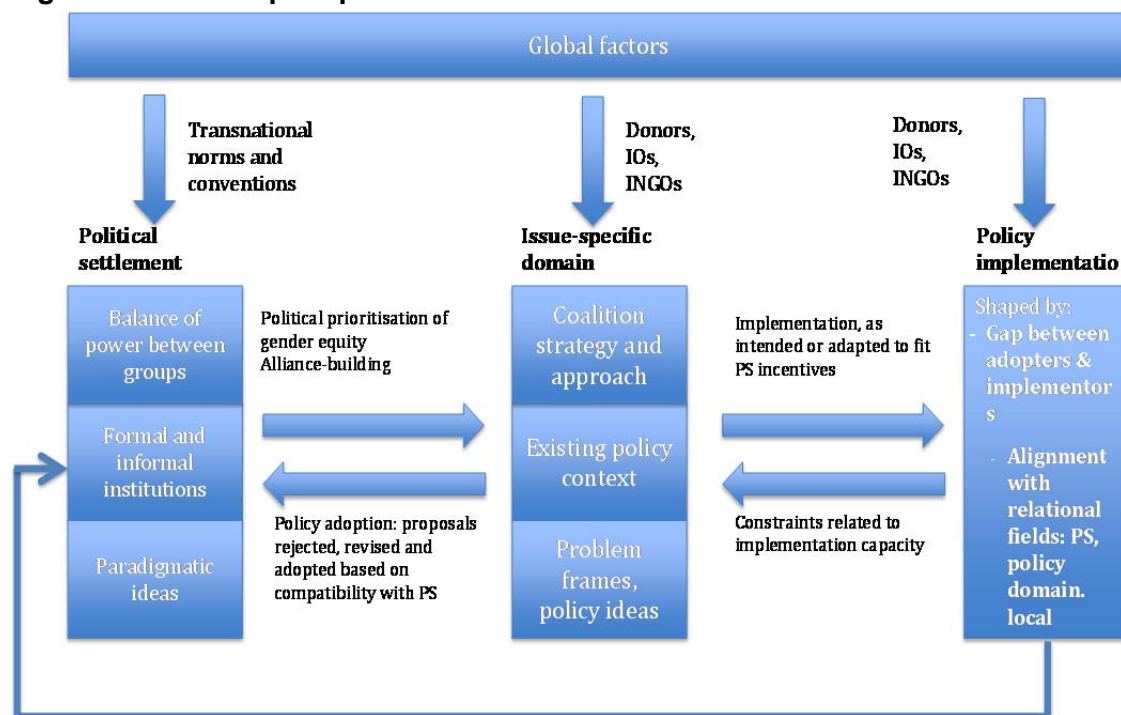
ESID's adapted conceptual framework identifies the political settlement and the policy sector as the two main domains of analysis (Figure 1). Using this framework, we mapped out who the key actors were in each of these domains, and investigated how inter-elite bargaining and contestation took place between these different actors when different types of gender equitable policies were adopted and implemented. For each policy area (domestic violence and universal primary education), we mapped out who the actors were promoting the policy change and what their positioning was in relation to the ruling coalition, and their relative power as compared to other groups opposing it. This included both potential allies of pro-gender equity actors who could contribute ideological, financial and organisational resources (including international actors) and likely opponents, such as religious groups. Analysis of both the political settlement domain and the policy domain involved exploring how transnational and ideational factors influenced inter-elite bargaining. Transnational factors, such as norms on women's rights and conventions on women's and girl's

---

[6] Changes in national and international contexts, power of the allies and opposition.

rights, and international actors (including donors, regional women's movement actors) influence both the national-level political settlement and the policy domain.

We used the process tracing method for researching the two policy cases. This involved: constructing a timeline that captured the major events which led to the policy change, mapping and interviewing the key actors involved in policy negotiations,[7] analysing relevant secondary literature and policy documents, and participant observation of two internal policy meetings.

The next section of the paper provides a brief overview of women's inclusion and influence in politics and policymaking in Bangladesh and of the nature of its political settlement. The third section presents each policy case in turn, the fourth analyses the key findings in terms of the political settlements approach and identifies areas for further research.

II.   Women's inclusion in politics and policymaking in Bangladesh

Political settlement in Bangladesh

Bangladesh was formed on independence in 1971 as a Muslim majority state with a parliamentary system of government. It has experienced alternating periods of democratic (1971-75; 1979-82; 1991-2006; 2009-present) and military rule (1975-79; 1982-1990; 2006-08).[8] The anti-authoritarian movement in 1990 was spearheaded by two centrist parties – the Awami League (AL) and the Bangladesh Nationalist Party (BNP) – that have dominated the political scene after Bangladesh's democratic transition in 1991 through a *de facto* two-party system. The change to a nominally democratic order involved a shift in balance of power within the national elite, with the political class emerging as the most powerful vis-à-vis the military and civil bureaucracy. However, the operation of this multi-party system is closely conditioned by the fact that the state is built on a social structure that is hierarchical by gender and class, within which patron-client relationships remain the dominant form of social organisation (Jahan, 1995; Kabeer,1988). These factors have combined to produce a form of 'competitive clientelism' within which public spaces and institutions become heavily politicised within the struggle for power between the two political parties.

The public bureaucracy is heavily politicised, as reflected by the recruitment, transfer and promotion processes of the police, civil bureaucracy and lower judiciary to allow the ruling parties to exert partisan control over these agencies (BIGD, 2014). Partisan recruitment ensures loyalty to the ruling party at the local level and creates a stable network of insiders within the law-enforcing agencies, civil bureaucracy and the

---

[7] Thirty interviews in total with key members of CiDV, female MPs, secretary of Ministry of Women and Children's Affairs (MOWCA), magistrate and MOWCA officers on the group. Interviews with officials of Ministry of Primary and Mass Education(MOPME), consultants involved in the Primary Education Development Programme (PEDP) III project, member of Education Watch and Campaign for Proper Education (CAMPE).
[8] The 2006 military intervention created a caretaker government in power for two years to implement the necessary electoral reforms.

judiciary, although elements of the higher judiciary have been able to preserve their autonomy. Ruling regimes use the police and other security forces as private enforcers of violence for harassing opposition political leaders and constraining dissent from civil society (ICG, 2015). The politicisation of the law enforcement agencies has led to political parties essentially privatising violence, with the youth, labour and student wings and local cadres of successive ruling parties able to intimidate and discipline opposition activists (ICG, 2015).

Civil society has also been heavily politicised in Bangladesh, with professional associations divided along party lines in ways that constrain their capacity to promote their interests and demand accountability. The ruling party's power is challenged or constrained to some extent by the scrutiny of the privately-owned print and electronic media and national-level rights-based NGOs (Hassan, 2013). To some extent, the Islamist groups also act as challengers, exercising veto powers over particular policy issues, including on women's rights.

In general, the systemic levels of bureaucratic and political corruption and political instability generated by this form of competitive clientelism have tended to undermine the capacity and commitment of the state to promote inclusive development, although within this context political elites have been willing and able to protect certain sectors that are deemed critical to regime survival, particularly within key parts of the economy and social provisioning (Hassan, 2013).This protection, and perhaps also the dynamic nature of competitive clientelism (Levy, 2014), has enabled Bangladesh to make significant development progress in the past two decades.

This context has closely shaped the possibilities for women's political empowerment in Bangladesh. The influence of privatised forms of violence within local- and national-level politics restricts women's participation in these traditional arenas of political apprenticeship and their ability to develop networks that are crucial for functioning effectively within informal centralised party structures (Akter and Nazneen, 2014). It seems likely that the social and financial capital required to navigate the informal nature of ruling coalition politics also reduces the extent to which women can operate politically, with informality also limiting the extent to which rules-based legislation around women's rights can actually be enforced by the heavily politicised public bureaucracy and judiciary. As discussed below, these factors closely shape how women's movement actors have had engaged with the dominant elite groups in promoting the women's rights agenda.

A brief history of women's engagement in politics and the Bangladeshi state

The history of women's direct engagement with the state spans back to the anti-colonial struggles against the British and social reform movements during the late 18th and the 19th centuriesin Bengal. 'The woman question' (Jayawardana, 1986) occupied a key position in the anti-British nationalist movement and has shaped the current understanding of women's role and position and the national identity of the Bangladeshi nation-state (Ahmed, 1981; Jahan, 1995). Bengali Muslim women,

particularly the elite and middle class in urban areas, participated in the public sphere through social welfare activities and the struggle for an independent state of Pakistan based on religious identity since the 1930s. During the Pakistani period, women's engagement in mainstream politics took place through cultural movements around the construction of Bengali identity and through women's wings of political parties (although numbers were small). Women in urban areas also organised around reform of Muslim family laws in the 1950s and 1960s through the All Pakistan Women's Association (APWA), a state-sponsored women's organisation composed mostly of wives of state employees (Jahan, 1976). Their demands were in line with the elite powerholders, and APWA members were included in the committees formed to discuss the draft of the reformed laws.

Women emerged as a more significant political and development constituency after independence, to a large extent because of their suffering at the hands of Pakistani soldiers. The rehabilitation of survivors of rape and war widows was a major challenge for the state, particularly because patriarchal structures constructed women as economic dependents in ways that limited their access to material and social resources, mobility in the public sphere and interactions with non-related males (Kabeer, 1994). The famine in 1974 intensified the pressure on the state to address the changed circumstances whereby women could no longer rely on men to provide and protect them in exchange for forgoing property, sexual autonomy and mobility (Hossain and Kabeer, 2003). The first public work schemes and programmes targeting women started during this period, including the Vulnerable Group Development programme, which was also known as the 'destitute mothers' card' (Hossain, 2007).

Since its inception, the Bangladeshi state has always held a contradictory position in matters related to women's rights. On the one hand, it has enhanced women's economic role through various schemes and education and enacted various laws to protect women, while on the other it has also preserved colonial laws and implemented policies to sustain male privilege. The UN Decade for Women (1975-85) and donor willingness to fund Women in Development (WID) programmes created scope for targeting women as development agents and also led to the creation of gender machineries, such as the Ministry of Women and Children's Affairs (MOWCA). Donor dependency was high during the 1970s and 1980s and the military generals in power from 1975 to 1990 were willing to promote gender and development issues, particularly women's economic empowerment schemes, as it allowed them to use women's productive power and earn brownie points with the donors (White, 1992).

However, apparently this pro-women axis of transnational and military players was a double-edged sword. On the one hand, international donors offered financial and ideological resources for promoting women's rights and helped empower women in their negotiations with the state, whilst on the other it enabled critics to label them as 'westernised' actors, promoting agendas that violate both cultural and religious values and norms (Nazneen and Sultan, 2014). And whilst promoting women's

economic rights, on the one hand, military dictators would also undermine women's civil and political rights by rehabilitating banned religious political parties and incorporating religion in state policies, in order to legitimise their regime (Jahan, 1995). After the transition to multi-partyism, with both main parties entering tacit or overt alliances with the Islamist parties, for winning elections and forming a government, the position of religious political parties and groups was further strengthened (Nazneen and Sultan, 2014). The emphasis on religion in public life has created difficulties for women's rights organisations to demand change in matters which are dictated by religious personal laws.

A shift in women's political and civil engagement took place after the democratic transition. Women's organisations and women in student unions were active in the pro-democracy movement of the 1980s and won a seat at the table during the first caretaker government (CTG) regime formed after the fall of general Ershad in 1991. They were consulted on how women in politics and policymaking should be addressed by the democratic regimes. The preparations for the Fourth World Women's Conference in Beijing in 1995 also created scope for women's groups to access policy spaces, as the government needed the expertise of civil society groups and Bangladeshi feminists working in international development agencies to draft national reports.

Quotas for women in parliament and local government were considered inappropriate by political elites after independence, both because of a perceived lack of eligible women candidates and as being discriminatory towards men (Jalal, 1975). A reservation of 15 seats for women in the parliament was introduced in 1972 and later increased to 30 seats in 1978 (Chowdhury, 1994b). These reserved seats were added onto the existing 300 general seats. In 1988, one-third of seats were reserved at the local level for women. The reserved seats at the national and local levels were seen as quick fixes by the military government for increasing women's numerical representation during the UN Decade for Women. The provision of 30 reserved seats for women in parliament lapsed in 2001 and was extended, and later increased, to 50 seats (Akter, 2014). Direct elections to the one-third reservations for women in local government were introduced in 1997(Chowdhury, 1994b). The continuation with provisions for gender quotas in parliament in 2001 was deemed by the political elites as a solution requiring minimum changes which ensured women's presence in parliament. Female politicians and women's organisations were themselves ambivalent about the gender quotas, seeing them as an interim measure that created scope for women to enter a male-dominated space, whilst also aware that in the long run this system may limit women's political effectiveness (Jalal, 1975; Chowdhury, 1994b) and create proxy representatives (Chowdhury, 1994a; Panday, 2008).

Reserved seats in parliament are used for negotiating with coalition parties and distributing patronage by the ruling coalition (Akter and Nazneen, 2014). No political party, whether in power or not, has proved willing to change the system of nomination by party executives and introduce direct elections to these reserved seats. This is despite strong demands from women's rights organisations and the

women's wings of these parties (ibid) and stipulations made in the Representation of People's Ordinance (RPO) of 2008.[9] This suggests that gender quotas were largely introduced to create party loyalists, to gain the support of donors and to project Bangladesh and its leaders as 'progressive' on the global stage (Nazneen and Sultan, 2014). Little has been done by the political parties to address the various structural and attitudinal barriers that limit women's effective participation in formal politics, including an andocentric political culture, a lack of women in leadership positions, political violence and the limited capacity of most women to function as political agents in terms of their knowledge of government functioning and financial means (Chowdhury, 1994a; Akter and Nazneen, 2014).

Women largely come into politics through the financial support and kinship networks of dynastic political families, including the female politicians who have led the two major parties in Bangladesh. The presence of these leaders, along with four female cabinet ministers, a female Speaker of the House and a large number of women representatives in reserved seats in the national parliament means that Bangladesh performs well compared to other countries when it comes to women's inclusion in formal politics (IPU, 2014). What is less clear is the effectiveness of these women representatives in delivering gender-inclusive development. The picture is also different between the national and the local levels. At the national level, women MPs are nominated and therefore more accountable to the parties than their constituents. Given the weak position of the legislature as an institution, and the control exerted by the party leaders in a fiercely competitive electoral context, female MPs have rarely contested party positions on gender equity concerns or managed to create cross-party alliance and effectively lobby for gender-equitable legal reforms. In most cases, female MPs have toed the party line when parliament acted as a rubber stamp for the executive's decisions (Akter and Nazneen, 2014).

In terms of gender-responsive policy reforms at the national level, *femocrats* (i.e feminist bureaucrats), the women's movement and their (often male) allies within the bureaucracy have played key roles in promoting gender equity concerns in Bangladesh. Given the partisan and polarised nature of civil society (Hassan, 2013), women's movement organisations have judiciously steered clear of engaging with political parties, for fear of being labelled as appendages and losing their credibility. Women's organisations are not key players in formal politics, and political parties are unwilling to challenge the 'veto power' that Islamists' parties and groups (ulema) have on certain agendas, such as education policy, religious personal laws, reproductive rights (Nazneen and Sultan, 2014). Led by the middle class and professional women, women's movement organisations have been active in promoting various agendas, including property rights, reproductive rights, political empowerment, family law reforms and, as we will see, legal reforms addressing violence against women (Kabeer, 1988; Halim-Choudhury, 2009).

---

[9] In 2008, under the caretaker regime, the Election Commission proposed that the RPO should stipulate direct elections in reserved seats, a 33 percent reservation for women in parliament and all committee positions within the political parties. All political parties resisted these changes.

In the following sections we attempt to trace the story of the enactment of the Domestic Violence Act of 2010 and of policies undertaken to remove gender disparity in primary education; and to place the struggles around these agendas within the political context discussed here.

III.   Politics of negotiating gender equity in Bangladesh

 In this section, we analyse the politics of negotiating gender equity in a competitive clientelist country such as Bangladesh. We compare the two policy cases by investigating what influences the ruling coalition in Bangladesh to promote gender equitable policy change. In order to compare the cases, we focus on: the holding power of the pro gender equity coalition (both organisational and ideational) and their ability to navigate informal politics; the changes in the organisational power of the groups opposing these reforms; the shifts in political settlement dynamics that create policy reform opportunities (for example, suspicion of electoral politics); and the interests and the incentives that the ruling coalition – particularly the top political leader in power – have in promoting certain agendas that either build their reputation or contribute to patronage distribution. We also explore what role the transnational actors and ideas play in influencing the inter-elite bargaining processes and in framing the policy agenda.

Policy case A. Domestic Violence Act of 2010

The enactment of the Domestic Violence (DV) Act in Bangladesh in 2010 is touted as a success story for gender equity by government and women's movement actors, both because of the unprecedented level of collaboration between the two parties and because the legal provisions have immense potential to change gender power relations.

The Act itself is the result of many years of struggle to make the personal political by the women's movement. The process that led directly to the DV Act of 2010 started after 2002, when it came to the attention of women's legal aid organisations and government that the existing laws on violence against women were unable to address the needs of women suffering from violence inside the family home. Existing legislation either addressed dowry-related violence or categorised cases to be tried under the criminal code where victims had suffered extreme forms of violence (e.g. acid attack, bride burning, etc.). This concern converged with an increased emphasis on addressing domestic violence in international discourse and agencies since the late 1990s. With funding from international donors, women's rights groups started researching the provisions and laws of other countries on domestic violence. These groups also sought help from female lawyers, male judges and international feminist lawyers from neighbouring countries, mainly India and Malaysia. The evidence gathered provided a focal point for feminists to come together to assimilate these drafts in 2006, at which point the decision was made to lobby government to enact a law on domestic violence. Importantly, an electoral turnover at this point brought in a caretaker government (CTG) within which an erstwhile feminist activist in civil society

held a prominent position, with authority over MOWCA. This political opening, created by the absence of partisan politicking at the centre of government, encouraged feminist groups to form a policy coalition – Citizen's Initiative against Domestic Violence (CiDV) – consisting of 25 groups, which engaged regularly with government to push the issue.

The policy coalition's work suffered a setback in 2008, when the controversy over the proposed clause on women's control over acquired assets in the National Women's Development Policy (NWDP) led to wide-scale mobilisation and criticism by Islamist groups, and forced the CTG to stall its work on any issues related to women's rights. In 2009, after the AL government came into power, MOWCA was headed by an insider from the feminist movement. This injected new momentum into CiDV, which moved to partner with MOWCA in promoting the bill. The drafting of the bill was incorporated as a part of the donor-funded Multi-Sectoral Project on Violence Against Women (MSVAW) at the suggestion of the new minister of women's affairs. This led to the institutionalisation of the work around drafting facilitated by the then secretary of MOWCA. The draft law was actually prepared by the CiDV, which included lawyers' organisations, and presented to the Ministry of Law for vetting. The placement of a well researched draft reduced the time required by the law ministry to forward a draft law to the cabinet in 2010. The close relationship[10] between the minister of women's affairs and the prime minister expedited the process. The prime minister was eager to enact the DV Act, as the AL government had compromised on the new version of the National Women's Development Policy in 2010. It also wanted to project itself as a women-friendly government for the Committee on Status of Women (CSW) review scheduled in February 2011 in New York that assesses whether the commitments made by the state to meet CEDAW provisions are met. Moreover, in July 2010, the key leaders of the Jamaat E Islami, the opposition coalition partner, went on trial on charges of collaborating with the Pakistani military, which reduced the veto power of the Islamist groups and created the need for the AL government to seek support from secular elements of civil society.

The positive stance of the prime minister was influential over both the cabinet and parliament. Queries on the draft law made by the cabinet were passed on to CiDV by the minister of women's affairs (an unprecedented practice), so that they could help the minister convince the prime minister regarding the necessity of the clauses in question. Meanwhile CiDV members actively lobbied male MPs who could potentially oppose the law and mounted an intensive media campaign when the bill was being discussed in parliament. These moves were informed by CiDV's own political analysis undertaken at the outset of the campaign, which had mapped out the key players who might resist the DV Act. This meant that the bill was subjected to relatively little debate and scrutiny in parliament, once it had been through the

---

[10] The father of the minster of Women's Affairs was a high ranking AL Leader, who had a close relationship with Sheikh Mujibur Rahman, the Prime Minster's father. The Women' Affairs Minister also steadfastly supported Sheikh Hasina, the AL prime minister, when Hasina was facing difficulties during the 2007-08 CTG regime backed by the army and wasalso being challenged by many of the AL leaders.

cabinet and was passed in October 2010. The Act includes provisions such as: protection order for women; right to reside in the marital home; temporary custody of children; and recovery of personal assets and assets acquired during marriage. However, compromises were made with the law ministry in terms of defining which relationships were covered under the law and the fact that marital rape was not included. There were also various loopholes in the law that has made its application difficult in matters related to economic rights and claiming compensation.

Each stage of the negotiation process was characterised by the high degree of informality and dynamism typical of politics under competitive clientelism in Bangladesh, involving backdoor negotiations, personal relationships and shifting coalitional politics. However, it was also closely informed by broader factors, including the influence of international discourses and transnational actors and the influence of the previous processes of engagement between the women's movement and the state. This is discussed below in more detail.

Key actors and institutions: interests, incentives and informality

The formulation of the DV Act 2010 involved the following key actors and institutions: a) the coalition of women's rights and human rights organisations (CiDV) who carried out the advocacy for the bill and drafted the laws; b) the gender machinery of the state, especially the Ministry of Women's and Children's Affairs (MOWCA) – particularly the secretary and the women's minister, who championed the bill; c) the prime minister, who used her influence inside the cabinet; d) the ruling party and the parliament; and e) the Ministry of Law, which resisted some of the provisions of the law. Interestingly, there was no resistance from the religious groups after 2009, despite some of the radical provisions included within the Act – perhaps because such groups were under legal scrutiny at the time, although their potential threat continued to influence government behaviour. International donors provided funds for legal research, internal meetings and other costs, but were not a part of the political negotiations.

The policy coalition, CiDV, was formed by organisations that either belonged to the women's movement or were human rights NGOs. The leaders came from national-level organisations with significant credentials in championing women's rights, working on violence against women, and providing legal aid. The inclusion of female and human rights lawyers and scholars in the policy coalition allowed it to access different constituencies (lawyers and judges) and to claim legitimacy on the subject of dealing with domestic violence. The experience of legal aid provision at the grassroots helped the coalition to counter the claim that there was no demand at the grassroots and that its members were elite women disconnected from the reality. The coalition also expanded its membership to signal that the demand for a DV Act was wider, with deliberate efforts to include organisations of transgender and gay groups, people with disability, and child rights organisations.

CiDV's lead organisations included members who had been classmates of the prime minister at the university or were close friends of the women's minister, who herself was a member of the CiDV lead organisations, Bangladesh Mohila Parishad (BMP) and Bangladesh National Women Lawyer's Association (BNWLA). These previous relationships and informal connections opened many doors, allowed access to insider knowledge and enabled the policy coalition to tackle bureaucratic resistance:

> 'When Shirin Sharmeen Chowdhury became the minister of women's affairs, we were very happy as she was one of us… and a lawyer to boot… Previously those serving in the CTG were also our people, but the political reality was different, so the issue had stalled… The minister herself took a personal interest and was willing to put the ministry's resources at our disposal… She lobbied to get MOWCA in charge of the process and not the Ministry of Law… she tipped us off about the kind of queries that may be placed. She knew X, Y and Z and those who drafted the Act, so for us to access her was not an issue… When the Act was placed in the cabinet for debate, she asked for a special briefing and specifically asked us to respond to the queries that were privately asked by the PM before the bill was placed, which is not the norm…' (interview, former BNWLA organiser and member of CiDV)

> 'MOWCA secretary was like a mother hen guarding the whole process of drafting the law, getting it vetted and placing it into the hands of the minister. We were lucky that he was not transferred … for six years he organised consultations, called us up whenever the draft hit a wall, tipped us off about how to draft our demands, who we should target and how we could negotiate the bureaucratic maze, resisting pressure from the law ministry… his core team members at MOWCA also took this to heart... he is the one who integrated it into the MSVAW project. He used to say, "I will write the notes in such way that other ministries cannot ignore this – that even if I am not here the work will go on…' (interview, Naripokhkho member of CiDV).

The coalition members interviewed described their role and the role of the secretary of MOWCA and minister of women's affairs as 'committed opportunists' and 'realists who started with the ideal asking for the stars… and made pragmatic choices and compromises to get the law through' (interview, former Ain o Shalish Kendera (ASK) employee, member of CiDV; interview, Bangladesh Legal Aid Services Trust (BLAST), director and member of CiDV). Their opportunism resulted from the alignment of the campaign with the interests of the ruling regime to enact this particular piece of law, which flowed both from the shifting dynamics of the ruling coalition at the time and from its need for wider (international) legitimacy (discussed later).

MOWCA played the lead role, along with the Bangladesh Law Commission and the Ministry of Law, in facilitating the process. The women's minister and the secretary of MOWCA ensured that the DV Act was institutionalised as a deliverable for the donor-

funded MSVAW project that was being implemented by the ministry. This formalised CiDV's interactions with the government and gave its work weight and entry into policy space. Conventionally the Ministry of Law takes the lead in drafting bills, but this was unconventionally left to MOWCA, which allowed CiDV the opportunity to rework and place its initial drafts of the Act. This move reflected not only the minister's own personal interest in enacting this law, because of her personal links with the women's movement and the close fit between the DV Act and the ministry's other policy priorities at the time, but also pressure from the external funders to move forward on this issue, as well as the fact that the law ministry lacked the expertise to draft laws on domestic violence, expertise that CiDV lawyers could offer.

Nonetheless, the women's minister had to deal personally with the resistance from the Ministry of Law, which saw MOWCA as encroaching on its territory. A Supreme Court barrister and also a member of CiDV pointed out that the 'law ministry had kicked up a fuss over our definition of family in the draft but Shirin (the minister) was very tough… and insisted that the law ministry should not tinker with MOWCA's draft…'. Although MOWCA is the weaker ministry in terms of resources, personnel and position within the government, the position of the women's minister within the inner circle of power opened up avenues. The support of the prime minister's office (PMO), and especially the prime minister, was critical once the law was placed in the cabinet: a CiDV insider based at the PMO noted that the prime minister briefed the cabinet that she wanted the Act passed during her tenure as a part of the election pledge and that the draft should be placed in parliament as soon as possible. This helped to limit discussion in the cabinet, excepting protests from the Ministry of Law, and also parliament. CiDV members interpret this support as AL's need to:

> '[W]oo the women's rights and human rights groups with the beginning of the war crimes trial when the government needed support of all secular and liberal groups against the Islamist parties – especially since the government had compromised on appeasing the *ulema* (religious scholars) on the National Women's Development Policy and had disappointed us… so this was a peace offering, given the CSW (Committee on Status of Women) review was coming up in February 2011 and we were preparing the alternative report and Bangladesh needed to appear [to be] doing well…'(interview, Supreme Court lawyer and CiDV member).

The fact that merely passing the Act did not require immediate resourcing also reduced any potential resistance from other, stronger ministries.

Although donors were not a part of the CiDV and nor did they formally engage in the negotiations with government, finance from GIZ, AED (USAID funding), and the Nordic countries in particular helped facilitate the process. Donor funding was particularly useful during the research and training stages, during which legal aid scholars and feminist lawyers who had worked on the Indian Domestic Violence Law were brought in to discuss difficulties in the Code of Criminal Procedure enacted by the British colonial authority and the various cultural matters that need to be take into

cognisance when drafting such a law (interview, former Care Bangladesh employee and member, CiDV).

Role of discourses in shaping Ideas about domestic violence

The influence on Bangladesh's women's movement of international discourses on women's rights is palpable. The longstanding focus on violence against women by women's rights organisations gained prominence in and around preparations for the UN Beijing Conference in 1995, the follow-up to which saw government formulating the National Women's Development Policy and the National Action Plan for women, which included domestic violence. This process created opportunities for women's rights organisations to engage with the state by entering policy spaces, enabling each side to gain insights into the other and create the basis for the working relationships that would later develop around the push for the DV Act. The growing rights-based agenda also created a context where the domestic violence issue was packaged as a human rights violation issue and not a private matter between family members. The ideas used to frame the Indian domestic violence law were particularly influential on women's rights groups in Bangladesh.

The key achievement of the DV Act was to define domestic violence beyond the physical, to include economic, sexual and psychological forms of violence (in line with the general recommendation made by the CEDAW committee in 1992), as the latter three were not clearly recognised in the existing penal code. This definition had far-reaching consequences in matters related to consciousness raising and framing of provisions for women. The idea of how a family was defined was another issue that challenged the prevalent notions about marital relations, sexual order, and women's needs. CiDV promoted a wider definition that included cohabitation, adopted children, transgender and gay partnerships. This definition was contested, as some members felt that the DV Act should only focus on women and leave out other groups to be covered by special codes (interview, former ASK employee and member of CiDV). In the end a narrower and sanitised definition of the family (only blood relatives, marital relationships and adopted children) was used by the Ministry of Law to avoid controversy and minimise contention. The debate also occurred around whether it should be a gender-neutral bill (covering men also) or should specifically target women (interview, BLAST director and member, CiDV).

While framing the issue, the policy coalition and the ministry emphasised the interconnectivity of ideas and interests on domestic violence with other prominent discourses at the time, including the Millennium Development Goals (MDGs), maternal mortality, economic and social costs of domestic violence and other issues (interview, former Care Bangladesh employee and CiDV member). This more instrumentalist approach helped the coalition to reach a wider audience and making it appear more sensible to pass, instead of an Act that deeply challenges male privilege.

This shift in narrative on why the DV Act was needed took place to limit contention. The policy coalition and the ministry were well aware that domestic violence is embedded in patriarchal power structures and difficult to legislate against. The Act also contained provisions on the right of married women to live in the marital home (the husband cannot throw the wife out) or to claim compensation for property that was acquired during marriage, which, if implemented, would greatly limit male power. However these provisions were framed around the need Bangladeshi women have for male protection and economic provision by the husband. While this framing reflected the reality of women's conditions it also limited the possibilities for contention, by playing into a construction of gender roles that was more acceptable to men and society in general.

The provisions on these aspects in the final version of the Act were much less challenging to male privilege than they might have been. The right to live in the marital home does not establish the ownership claims of the woman, but provides temporary shelter until the husband cools down (interview, former BNWLA employee and CiDV member). As the law is premised on protecting victims while they remain married, it does not apply once the couple is divorced and so leaves a way out for men, given that a man can unilaterally divorce his wife by sending her three written notices. The economic rights of women within the family that were enshrined in the DV law (e.g. right to residence, maintenance claims) are limited by the fact that the DV Act is a civil law that does not disrupt the discriminatory religious personal law regimes in place in Bangladesh. Men's stake in losing male privilege was not very high in the case of the DV Act, in contrast to the case of the National Women's Development Policy, where women's control over acquired assets opened up possibilities for disrupting property and inheritance systems. While the DV Act included sexual violence in its definition of domestic violence, it did not include provisions on marital rape – it was more focused on sexual offence that takes place within the home against children or minors. In fact, by the time this law reached the cabinet, it was seen as a 'lightweight' issue that was needed to protect women from widespread violence within the home.

On resistance to the law and diffusing resistance

The main resistance to the Act came from the Ministry of Law and some male MPs. Ministry of Law officials disputed the draft bill's broad definition of the family, which included a couple cohabiting or persons living in the same household, in favour of focusing only on married couples. The recognition of cohabitation was seen as a threat to the existing sexual order and family stability in a society where the only acceptable form of sexual relations takes place within marriage. Law ministry officials were also worried that families would break down if marital rape was recognised and women would abuse the various provisions in the law that gave them the right to reside in the martial home and property to harass the husband and in-laws. Initially, resistance to these issues was dealt with by the women's minister, who was adamant that no changes would be made. However, the Ministry of Law had the right to send the draft for independent scrutiny, which is where definition of the family was

changed, cohabiting couples were not covered under the law and marital rape was not included.

Some resistance also came from male MPs, including leading members of the executive and opposition party. The bill was criticised by them 'for singling out women for protection under the Act, since men also needed protection, and they feared that women would abuse the provisions of the law' (interview, BLAST lawyer). CIDV counter-lobbied by highlighting the widespread nature of domestic violence, the fact that other countries had legislated against it, and also by toning down the more radical aspects of the proposed Act. Most female MPs, other than those who had links with the women's movement, played no part in persuading their male counterparts (interview, female MP 1; interview, BNWLA employee and CiDV member). The policy coalition briefed all the female MPs regarding the bill, partly to avoid hostile questions from the opposition female MPs. This fear was not misplaced, given the confrontational nature of parliamentary political practices and culture in competitive settings such as Bangladesh, where female MPs have usually failed to unite over gender equity concerns as opposed to toeing the party line.[11]This is further exacerbated by the fact that the majority of the female MPs are in reserved seats and thus owe their loyalty to the party leadership (interview, BNWLA employee).

Parliamentary resistance could therefore have been stronger, had it not been for these efforts, along with the strong support from the PMO and the fact that parliament is a weak institution that has rarely proved capable of resisting pressure from the executive. The attention of opposition MPs was also usefully diverted by other ongoing processes, including the war crimes trial. Although the *ulema (*religious scholars) and Islamist political parties did not directly oppose the bill, the toning down of the radical aspects of the DV Act, particularly concerning the definition of the family and the non- inclusion of marital rape, was a direct result of the group's veto powers and the perceived threat this group posed with regards questioning AL's credentials to rule a Muslim majority country.

DV Act 2010: the politics of implementation

The rapid progress made by Bangladesh in adopting the DV Act of 2010 stands in marked contrast to the slow pace of its enforcement.

The state still lacks a coherent and well-resourced operational structure through which to implement the law. The process of implementation was initially stalled because of the delay around the rules of procedure, which took three years to develop and gazette. Initially the rules were developed and sent by the CiDV in 2012, but only taken up by MOWCA in 2013. It took another year to develop the prescribed forms required to file cases, and MOWCA still lacks the resources to copy these forms and distribute these to different state agencies. MOWCA also requires cooperation from the home, social welfare, law and justice and finance ministries,

---

[11] Rules against 'floor crossing' were introduced after 1973 to control dissent; a member of parliament loses his/her seat.

which has so far been absent (interviews, BLAST lawyer and CiDV member; MOWCA officers at MOWCA-CiDV dialogue 2014). It was envisioned that MOWCA officers at the district and upzila levels would be the key implementing officers and would liaise with the police, courts, hospitals and local-level women's organisations. A list of service-providing organisations (women's organisations, legal aid organisations) would be developed and catchment areas of these service-providing organisations would be clearly defined. So far, training modules for MOWCA officers and the listings of these service-providing organisations have been completed by CiDV, although a recent evaluation conducted by BNWLA found that about half of the MOWCA officers interviewed at the district level had not received training on the DV Act (BNWLA, 2013). Most stated that they did not know how to file applications under the DV Act, and could only do so with the assistance of the legal aid and women's organisations.

Progress in the training of judges and police officials is slow because of lack of resources. The BNWLA evaluation also reported that of the police officers interviewed in five districts, only 10 percent of officers knew about the DV Act (BNWLA, 2013). There are six one-stop crisis centres and nine government shelters covering 64 districts (some of these existed before the law was passed), indicating the numbers are woefully inadequate. Although the law has specific provisions for compensation, the courts are finding issuing such orders difficult, as establishing what assets had been acquired by the women during marriage is difficult. Adequate monitoring mechanisms are yet to be developed to track implementation by the state. Table 1 below shows the steps undertaken by the state and the gaps in implementation.

Why do these lags or gaps in progress exist? The immediate reasons that surface are the following. The implementation of the DV Act requires changes in operational procedures and budgets, so that the state officials are able to use the law. At present, the MOWCA officer or the social welfare officer operates as the point person at the district level if cases are filed. However this provision places the officer as an enforcer and creates conflicts with their primary role as welfare officer. This is in addition to the increased workload, the lack of training on the new law, lack of budget for transport, for conducting investigations, and for accessing various services that victims need. One MOWCA officer based in Dhaka highlighted the following problems*:*

> 'There weren't enough forms to file complaints, which were later supplied by BLAST… I worked with BLAST to file a protection order, as I had no training …I work on other cases also (and because of this)…there was a lag in securing the protection order… When the order was ineffective to protect the girl, I had to go and rescue her at 10pm. I contacted the local police station, but they were not co-operative initially. I needed a vehicle to go to that part of the city at night, which I did not have, and the office will not reimburse me…

'My husband took me. The officer in charge was responsive later and helped in rescuing the girl, but we could not bring her things, as we had no storage space for keeping them…I received so many threats from the husband's family… and this is just one case. ...If anything gets done [under the DV Act], its gets done because some people in the government and the women's organisation workers are committed to making it work, but there are limits to what only commitment can deliver!'

Table 1: Steps undertaken for implementing the DV Act

Action	Year	Time and other types of lags
Developing rules of procedure	April 2013	Draft submitted to MOWCA in 2012
Developing training modules	Completed in 2013	Modules developed three years later
Training of MOWCA officers	299 officers trained to cover 64 districts; still continuing	Resource gaps
Preparing list of service delivery organisationsand information registry and identification of catchment areas	Catchment areas identified by CiDV by 2013; List of service delivery organisations submitted by CiDV in 2014;	MOWCA yet to publish list
Training of police officers	CiDV continuing from2013	Resource gaps
Training of magistrates	CiDV continuing from 2013	Resource gaps
Cases filed	Cases were filed mostly in Dhaka and five other districts, largely in project pilot areas: 146 by BNWLA; 32 by BLAST; nine by ASK. Cases are mostly filed by women against their husbands.	Most court officials, police officers unaware about the DV Act
Monitoring of cases	CiDV member pilots in 2013-14	Some pilots by CiDV members; no concentrated efforts by the state

Note: Information as of December 2014, collated from CiDV members and MOWCA officials and website.

In addition, CiDV's role in training state officials and developing the forms has created internal conflict, as some are opposed to CiDV becoming a 'training unit'.

However, where cases have been filed under this law, the experience shows that involvement of women's rights groups in handling the case on behalf of the plaintiff and the presence of responsive state officials are crucial for successful implementation (observations made at the MOWCA-CiDV meeting, August 2014).

If one digs deeper, it is apparent that the following structural issues act as barriers. First, the law requires MOWCA to be able to co-ordinate the activities of several implementing agencies, which it is unable to do effectively, given its low levels of bureaucratic and also political capacity, particularly in relation to the more powerful Ministries of Law, Home Affairs and so on.

Second, the discussion above reveals that the implementing state agencies face a lack of resources and capacity to implement the law,[12] in part because a clear financial policy and plan was not developed when the law was adopted. There is a lack of coherence between the visions of the DV Act and its provisions, which makes implementation harder.

Third, the implementing agencies, including the police, lower judiciary and medical service providers, remain male-dominated professions and arenas, and act as 'blockers' in the implementation process (Waylen, 2013). Most of these actors encourage women who bring domestic violence cases to pursue mediation and reconciliation, partly as a paternalist means of protecting them from the loss of economic security that this could entail, given that many women in Bangladesh are economically dependent on their husbands. Moreover, the predominant view within the police and judiciary is that the filing of domestic violence cases leads to 'destruction of family, the core unit upon which the society is built' (interview, magistrate, August 2014).

Fourth, the key players in the adoption process, namely the civil society coalition and also donors, are not officially involved in implementing the law, and whilst the key implementing agencies were consulted during the adoption process, they were not amongst those pushing for this legal change. There is therefore a disconnect between the 'rule-makers' and 'rule-enforcers' (Waylen, 2013), a gap that has to be mediated by the relatively weak MOWCA. This disconnect helps explain the limited priority that implementing actors have placed on enforcing the law. Moreover, the fact that these institutions have been heavily politicised within Bangladesh's competitive clientelist setting or over two decades has further reduced their capacity and incentives to deliver rules-based policies in general, let alone those that threaten dominant interests and ideas and carry little political weight behind them.[13]

---

[12] More than 450 posts are vacant for the position of District and Assistant Judges (from an article in ProthomAlo, 26 April 2015).

[13] One of the police officers made the following points to a CiDV member: '… a husband slapping a wife around is not a priority when we have to make sure that the opposition party cadres are not out of line, when there are political clashes, when we get phone calls to provide different types of services by the "high ups" [sic]… solving a domestic violence case will not help in keeping my job …' (interview, CiDV member).

Aftermath: a hollow victory?

In Bangladesh, at the national level, ruling elites are capable of swiftly reaching a consensus over policies that would earn them extra mileage with the international community or create opportunities for distributing patronage. Thus, many reforms and good policies are formulated when it comes to addressing gender needs and the rights agenda, but most of these policies and reforms are not implemented effectively. This is partly due to the particular nature of the politics of implementation in that sector and the overall lack of state capacity, and partly because the failure to deliver is not electorally costly and does not threaten the stability of the regime. The interest of the ruling coalition to enact a DV law was driven by the top leadership's interest to project its image as a gender-friendly regime at the national and international levels. The enactment of a law which was compromised of its radical nature did not create major challenges to the sexual, social and gender order.

Moreover, CiDV members are unwilling to publicly shame the government concerning its limited enforcement of the DV Act, as this would undermine the good relationship that they have established with government and the access this enables them, particularly at a time when the ruling elite's need to woo women's rights groups and the space for opposing the state is being squeezed out. In 2014, new gagging laws pertaining to the media and NGO funding were introduced to limit criticism of government actions, which has limited space for calling the state to account. Also, the holding power of the policy coalition had decreased with the rise of Hefazat E Islam, a loose coalition of Islamic forces in 2013, which the government needed to pacify, given upcoming elections in 2014.

Policy case B. Provisioning primary education for girls

Bangladesh's success in attaining gender parity at the primary level in the 1990s and attaining the Millennium Development Goals (MDGs) in education well before the targeted timeline are much celebrated by the government and the international community. Bangladesh also attained gender parity in enrolment at the secondary level (Alam et al., 2001) and ensured that around 60percent of the teachers at the primary level are female (Hossain, 2004; Al Samarrai, 2009; CAMPE, 2014). The fact that most of these gains were attained during the 1990s, before the country's economic growth spurt, is both remarkable and points towards the need for a political explanation of this progress. Our use of a political settlement perspective helps shed light on both the rate and nature of this progress, and also the reasons why success in enrolment has not been matched by success in reducing the gender inequalities and gaps that persist in terms of experience and outcomes within education. Importantly, the politics of how Bangladesh achieved gender parity in primary education cannot be disentangled from the larger story around the politics of universal primary education, and particularly the elite consensus that exists over expansion of primary education in a competitive clientelist setting.

Broad strokes of the story on attaining gender parity in primary education

Several scholars have identified the extent to which there is strong and longstanding elite consensus on expanding access to education in Bangladesh, particularly among the bureaucratic and political elites, which goes beyond partisanship or mere rhetoric (Hassan, 2013,2014; Hossain, 2004).This consensus flows from the dominant ideas and incentives that shape ruling coalitions in Bangladesh, encompassing both the idea that education is central to the elite's modernist ambitions of nation-building and the more self-interested recognition that educational provision offers an effective means of gaining popular legitimacy and distributing patronage.

The main push for extending primary education took place in the 1990s after Bangladesh entered multi-party democracy (Hossain and Kabeer, 2004), with successive regimes prioritising increased allocations to education and maintaining policy continuity since then (Hassan, 2013). This strong focus on expanding primary education, including by increasing the number of teachers and constructing more schools in rural areas, has directly contributed to increasing girls' access to education, as the physical distance of schools, lack of school facilities, and security concerns were some of the reasons that discouraged parents and guardians from sending their girls to school (Hossain, 2004). The increase in enrolment of girls was also influenced by the changes in the marriage market (preference for educated girls and lower dowry, Schuler et al., 2013), the expansion of work opportunities for girls in the ready-made garments sector and also in the public sector as community health workers, etc., as well as various government interventions, such as Food For Education (FFE, a programme where children from selected poor families received a wheat grant), that created increased demand for education for girls. The political pressure from electoral constituencies on the incumbent MPs for the provision of free primary schooling in rural areas, increased levels of donor funding for primary education provision since the 1990s, a convergence of donor policies on expansion of primary education and attaining gender parity in education, and increased scrutiny by the civil society coalition on education (Campaign for Popular Education [CAMPE]) and on attaining gender parity all contributed to Bangladesh's success (Alam et al., 2003; interview, consultant, Department of Primary Education [DPE]). In short, all organised actors within Bangladesh, and not just the usual suspects, such as teacher's associations and development NGOs working on education, are strongly in favour of expanding primary education. What is less clear is the extent to which there is a genuine commitment to promoting girls education per se, or whether success on this front has been more a by-product of this broader move.

Key actors and institutions in the politics of educational expansion in Bangladesh: ideas, incentives and informality

The provision of education for girls was initiated by the colonial administration with the support of the elite (burgeoning middle class) in Bengal. It looked set to be consolidated through the nationalist commitment of the first independent government to provide mass education in the immediate aftermath of the liberation war, as reflected in the constitution (Ahmad, 2003), although the main pressure was for

educating boys as the nature of the economy and job market changed and landlessness rose. Education of girls was also linked to the creation of a modern nation state and the value of educating girls was a part of the public discourse, although this mainly focused on addressing the needs of elite and middle class women (Bose, 2014). Progress on expanding access to education was erratic during this period, partly because of the post-war shortage of effective administrators and because the clout of student groups during 1970s demanded that a larger share of the budget went to higher education. Concerned with the leftist mobilisation of the time, the post-war military government also feared that mass education would disrupt the social order, and subsequently limited their investments in primary education (Hossain, 2004).

A push to recruit female teachers at the primary level began in 1981,partly to help overcome guardians' fears of sending their girls to a male-dominated environment (Hossain, 2004), but also because of the stereotypical view that women would be better than men at nurturing small children (interview, consultant, DPE). [14] The demand for education for girls from poor households did not enter the public discourse until the 1990s, mainly through developmental concerns in general, rather than through a focus on girls' rights (interview, consultant, DPE). One long-term CAMPE member made the following observation:

> 'In the 1990s, the provision of primary education for girls was framed as a "development" issue and in instrumentalist terms. It was framed by the political and civil bureaucracy as an effective strategy to increase women's labour power, and also gaining dividends from education, such as reduction of fertility, child mortality, etc. The framing of girls' access to education as a right was largely limited within the civil society coalition, academia and the donor documents. This has changed…'

The growing power of electoral politics and international donors during the 1990s helped to underpin the general expansion of access to education in Bangladesh during this decade, including for girls from poor households, as it enhanced the opportunity for elites to claim both electoral and international legitimacy. Leaders of both the AL and the BNP have been consistently strong in their support for expanding access to primary education during election campaigns and keen to tout their successes in this field (AL election manifesto, 2008; BNP election manifesto, 2008). This is in part because the expansion of access to education, including girls' access, creates the opportunity for the ruling coalitions to dole out patronage through

---

[14] The primary teacher position is widely deemed to be a suitable position for women, because balancing care responsibilities is easier in this sector compared to other administrative sectors. One can be posted in one's own district. With the expansion of girls' education, primary school jobs are prized by local elite families for their daughters/ daughters-in-law. There are fewer women as headteachers, which is a more prestigious position. Most men are not willing to work in this sector because of the low status of primary school teachers and low pay. However, with proposed changes in grades for primary teachers, these views on teacher's status may change (interviews at DPE and CAMPE).

the massive Food for Education (FFE) and stipends programmes, as revealed in several studies (CAMPE, 1999; Ahmad, 2003).[15]

Expanding primary education has also enabled the political elite to enrol primary school teachers and strengthened their association within successive ruling coalitions: teachers constitute a key political constituency, with a huge membership, who also act as 'village-level bureaucrats' (e.g. acting as polling officers in national and local elections, etc.). The extension of primary education, and of the number of teachers, has thus created a win-win situation for teachers and politicians alike. The significance of this political link between the political elite and teachers is further illustrated by the fact that the Prime Minister's Office maintains direct control over the Ministry of Primary and Mass Education, as distinct from the Ministry of Education (Hassan, 2014). This situation enables the ruling elite to maintain support and stability among lower-level factions within the ruling coalition, which is central to maintaining regime stability within increasingly competitive clientelist settings (Khan, 2010).

The politicisation of the bureaucracy that is also typical of competitive clientelist settings is also evident in the education sector. Indeed, officers at the department of primary education (DPE) claim that they are the ones who 'ensured successful implementation of various projects and programmes, and that politicians are corrupt and disruptive forces that are not interested in quality or gender equity issues and concerns' (interview, DPE officer 2). This reading is supported by recent research showing how interference by MPs in local schools limits the effectiveness of school management committees, the authority of the headteacher and the education officer at the local level, with similarly high levels of interference by ministers and political party leaders in matters related to transfers, training, and preventing sanctioning of truant teachers (Hassan, 2014).

Donors played a central role in promoting and financing the expansion of primary education, including education for girls in Bangladesh during the 1990s, before which only UNICEF had prioritised this sector (interview, DPE officer 1, Hossain, 2004). Successive international commitments to expanding primary education, particularly for girls, were made over this time period, from the 1990 Jomtien world conference on education through to the Millennium Development Goals (Sedere, 2000). Development NGOs also played a key role in the 1980s and 1990s in expanding non-formal primary education for marginalised groups, including girls from poor households, in ways that created an indirect pressure on government to deliver on the access agenda. This pressure is resented in many ways by government, with a strong sense of hostility towards development NGOs among the civil bureaucracy, who see the development NGOs as 'service providers addressing needs at a miniscule level, and making much of it, because of they know the art of presentation and undermining the achievements of the state…' (interview, DPE official 1). However, there are some moves establishing partnerships between state and non-

---

[15] Despite leakages, studies have found these programmes to benefit girls (Hossain, 2004).

state actors in the education sector, with the NGO coalition on education, CAMPE, forming a collaborative relationship with the DPE, Ministry of Primary Education (MOPE) and the government. CAMPE is included in all MOPE and DPE policy meetings and consultations, which suits government in that it provides legitimacy to the process (interview, MOPE official 2) and also suits CAMPE in terms of offering the opportunity to influence policy. Although CAMPE does not include a central role for women's rights NGOs, one CAMPE member and long-term activist within the women's movement helped capture the nature of the movement's engagement with promotion of gender equity in education:

> 'The women's rights organisations have always been vocal about demanding education for girls… Our members were a part of the drafting committees on education policy during the 1980s, we have been part of CAMPE, National Education Watch, and other education commissions… … we did not feel we had to be out in front… we worked with others behind the scene… We focused on getting specialists among us in the right places, as we needed technical knowledge for arguing our points. For holding a credible position we needed to be deemed as experts, that was our identity that we projected and not our identity as activists (interview, member, National Education Watch)'[16]

The above discussion on actors driving access to education for girls and their interests raises the following question: are rights-based approaches less productive than a more instrumentalist approach when it comes to the promotion of gender equity that falls under ameliorative policy change in a competitive clientelist context? What the discussion perhaps indicates is that attaining gender equity in primary education is a side story of the larger struggle over resource distribution and legitimacy construction, given the various political drivers at play over the education policy agenda.

Aftermath: advantages of going with the grain?

This political history of expanding primary education in Bangladesh, and the achievement of gender parity therein, has been closely shaped by the ideas and incentives of dominant players within the country's successive ruling coalitions, and influenced in particular by the demands of maintaining legitimacy and support within a patronage-based electoral democracy and also in the eyes of transnational actors. The expansion of primary education was driven by an elite consensus on education that had been apparent since before independence, but which only gained momentum under Bangladesh's shift to multipartyism, which increased both the political logic of expanding education and the bottom-up demands to do so. The massive expansion of schools was both ideological and self-interested. It allowed

---

[16] The CAMPE interviewees pointed out that other policy matters related to gender equity faced resistance. For example, the secondary school stipend programmes faced resistance from the bureaucracy and also from boys-only schools [the latter because the resources would be diverted]. Curriculum changes – including gender-friendly changes and deemphasising religious education – that highlighted only the complementarity of gender roles faced strong resistance.

successive regimes to distribute patronage through appointments and gain access to both resources from and legitimacy within the international community, which had over the same time period placed first universal primary education and then girls' education in particular at the forefront of funding and policy agendas. That Bangladesh achieved parity in enrolment for girls during this period was largely a by-product of this convergence of powerful interests and ideas behind the expansion of primary education, rather than part of a dedicated struggle to promote gender equity.

IV.   Conclusions

Reflections from both policies on the political settlements framework

Both cases reveal how the political settlement has shaped the promotion of gender equity in Bangladesh, and the value of moving beyond the usual focus on the impact of gender quotas and the effectiveness of state gender machinery to the deeper forms of politics and power relations that shape progress on this front.

The different rates of progress experienced by the two reforms, with the DV Act both taking much longer to be adopted and being much more weakly enforced than girls' basic education, reflects the extent of alignment between each policy reform and the dominant interests and ideas of the ruling coalition, and thus the capacity and commitment accorded to each agenda. As a nominally 'transformative' policy reform, the DV Act of 2010 faced greater resistance and had to be diluted in ways that have helped to maintain male privilege. The difficulties in implementing the law can be explained in part by its complex character, which requires co-ordination between multiple actors and agencies, but also because it does not fit the incentive structure of the ruling coalition, in that, unlike primary education, it does not confer electoral legitimacy or offer scope for dispensing patronage. In contexts where political parties are primarily clientelist, rather than programmatic, simply getting the law passed requires pushing through contentious agendas that challenge gender power structures and which do not yield electoral benefits or generate rent. This requires a high degree of mobilisation by a cohesive coalition.

The expansion of access to primary education for girls, meanwhile, was never about gender equity, but rather was carried along by the wave of political support for the expansion agenda, which fitted closely with powerful political logics concerning ideas, patronage distribution, political legitimacy and international support. The gender equity agenda could be folded into these. However, over the years, gender mainstreaming has become entrenched within education policy, in part through the more subtle policy work (rather than advocacy per se) that certain CSOs and donors have been able to achieve once the door had been opened by stronger forces. This perhaps indicates that ameliorative policy change retains transformative potential for change in gender power relations, and that gender equity policies that are strongly embedded within other, larger agendas of different actors may be relatively easy to push forward when changes are negotiated.

Second, the political settlement framework helped draw attention to the role of key actors in relation to their power within the ruling coalition, the significance of the historical context in terms of establishing women's entitlements at key moments of state formation, the role of informal negotiations and personalised relations within the negotiation process of policy formulation, and the role of policy coalitions. Whereas a standard political settlements analysis would focus only on interests, our extended framework enabled us to explore the influence of ideas in shaping political behaviour too. In many ways, these analytical insights converge with the recent emphasis placed by feminist scholars on the significance of informal institutions (Waylen, 2013), state–society relations (Htun and Weldon, 2010) and coalitions (DLP) in securing gender equity. This indicates that the framework we used allowed us to capture a more nuanced picture of the policy story. However, what needs to be asked is: does the particular analysis presented in this paper capture the gender policy story more effectively than the existing approaches, such as feminist institutional analysis?

Third, the analyses of both policy cases capture the role of the informal. Personal relationships between the leadership of the coalitions formed to enact a DV Act and the top leadership of the ruling regime, and key officials in the gender machinery, influenced the policy adoption process greatly. The negotiations around the DV Act show how, in a competitive clientelist context, pro-women coalitions may find space to promote certain agendas if the top leadership is facing a context where the oppositional elites (religious political parties) need to be contained. However, the reverse may also happen. What PS analysis of these two cases also shows is the holding power of different factions within the ruling coalition and other actors, which is useful for unpacking resistance and whether this could be overcome. Unpacking how informal norms and relations operate and understanding the incentives of the key actors for promoting/resisting gender equity concerns are crucial in developing a clear analysis of what kind of change is possible for women's/gender equity.

Fourth, our evidence suggests that for the public bureaucracy to play a progressive role requires that the normal rules of the game within a competitive clientelist political settlement are somehow disrupted. This happened here in two ways: either through the emergence of an elite consensus on provisioning primary education that stretches across the short-term partisanship of Bangladesh's partyarchal settlement (Hassan, 2013); or when the usual dynamics of a ruling coalition seeking to maintain regime stability are under threat from a credible alternative coalition, and the politicising effects of this on the public bureaucracy are temporarily suspended, as occurred through the installation of a CTG at a critical moment during the promotion of the DV Act.

Fifth, the cases also reveal that transnational actors (donors and the global feminist movement), events (CSW review) and discourses (e.g. the MDGs) are able to tip the balance in favour of women's rights (although this comes with a price, as women's groups' legitimacy may be questioned). Importantly, South–South exchanges can play a vital role in the promotion of women's rights, as demonstrated in the role

played by the Indian and Malaysian feminist movement actors assisting in framing the DV Act in Bangladesh. These findings certainly add to the political settlement analysis, which suffers from a bias of methodological nationalism (Hickey, 2013). For further development along these lines, we need to methodologically map and demonstrate clearly the way transnational actors and discourses are both constitutive of, and an external influence on, the political settlement.

Moving forward

The analysis presented here suggests a number of areas for future research: first, to deepen our understanding of how informal processes shape gender equity by investigating how norms, illicit behaviour, and backdoor deals influence elite behaviour and gender-equitable outcomes, and how women are a part of these deal-making processes in other sectors and other contexts.

Second, how sectoral politics is gendered, and its links to the larger, national-level political settlement, require further analysis. In this paper we have explored only two sectors; however, this analysis needs to be strengthened by cross-sectoral analysis.

Third, the role played by [male] allies within the pro-women coalition and their incentive and interests for doing so – and whether this is something that can be leveraged/harnessed for the promotion of gender equity – also need to be investigated further. This is particularly relevant for policymakers and coalitions working on promoting women's rights.

Fourth, the incipient findings presented here on competitive clientelism and how this influences gender-equitable outcomes need to be further strengthened by conducting research on other competitive contexts.

References

Ahmad, M. (2003). *Essays on Education in Bangladesh.* Dhaka: Ekushe.

Ahmed, R. (1981).*Bengal Muslims 1871-1906: A Quest for Identity*. New Delhi: Oxford University Press.

Akter, M. (2014). 'Women in Bangladesh politics: Existing challenges and future opportunities'. Technical Brief 06. Dhaka: Center for Gender and Social Transformation, BRAC Institute of Governance and Development, BRAC University.

Akter, M. and Nazneen, S. (2014). 'Inclusive democracy: Engendering political parties'. In *The State of Governance Report: Bangladesh 2013.* Dhaka: BRAC Institute of Governance and Development, BRAC University.

Alam, M., Ross, J. and Unterhalter, E. (2003). 'A fragile dialogue? Research and primary education policy formulation in Bangladesh*'. Compare, A Journal of Comparative and International Education*, 33(1).

Al-Samarrai, S. (2009). 'The impact of governance on education inequality: Evidence from Bangladesh'. *Public Administration and Development*, 28: 1–13.

AL (Awami League) (2008). 'Election manifesto of Bangladesh Awami League – 2008'. Available online: https://kanakbarman.wordpress.com/2008/12/17/election-manifesto-of-bangladesh-awami-league-2008/ (accessed 9 February 2017).

BBS (Bangladesh Bureau of Statistics) (2011). *Violence Against Women in Bangladesh 2011*. Dhaka: BBS.

BNP (Bangladesh Nationalist Party) (2008). 'Election manifesto – 2008'. Available online: http://bnpbangladesh.com/backup_30-05-2016/en/index.php/library/election-manifesto (accessed 9 February 2017).

BNWLA (Bangladesh National Woman Lawyers' Association) (2013). *Ending Impunity: Monitoring Report for the Implementation of the Domestic Violence Act (Prevention and Protection), 2010*. Dhaka: BNWLA.

Bose, N. (2014). *Recasting the Region: Language, Culture and Islam in Colonial Bengal.* New Delhi: Oxford University Press.

BIGD (BRAC Institute of Governance and Development) (2014). *The State of Governance Report: Bangladesh 2013.* Dhaka: BRAC Institute of Governance and Development, BRAC University.

CAMPE (Campaign for Popular Education) (1999). *Hope not Complacency: State of Primary Education in Bangladesh 1999.* Dhaka: CAMPE/University Press.

CAMPE (2014). *Education Watch Report, 2014.* Dhaka: CAMPE.

Chowdhury, N. (1994a). 'Bangladesh: Gender issues and politics in a patriarchy', in B. Nelson and N. Chowdhury (eds.), *Women in Politics Worldwide.* New Haven, CT: Yale University Press.

Chowdhury, N. (1994b). 'Women's participation in politics: Marginalization and related issues'. In N. Chowdhury, H. A. Begum, M. Islam, and N Mahtab (eds.),*Women in Politics.* Dhaka: Women for Women.

Di John, J. and Putzel, J. (2009). 'Political settlements: Issues paper'. GSDRC, International Development Department, University of Birmingham.

Escobar-Lemmon, M. C. and Taylor-Robinson, M. M. (eds.) (2014). *Representation: The Case of Women.* Oxford: Oxford University Press.

Kabeer, N. (1994). *Reversed Realities: Gender Hierarchies in Development Thought.* London: Verso.

Kabeer, N. (1988). 'Subordination and struggle: Women in Bangladesh'. *New Left Review* I/168.

Halim-Chowdhury, E. (2009). 'Transnationalism reversed: Engaging religion, development and women organizing in Bangladesh'. *Women's Studies International Forum*, 32:414-423.

Hassan, M. (2013). 'Political settlement dynamics in a limited access order: The case of Bangladesh'. ESID Working Paper 23. Manchester: Effective States and Inclusive Development Research Centre, The University of Manchester.

Hassan, M. (2014).*PEDP III: A Political Economy Assessment.* Dhaka: DFID Bangladesh.

Hickey, S. (2013). 'Thinking about the politics of inclusive development: Towards a relational approach'. ESID Working Paper 1. Manchester: Effective States and Inclusive Development Research Centre, The University of Manchester.

Hossain, N. (2004). *Access to Education for the Poor and Girls: Educational Achievements in Bangladesh.* International Bank for Reconstruction and Development/World Bank.

Hossain, N. and Kabeer, N. (2004). 'Achieving universal primary education and eliminating gender disparity'. *Economic and Political Weekly,*4 September..

Hossain, N. (2007). 'The politics of what works: The case of the vulnerable group development programme in Bangladesh'. CPRC Working Paper 92. Dhaka: BRAC.

Htun, M. and Weldon S. C. (2010). 'When do governments promote women's rights? A comparative framework for analysis of sex equality policies'. *Perspectives in Politics*, 8(1): 207-216.

International Crisis Group (ICG) 2015. *Mapping Bangladesh's Political Crisis*, *Asia Report No 264*. Brussels: International Crisis Group.

Inter-Parliamentary Union (2014). 'Women in politics'. Available online: http://www.ipu.org/pdf/publications/wmnmap14_en.pdf (accessed 9 February 2017). Geneva: IPU.

Jalal, K. (1975). 'Women in politics', in *Women for Women: Bangladesh.* Dhaka: Women for Women.

Jahan, R. (1976). 'Purdah and participation: Women in politics of Bangladesh'. Paper presented at conference on Women and Development*,* Wellesley College, Boston, MA, USA, 2-6 June.

Jahan, R. (1995). 'Men in purdah and women in public: Rokeya's dreams and women's struggles in Bangladesh', in A. Basu (ed.), *The Challenges of Local Feminisms: Women's Movement in Global Perspective*. Boulder, CO: Westview Press.

Jayawardana, K. (1986). *Feminism and Nationalism in the Third World in the 19th and Early 20th Century*. London: Zed Books.

Khan, M. (2010) .*Political Settlements and the Governance of Growth-Enhancing Institutions*. Mimeo.

Levy, B. (2014). *Working with the Grain: Integrating Governance and Growth in Development Strategies.* Oxford: Oxford University Press.

Nazneen, S. and Sultan, M. (eds.) (2014). *Voicing Demands: Feminist Activism in Transitional Contexts*. London: Zed Books.

Panday, P. K. (2008). 'Representation without participation: Quotas for women in Bangladesh'. *International Political Science Review**,* 29(4): 489-512.

Schuler, S., Lenzi, R., Nazneen, S. and Bates, L. (2013). 'A perceived decline in intimate partner violence in Bangladesh: Qualitative evidence'. *Studies in Family Planning*, 44(2).

Sedere, U. (2000). 'Rethinking educational aid: Sector support approach to financing basic education: Lessons from Bangladesh'. *Prospects* XXX (4): 451-460.

Waylen, G. (1998). 'Gender, feminism and the state: An overview', in V. Randall and G. Waylen (eds.), *Gender, Politics and the State*. London: Routledge.

Waylen, G. (2013). 'Informal institutions, institutional change and gender inequality'. *Political Research Quarterly*, 67(1): 212-223.

White, S. C. (1992). *Arguing with the Crocodile: Gender and Class in a Bangladeshi Village*. London: Zed Books.

World Bank (2008). *From Whispers to Voices: Gender and Social Transformation in Bangladesh*. Dhaka: World Bank.

The Effective States and Inclusive Development Research Centre

The Effective States and Inclusive Development Research Centre (ESID) aims to improve the use of governance research evidence in decision-making. Our key focus is on the role of state effectiveness and elite commitment in achieving inclusive development and social justice.

ESID is a partnership of highly reputed research and policy institutes based in Africa, Asia, Europe and North America. The lead institution is the University of Manchester.

The other institutional partners are:

• BRAC Institute of Governance and Development, BRAC University, Dhaka

• Center for Democratic Development, Accra

• Center for International Development, Harvard University, Boston

• Department of Political and Administrative Studies, University of Malawi, Zomba

• Graduate School of Development, Policy & Practice, Cape Town University

• Institute for Economic Growth, Delhi

In addition to its institutional partners, ESID has established a network of leading research collaborators and policy/uptake experts.