

**Reimagining Justice: Exploring the Possibilities and Pitfalls of Alternative Approaches for
Addressing Sexual and Gender-Based Violence (SGBV) in Bangladesh**

By

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ABSTRACT

Sexual and Gender-Based Violence (SGBV) remains a pervasive issue in Bangladesh despite decades of legal reforms. While these reforms have expanded criminal sanctions, existing literature suggests that concerns regarding survivors' access to meaningful justice persists, nonetheless. Informed by anti-carceral feminism, intersectionality and postcoloniality, I examine the perceived inadequacies of Bangladesh's current punitive approaches to SGBV. And consequently, explore how SGBV advocacy stakeholders in Bangladesh understand and imagine alternative approaches to justice within the country's socio-legal context as a response to the existing system's inadequacies. Using a qualitative research design, I interviewed lawyers, researchers, NGO practitioners, and caseworkers. The findings of my study are twofold. First, the analysis revealed that Bangladesh's criminal justice system, like many criminal justice systems globally, is constrained by procedural delays, institutional shortcomings, and broader structural barriers. Second, despite such intersecting socio-legal and structural inequalities that continue to shape survivors' ability to access justice, imagining justice beyond punishment remains profoundly difficult (even among SGBV advocacy stakeholders who are deeply aware of the limitations of punitive justice). This tension suggest that the challenge is not simply the absence of alternatives but the broader social, legal, and historical conditions that constrain justice imagination in the first place.

Keywords: sexual and gender-based violence, justice, survivor-centered approaches, community accountability, justice imagination

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CHAPTER 1: INTRODUCTION

In March 2025, Bangladesh witnessed the brutal rape of an eight-year-old girl. The case provoked national outrage (BBC, 2025) and ended in the swift conviction of the perpetrator (The Business Standard, 2025). The speed of this judgment, though exceptional, did little to change the larger reality. A year later, in May 2026, Bangladesh saw another exceptional example of so-called swift justice in the case of yet another seven-year-old child victim, with the tribunal concluding proceedings and issuing death sentences within days (Adnan, 2026). Such swift proceedings remain exceptional as the country's criminal justice system has long struggled with extensive case backlogs, lengthy procedural delays, and slow case disposal. For example, the first case mentioned is still on-going, with the mandatory death penalty still pending more than a year since the conviction (The Daily Star, 2026). This demonstrates that even after a conviction and death sentence are secured cases can remain tied up in appellate and confirmation processes for months or years, leaving the final execution of the sentence uncertain. Reflecting on this delay (as reported by the Instagram news platform *thefrontpagebd*, 2026), the mother of the victim stated:

My daughter has been dead for over a year. The trial ended, and the accused was sentenced to death, that was also a year ago. I'm still waiting: when will [...] murderers be hanged? Meanwhile, my husband has become mentally unstable. Should I take care of him, or spend my time wandering the court corridors trying to get the verdict executed?

This statement highlights how the meaning of justice extends beyond the delivery of a verdict. In this context, for the victim's family, the conviction did not bring closure, certainty, or any form of relief from the burdens of navigating the justice system. Instead, the continued

delays prolonged their suffering and distress. Such examples also show that these highly publicized and ceremonial convictions often obscure the practical realities of implementation and may function more as symbolic demonstrations of state responsiveness than as evidence of a consistently effective justice system. In the same context, it is also noteworthy to mention that despite the government's 2020 amendment introducing the "death penalty" for rape (Ellis-Petersen, 2020), sexual violence has continued at alarming levels. Amnesty International (2020) cautioned at the time that harsher punishments would not address the root causes of gender-based violence, and recent data confirm this concern. As of June 2026 alone, Ain o Salish Kendra¹ (ASK, 2026) recorded 319 cases of rape. In 2025, there were 749 cases of rape and 36 murders following rape. And in 2024—401 cases of rape and 34 murders following rape were recorded (ASK, 2024), while 2023 saw 574 rapes and 33 such murders (ASK, 2023). These numbers likely underestimate the true prevalence of sexual and gender-based violence (SGBV), as many women remain hesitant to report incidents due to stigma, socio-cultural pressure, and various systematic barriers (Wieberneit et. al, 2024). Moreover, these statistics reflect only reported cases of rape and rape-related killings, excluding other forms of gender-based violence such as domestic violence, sexual harassment, intimate partner violence, child marriage, acid attacks, and other forms of gendered harm.

These examples raise a critical question: *if strict laws and harsh punishments were truly effective in preventing gendered violence, why does the problem remain so widespread across societies?* Furthermore, these cases also indicate that punitive, state-centric approaches do not necessarily bring about reductions in sexual violence. Instead, these examples raise important

¹ Ain o Salish Kendra (ASK) is a leading human rights and legal aid organization in Bangladesh, established in 1986. It works to promote human rights, provide free legal aid to marginalized groups, and document rights violations, including gender-based violence, extrajudicial killings, and labor rights abuses. See also: <https://www.askbd.org/ask/>

questions about the effectiveness of punitive measures in ensuring meaningful protection or redress for survivors. Research shows that those who pursue criminal justice often encounter police inaction, lengthy case delays, social stigma, and inadequate support services, which further undermine their search for justice (Tapia Tapia, 2022). To explore these concerns, I focus my research on examining the limits of punitive criminal justice approaches in addressing sexual and gender-based violence (SGBV)² in Bangladesh and on envisioning alternative approaches that might offer more meaningful pathways to justice for survivors. Although, throughout this paper, SGBV is understood as an umbrella term encompassing a broad range of gender-based harms, the empirical focus of my study is limited to the forms of violence most frequently discussed by the respondents (e.g. domestic violence, intimate partner violence, sexual violence, and rape). This should not be interpreted as suggesting that other forms of SGBV are absent or less significant in Bangladesh. Rather, it reflects the types of cases that advocacy workers most commonly encounter in their professional practice and the forms of violence that receive the greatest attention within legal, institutional, and public discourses.

By engaging these literatures, the study situates Bangladesh within broader global debates on justice for SGBV while foregrounding the perspectives of advocacy workers (i.e. those working closely with victims and survivors). In doing so, the study seeks to open a critical space for reimagining justice in ways that attend to survivor needs, local realities, and the complexities and tensions that characterize responses to SGBV in Bangladesh. My study draws

² The term “Sexual and Gender-Based Violence (SGBV)” is an umbrella term that refers to any act that is perpetrated against a person’s will and is based on gender norms and unequal power relationships. According to UNHCR, it includes threats of violence and coercion and can be physical, emotional, psychological, or sexual in nature. It also includes acts such as denial of resources or access to services. See also: Sexual and Gender-Based Violence, UNHCR, <https://help.unhcr.org/turkiye/social-economic-and-civil-matters/sexual-and-gender-based-violence/> (last visited July 18, 2025).

on primary data generated through semi-structured interviews with NGO workers and advocacy stakeholders, whose professional engagement with SGBV cases provides crucial insights into how survivors experience the justice system and what alternative approaches might look like. The analysis is guided by anti-carceral feminism and intersectionality, while a postcolonial feminist lens situates the analysis within Bangladesh's historical and socio-legal context. The contribution of each perspective to this study is elaborately discussed in the following sections.

1.1 Pervasiveness of Sexual and Gender Based Violence

Sexual and Gender-Based Violence (SGBV) is a global epidemic that affects one in three women worldwide (World Health Organization, 2021), cutting across every possible criterion e.g. age, culture, religion, and geography (Sardina & Ackerman, 2022). Globally, an estimated 736 million women have experienced physical and/or sexual intimate partner violence or non-partner sexual violence during their lifetime (World Health Organization, 2021). Sexual violence data are typically drawn from police records, victim surveys, and academic research, but each source has its own limitations (UNODC, 2010). Definitional inconsistencies, cultural stigma, and weak legal systems contribute to significant underreporting, making prevalence difficult to measure reliably (Stoltenborgh et al., 2011; Jewkes et al., 2002). As a result, the actual prevalence is likely much higher, reflecting how sexual violence is not only fundamentally gendered (Herman, 2005) but also shaped by broader power dynamics that manifest across cultural contexts (Keenan & Zinsstag, 2022).

Across the life course, women and girls are disproportionately affected. National and international surveys report lifetime prevalence rates of sexual victimization of up to 35.6% for

females (Borumandnia et al., 2020). Although women are disproportionately affected, male victims of sexual violence have often remained invisible in research and policy. More recent studies, however, have highlighted their experiences, with prevalence rates of sexual assault among men ranging widely from 1% to 73% (Peterson et al., 2011), depending on definitions and contexts (Krahé et al., 2015; Turchik & Edwards, 2012; Keenan & Zinsstag, 2022). These variations reflect not only methodological and definitional challenges but also the persistence of stigma surrounding male victimization.

Beyond these variations in prevalence, the pervasiveness of SGBV is further evident in the diverse forms it takes and the societal attitudes that sustain it. Acts such as exhibitionism³ and online child sexual exploitation highlight how sexual violence extends beyond direct physical assault (Keenan & Zinsstag, 2022), exploiting both anonymity and new technologies to harm victims, including children (McAlinden, 2012; Webster et al., 2012). Grooming⁴ practices further underscore the deliberate, calculated strategies perpetrators use to entrap victims over time (Salter, 1995; Keenan, 2012). At the societal level, “rape myths,”⁵ such as victim-blaming discourses and beliefs that normalize or minimize sexual assault, perpetuate stigma, silence survivors, and shape institutional responses (Neumann, 2010; Jülich et al., 2011). These myths not only exacerbate the trauma of women and girls but also contribute to the invisibility of male victims, reinforcing harmful stereotypes that men cannot be raped or that such experiences are

³ Exhibitionism is categorized as a paraphilic disorder in the *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR)* and involves the exposure of one’s genitals to strangers. Research has shown that, while once considered relatively harmless, it can be linked to other sexual and non-sexual offences (Bader et al., 2008; Freund, 1990).

⁴ Here, by ‘grooming’, I refer to the process by which perpetrators build trust with a child (often through attention, gifts, or emotional manipulation) before gradually introducing abusive behavior.

⁵ Rape myths are widely held but false beliefs about sexual violence that shift blame onto victims and excuse perpetrators. Common examples include the idea that women provoke rape by their clothing, that a person cannot be raped by someone they know, or that men are too strong to be victims.

not harmful (Peterson et al., 2011). Collectively, these dynamics show that SGBV is deeply embedded in cultural and structural conditions, making its pervasiveness both a social and systemic problem.

These global patterns are also reflected in Bangladesh, where women and girls from all walks of life are affected by various forms of violence, including domestic abuse, sexual violence, acid attacks, and forced marriage (Nahar & Bhuyain, 2021). According to the 2024 Violence Against Women Survey (UNFPA Bangladesh, 2024), over 70% of women have experienced some form of gender-based violence in their lifetime, making it one of the most pervasive human rights violations in the country. The survey also indicates that Bangladesh recorded some of the highest levels of gendered harm globally, ranking fourth in intimate partner violence (IPV). More recent studies confirm the widespread nature of intimate partner violence, physical assault, and other forms of abuse across both rural and urban areas of Bangladesh (Akram, 2017; Ahmmed, 2023; UNFPA Bangladesh, 2024). Data from police, NGOs, and human rights groups consistently show high rates of violence against women and girls, with rape emerging as one of the most alarming forms (Nahar & Bhuyain, 2021). Reported cases peaked around 2014–2015, and although official statistics later showed some decline, NGO records indicate that incidents of violence and abuse remained persistently high. The cumulative effect of these forms of violence is reflected through imposed restriction on women's mobility, economic participation, and access to rights (Shahen, 2021). Thus, making SGBV not only a personal harm but a systemic obstacle to gender equality and development in Bangladesh. Additionally, and more importantly, the marginalization linked to class, ethnicity, disability, and minority status intensify women's vulnerability to violence (Nahar & Bhuyain, 2021; UNFPA Bangladesh, 2024). Women experiencing poverty and other forms of social marginalization are

disproportionately affected, highlighting how intersecting systems of gender inequality, class, and other structural conditions shape both experiences of SGBV and access to justice in Bangladesh. Despite the persistent and widespread nature of SGBV, legislative and institutional reforms within the traditional justice approach have done little to ensure meaningful justice for many survivors (Tapia Tapia, 2025), which will be discussed in the next section.

1.2 Criminal Justice Approaches to Sexual and Gender Based Violence

Although historically only few forms of sexual violence were criminalized, with rape and incest as the primary offences recognized in law, from the 1970s onwards, feminist advocacy and international pressure reshaped legal understandings of sexual violence (Keenan & Zinsstag, 2022). Rape began to be redefined as a violation of sexual autonomy and self-determination, with many jurisdictions criminalizing marital rape and revising evidentiary rules that had previously disadvantaged victims (Bourke, 2007; Neuman; 2010; Brown & Walklate, 2012). Gradually, definitions expanded beyond penetration by a male perpetrator, and many states moved toward gender-neutral approaches that recognized both men and women as potential victims and perpetrators. Importantly, the element of “consent” (Wertheimer, 2003) came to replace “force” in many definitions of rape (Hagemann- White et al., 2010; Lovett & Kelly, 2009), although significant variation remains, with some jurisdictions still combining force and consent standards or maintaining narrow interpretations of lack of consent (Keenan & Zinsstag, 2022, p. 54-56). These developments show a gradual but significant shift in law (globally), from treating sexual violence as a private or morality-related issue to recognizing it as a fundamental human rights violation and a serious international crime demanding accountability. Institutions such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the

International Criminal Tribunal for Rwanda (ICTR) set precedents by prosecuting sexual violence as crimes against humanity and war crimes as well as an act of genocide (Keenan & Zinsstag, 2022). However, alongside such important recognition of SGBV, it also reinforced a model of justice in which survivors' needs are filtered through adversarial legal systems that prioritize state punishment over survivor autonomy or community repair.

Justice responses to sexual and gender-based violence (SGBV) thus evolved within the criminal justice framework, where justice came to be equated with harsher punishments (Chamberlen & Carvalho 2022) and shaped by the logics of deterrence and retribution. This approach relies on a standard toolkit of criminalization, prosecution, and sentencing (ranging from imprisonment to capital punishment) anchored in the belief that stronger penalties would reduce violence. Building on this logic, reforms in many jurisdictions during the late 20th and early 21st centuries introduced measures such as mandatory arrest policies for domestic violence, the creation of sex offender registries, and statutory minimum sentences for rape and assault (Bernstein, 2012; Kim, 2020). Thus, while the global criminal justice system has expanded its recognition of SGBV, it has done so primarily through punitive frameworks that neither dismantle structural inequalities nor create survivor-centered pathways to justice. As Tapia Tapia (2025) observes, the failure of law to reshape social reality tends to provoke more legal reform rather than a fundamental rethinking of justice itself. This penal fixation obscures other ways of knowing and doing justice (Chamberlen & Carvalho 2022).

Dominant legal frameworks continue to place faith in the abstract ideal of deterrence – the notion that punishment itself has a preventative function (Tapia Tapia, 2025). This assumption, often unexamined, rests on the belief that criminal sanctions will dissuade individuals from committing acts of violence. Yet, feminist scholars have long questioned this

logic, particularly in relation to violence against women, where the threat of imprisonment has shown little impact in curbing abuse (Snider, 1994). Scholars like Carol Smart (1989) further critiqued the criminal justice system for its masculine foundations, arguing that its institutional logic is ill-equipped to deliver justice for women or meaningfully challenge patriarchal power structures (Henderson, 1991). Additionally, this carceral orientation can also produce secondary victimization⁶, as survivors are forced to undergo adversarial trials, confront disbelief and stigma, and face the prospect of low conviction rates despite the severity of punishment on the books (Keenan & Zinsstag, 2022). Nevertheless, the legal system continues to operate as if punishment alone can drive social change, while ignoring the deeper structural and relational conditions that sustain violence.

Bangladesh is no different when it comes to exhibiting similarities with traditional justice approaches. The country's justice system is still shaped by the Indian Penal Code of 1860⁷, introduced under British colonial rule, which continues to underpin many laws dealing with sexual violence. This colonial framework emphasized punishment and state authority while neglecting the social and structural dimensions of violence—a legacy that persists in Bangladesh's reliance on deterrence-based laws. Over the last two decades, even with the enactment of progressive laws such as the *Prevention of Women and Children Repression Act*

⁶ Secondary victimization refers to the additional psychological, emotional, or social harm experienced by survivors as a result of insensitive, dismissive, or inadequate responses from institutions, professionals, or society during the process of reporting, seeking support, or pursuing justice, rather than from the original act of violence itself (Campbell & Raja, 1999; Maier, 2008).

⁷ The *Penal Code, 1860* was originally enacted under British colonial rule. Yet, it remains the foundation of Bangladesh's criminal legal system. See Also: *The Penal Code, 1860*.
<https://www.refworld.org/legal/legislation/natlegbod/1860/en/108758>

2000⁸, *Acid Control Act 2002*⁹, and the *Domestic Violence (Prevention and Protection) Act 2010*¹⁰, survivors continue to encounter significant barriers, including structural inequalities, social stigma, and restricted access to effective legal remedies (Begum & Saha, 2017; Nahar & Bhuyain, 2021; Shahan, 2021). In 2020, following mass protests, the state amended rape laws to introduce the death penalty (Amnesty International, 2020), further entrenching punitive responses. Yet the prevalence of SGBV remains high, with rape, domestic violence, and child marriage still widespread (Ain o Salish Kendra, n.d.). The continued emphasis on punitive justice, reflects the enduring influence of colonial legal traditions alongside contemporary political demands for harsher punishment. Consequently, justice continues to be largely understood through criminalization and penal sanctions, while the structural conditions underpinning SGBV remain insufficiently addressed.

Critiques of the existing legal framework have highlighted its structural and procedural deficiencies. In fact, instead of offering meaningful relief, it frequently exacerbates trauma and discourages survivors from seeking justice altogether (Sardina & Ackerman, 2022; Tapia Tapia, 2025). Survivors are often required to navigate a complex, lengthy, and adversarial process that includes filing police reports, collecting evidence, attending court hearings, and withstanding

⁸ The *Prevention of Women and Children Repression Act, 2000* was enacted in Bangladesh to address serious crimes such as rape, sexual harassment, dowry-related violence, acid attacks, and trafficking. It introduced strict punishments, including life imprisonment and the death penalty, reflecting a deterrence-oriented approach to gender-based violence. See Also: *Prevention of Women and Children Repression Act, 2000*. Refworld. [https://www.refworld.org/sites/default/files/2024-](https://www.refworld.org/sites/default/files/2024-07/women_and_children_repression_prevention_act_2000_bangladesh.pdf)

[07/women_and_children_repression_prevention_act_2000_bangladesh.pdf](https://www.refworld.org/sites/default/files/2024-07/women_and_children_repression_prevention_act_2000_bangladesh.pdf)

⁹ The *Acid Control Act, 2002* was enacted in Bangladesh to regulate the import, production, transport, storage, sale, and use of acid, and to curb acid-related violence, which disproportionately affects women. See also: Acid Survivors Foundation. (n.d.), <https://acidsurvivors.org/acid-acts/> (last visited August 15, 2025).

¹⁰ The *Domestic Violence (Prevention and Protection) Act, 2010* is a landmark law in Bangladesh that provides a legal framework for the prevention of domestic violence and the protection of women, children, and other vulnerable family members within the household. See Also: *Domestic Violence (Prevention and Protection) Act, 2010*. Refworld. United Nations High Commissioner for Refugees. <https://www.refworld.org/legal/legislation/natlegbod/2010/en/122775>

cross-examinations (Begum & Saha, 2017), often without adequate support or protection. Despite more than 11,000 cases of violence being reported to One-Stop Crisis Centers in Bangladesh, only about 160 have resulted in convictions, reflecting a conviction rate of less than 1.5% (Human Rights Watch, 2020). This striking gap raises pressing questions about how the punitive legal system functions in practice and whether it can provide timely or meaningful outcomes for survivors of SGBV. Rather than resolving the problem, such patterns suggest the need to reflect more deeply on how justice itself is defined and pursued, and whether approaches beyond punitive and retributive frameworks might create more meaningful responses. In the next section, I will shed light on some of the alternative approaches that have been considered by scholars as possible pathways toward more effective and survivor-centered forms of justice.

1.3 Emerging Alternatives to Punitive Justice Approaches

In light of the persistent shortcomings of punitive frameworks, it becomes necessary to explore what other approaches to justice might look like. Alternative models have emerged in different contexts that seek to move beyond an exclusive reliance on retribution and deterrence, placing greater emphasis on repair, accountability, participation, and addressing the needs of those affected by harm. Among these models, restorative justice (RJ), transformative justice (TJ), and abolitionist frameworks have gained increasing attention, also within discussions of sexual and gender-based violence (SGBV). While restorative justice emphasizes repairing harm, fostering dialogue, and involving those affected in determining appropriate responses (Braithwaite, 2002; Walgrave, 2008; Zehr, 2002), a growing body of scholarship have also questioned whether restorative justice constitutes a genuine alternative to punitive justice. It is asserted that RJ often remains embedded within criminal justice institutions, relies upon legal frameworks and state

authority, and may be co-opted by the very systems it seeks to challenge (Daly, 2002; Pavlich, 2005; Wood & Suzuki, 2016; Daly, 2016). In contrast, transformative justice and abolitionist perspectives extend their critique beyond punishment itself by examining how broader social, political, and institutional structures contribute to violence (Davis, 2003). Rather than focusing solely on individual acts of harm, these approaches emphasize community accountability, collective care, prevention, and structural transformation as necessary components of meaningful justice (Davis, 2003; Kim, 2018; Kaba, 2021). These approaches do not necessarily reject the role of law altogether but seek to broaden the possibilities of justice by addressing the relational, cultural, and structural conditions that sustain violence. While the following discussion does not claim to provide exhaustive solutions, it sheds light on some of the alternative pathways that have been proposed and practiced, offering a basis for considering how they might inform the Bangladeshi context.

As discussions of alternative approaches to conventional legal justice frequently draw upon RJ and TJ practices and principles, it is useful to briefly outline how RJ and TJ has been conceptualized within the existing literature. Daly (2016) explains that there is no single, universally accepted definition of restorative justice, as its meaning varies depending on which particular aspects of restoration are emphasized. For example, the Handbook on Restorative Justice Programmes (UNODC, 2020, p. 4) describes RJ as an alternative pathway that emphasizes safe victim participation, accountability by those who caused harm, and recognition that crime injures not only the law but also individuals and communities. Similarly, Walgrave (2021, p. 324) conceptualizes restorative justice as part of a broader movement toward more participatory, inclusive, and responsive forms of justice and social life. While this broader vision is useful for understanding the normative aspirations of restorative justice, it is arguably too

expansive to serve as an operational definition. For the purposes of this study, my conceptualization of RJ is more along the lines of how Daly (2016, p.14) explains:

Restorative justice is a contemporary justice mechanism to address crime, disputes, and bounded community conflict. The mechanism is a meeting (or several meetings) of affected individuals, facilitated by one or more impartial people. Meetings can take place at all phases of the criminal process, prearrest, diversion from court, pre-sentence, and post-sentence, as well as for offending or conflicts not reported to the police. Specific practices will vary, depending on context, but are guided by rules and procedures that align with what is appropriate in the context of the crime, dispute, or bounded conflict.

Thus, RJ here, is conceptualized as an approach to addressing harm(s) that prioritizes repair, accountability, participation, and responsiveness to the needs of those affected by such harm(s). While the ideal restorative justice is often presented as an alternative to punitive approaches, this study understands it as a potential complement to formal justice mechanisms, particularly in contexts where criminal justice responses alone may be insufficient to address survivors' diverse needs, experiences, and understandings of justice. By centring victims and foregrounding restorative responses, this study approaches RJ not as an abstract ideal but as a practical framework for rethinking justice in survivor-centered and community-oriented ways. In its ideal form, restorative justice focuses on dialogue, accountability, and healing for those affected by harm(s), including survivors, communities, and offenders. As described by Zehr (1990), restorative justice offers a "change of lens," shifting attention away from state-centered retribution and toward the needs and relationships of those impacted by wrongdoing. However, scholars have noted that restorative justice in practice often departs from this ideal (Woolford & Nelund, 2019). Programs may operate within criminal justice institutions, adapt to legal and organizational constraints, or proceed without the full participation of victims, offenders, and

communities, resulting in significant variation between restorative justice principles and their implementation (Pavlich, 2005; Woolford & Nelund, 2019).

Despite these tensions, restorative justice has become an influential framework within debates on responding to sexual and gender-based violence, with scholars such as Daly (2006a, 2006b, 2011, 2017) exploring both its possibilities and limitations in cases of sexual violence. She argues that while restorative processes cannot replace criminal trials, they can nonetheless provide survivors with agency, voice, and meaningful opportunities for healing. Similarly, Mary Koss (2006, 2010, 2014) has developed practical initiatives, such as “restorative conferencing,” which aim to give survivors greater choice in how justice is pursued. Despite ongoing concerns about risks of retraumatization or the reprivatization of violence (Stubbs, 2002; Cameron, 2006), scholars contend that restorative models, when trauma-informed and survivor-led, can complement or extend beyond adversarial legal systems by offering pathways to justice that prioritize safety, accountability, and empowerment (Keenan & Zinsstag, 2017; 2022).

While restorative justice has expanded discussions of justice beyond an exclusive focus on punishment, existing scholarly debate demonstrate that restorative approaches do not always sufficiently address the broader (social, political, and economic) conditions that enable violence to occur in the first place (Pavlich, 2005; Woolford & Nelund, 2019). In response to these limitations, transformative justice (TJ) has emerged as a framework that shifts attention from individual incidents of harm toward the structural conditions that produce and sustain violence (Davis, 2003; Pavlich, 2005). Rather than focusing solely on repairing harm after it occurs, transformative justice seeks to address the root causes of violence, including unequal power relations, social exclusion, gender inequality, and other forms of structural oppression (Rossner & Taylor, 2024). In this sense, TJ extends beyond questions of accountability for individual

wrongdoing and asks how communities, institutions, and social systems themselves might be transformed to reduce future harm and create more just conditions for all (Gready & Robins, 2014; Mingus, 2019).

Although transformative justice has been conceptualized in different ways across contexts, a common thread is its emphasis on addressing the underlying conditions that make violence possible. Gready and Robins (2014) define transformative justice as a process of transformative change that prioritizes local agency, participation, and the challenging of unequal power structures and relationships. Within anti-carceral feminist and abolitionist traditions, transformative justice has also been described as a community-based approach to responding to violence that seeks to build accountability, healing, collective care, and safety without relying primarily on policing, imprisonment, or other punitive state interventions (Mingus, 2019; Dixon & Piepzn-Samarasinha, 2020). Despite differences in emphasis, these approaches share a concern with transforming the social conditions that enable violence rather than merely responding to its consequences. For the purposes of this study, I agree with the conceptualization provided by Mingus (2019).

Transformative justice is closely connected to abolitionist thought, which extends this critique further by questioning the legitimacy of policing, prosecution, and imprisonment as primary responses to violence. Abolitionist scholars such as Anegla Davis (2003, 2005, 2016) and Ruth Wilson Gilmore (2006) argue that prisons themselves perpetuate racial, gendered, and class violence, and that true justice requires dismantling the ‘prison–industrial complex’ while investing in community-based forms of safety, accountability, and support. Similarly, scholars have highlighted the dangers of “carceral feminism,” which channels feminist activism into punitive reforms that expand incarceration rather than reduce violence (Kim, 2018; Law, 2014).

In this sense, transformative justice is often understood as providing practical frameworks through which abolitionist aspirations can be pursued, offering concrete strategies for responding to harm without relying on carceral systems (Mingus, 2019; Dixon & Piepzna-Samarasinha, 2020). At the same time, scholars have cautioned against reducing these debates to a simple opposition between carceral and non-carceral approaches. For example, Terwiel (2020) argues for a vision of decarceration that combines critique of state violence with experimentation in community accountability. Together, transformative and abolitionist perspectives encourage a reimagining of justice that extends beyond punishment toward broader processes of social transformation, redistribution, decolonization, and the creation of conditions that reduce the likelihood of violence occurring in the first place.

For the purposes of this study, my focus will be limited to restorative justice and transformative justice. Although abolitionist scholarship informs many transformative justice perspectives, a detailed engagement with abolitionism falls beyond the scope of this thesis. Instead, I concentrate on how restorative and transformative justice frameworks can help illuminate alternative ways of understanding accountability, repair, and justice in relation to sexual and gender-based violence. While restorative justice and transformative justice share a concern with moving beyond purely punitive responses to harm, their relationship is not without tension. As Rossner and Taylor (2024) point out, a central TJ critique of RJ is that its focus on repairing interpersonal harms may overlook the broader structural inequalities and forms of violence that enable such harms to occur. Critics further argue that when restorative practices are embedded within criminal justice institutions, they risk reproducing or legitimizing the very systems they seek to challenge (Daly, 2016; Woolford & Nelund, 2019; Rossner & Taylor, 2024). However, they also contend that restorative and transformative justice need not be understood as

fundamentally opposed. Rather, both frameworks can be seen as sharing a commitment to fostering accountability, repairing relationships, and promoting social transformation, despite their different emphases and strategies. For SGBV, these debates open the possibility of moving beyond a narrow fixation on carceral punishment toward broader understandings of justice that prioritize survivor autonomy, address structural inequalities, and seek to transform the social conditions that make violence possible. Against this context, exploring alternative justice approaches in Bangladesh is essential given the persistent gap between legal reforms on paper and many survivors' justice seeking experience.

However, this exploration does not indicate that restorative or transformative approaches are inherently capable of overcoming these challenges. Rather, it requires critical consideration of both the possibilities and limitations of alternative justice frameworks within the specific social, legal, and political realities of Bangladesh. Although gender-based violence is formally criminalized in Bangladesh, the rising rates of such crimes and persistently low conviction outcomes suggest an urgent need to reflect on whether existing frameworks are adequate. With court systems struggling under a backlog of more than 3.7 million cases (Human Rights Watch, 2020), are either delayed indefinitely or quietly resolved outside formal proceedings. Statistics further highlight the scale of the problem as formal shelters are severely inadequate with only 36 nationwide for a population of over 80 million women (Human Rights Watch, 2020), and most survivors have little to no access to legal aid or counseling. Against the backdrop of such ongoing inadequacies of punitive justice, restorative justice (RJ) and transformative justice (TJ) have emerged as influential frameworks within broader debates about alternative responses to harm (Daly, 2016; Woolford & Nelund 2019; Mingus 2019; Keenan & Zinsstag, 2022). While abolitionist perspectives similarly critique punitive systems, they place greater emphasis on

dismantling prisons and policing and reimagining justice through broader structural and community-led transformations (Davis, 2003; Gilmore, 2006; Kim, 2018). Although these perspectives overlap in important ways, this study engages primarily with restorative and transformative justice as conceptual frameworks through which to examine participants' critiques of existing justice responses and their visions of alternative approaches to addressing SGBV. Rather than assuming that these approaches offer definitive solutions, the study explores how their underlying principles resonate with, challenge, or complicate participants' understandings of justice within the Bangladeshi context.

1.4 Research Questions

Two central questions serve as the foundation for this qualitative research:

1. What are the inadequacies of Bangladesh's current punitive approaches to SGBV?
2. How do SGBV advocacy stakeholders in Bangladesh understand and imagine alternative approaches to justice in responding to SGBV?

The first question critically examines the limitations and inadequacies of the current punitive criminal justice framework in Bangladesh in effectively addressing sexual and gender-based violence (SGBV). With this inquiry, I explore victims' experiences of seeking justice. I also analyze feminist critiques and postcolonial perspectives on justice. The second question explores and analyzes how alternative justice approaches could be contextually imagined within Bangladesh, emphasizing survivor needs, community accountability, and cultural relevance.

Against this backdrop, with these two research questions, I intend to provide a nuanced understanding of the current scenario of the SGBV survivors justice seeking experience through conventional justice approach. My central argument emphasizes how it is necessary to imagine

an alternative approach to combat SGBV that shifts the focus from state and perpetrators to the survivor's needs. This research does not aim to prescribe a definitive model of alternative justice approaches for Bangladesh. Instead, it seeks to critically examine how SGBV advocacy stakeholders understand the limitations of existing justice responses and whether, and to what extent, alternative possibilities for accountability, repair, support, and justice can be imagined within a context where punitive and carceral understandings of justice remain deeply entrenched. The originality of my work lies in its context-specific reimagining of alternative justice approaches, given that Bangladesh currently lacks notable alternatives to traditional punitive justice frameworks.

1.5 Summary of Following Chapters

In chapter 2, I provide a review of the existing literature on SGBV with a focus on anti-carceral feminism and its complementarity with intersectionality to describe the theoretical lens guiding this study.

In chapter 3, I outline the methodology employed for this qualitative research. To elaborate, I describe the research design, data sources, data collection and data analysis strategies. I also address the researcher's positionality, and ethical considerations involved in the research process.

Chapter 4 presents the first part of the findings, examining participants' critiques of existing justice responses to SGBV and the inadequacies of punitive approaches within the Bangladeshi context.

In chapter 5, I present the second part of the findings, exploring participants' understandings of justice and their imaginaries of alternative approaches to addressing SGBV.

In chapter 6, I provide a discussion of the findings in relation to the broader literature and theoretical frameworks outlined in this thesis.

Finally, Chapter 7 concludes the study by summarizing the key findings, discussing their implications, acknowledging the study's limitations, and identifying directions for future research.

CHAPTER 2: LITERATURE REVIEW & THEORETICAL FRAMEWORK

Scholars studying gender-based violence have been increasingly exploring restorative and transformative justice as alternatives or complements to conventional punitive responses to SGBV (Curtis-Fawley & Daly, 2005; Cameron, 2006; Koss, 2014; Kim, 2018; Mingus, 2019; Daly et al, 2023). This growing body of literature situates such approaches within broader debates on justice, accountability, survivor needs, and structural change (Daly, 2016; Daly et al., 2023; Gaarder, 2015; Hadar & Gal, 2023; Keenan & Zinsstag, 2022). For instance, the increasing emphasis placed on restorative justice initiatives, victim support programs, and community-based interventions (Keenan & Zinsstag, 2022; Tapia Tapia, 2022) that foreground survivors' needs and voices demonstrate a gradual yet notable shift away from addressing SGBV with purely punitive justice models. Examples include pilot restorative programs for sexual harm (Koss, 2014), survivor-initiated conferencing, and hybrid models that integrate community practices with formal justice systems (Keenan & Zinsstag, 2022).

At the same time, transformative justice scholars have argued that responding to SGBV requires not only addressing individual incidents of harm but also confronting the broader social, economic, and political conditions that enable violence, including patriarchy, racism, colonialism, and other forms of structural inequality (Generation FIVE, 2007; Kim, 2018; Mingus, 2019). Together, these approaches have contributed to a broader reimagining of justice that emphasizes accountability, healing, survivor agency, collective care, and the prevention of future harm. Despite longstanding concerns regarding the appropriateness and risks of applying restorative approaches to cases of SGBV (Curtis-Fawley & Daly, 2005; Daly, 2017), the literature in this area continues to expand, highlighting both the possibilities and limitations of restorative and transformative responses in contexts where punitive justice mechanisms have

frequently failed to meet survivors' needs (Daly, 2017; Keenan & Zinsstag, 2022; Mercer et al., 2015; Tapia Tapia, 2025).

In this section, I bring together the existing literature and the theoretical lens guiding this study. By integrating the two, I situate my study at the intersection of these ongoing debates centring SGBV and responses to address it. I begin with anti-carceral feminism, which highlights the risks of relying on state power and punitive reforms to address gender-based violence. I then turn to intersectionality, which underscores how gender, class, poverty, and other forms of inequality compound barriers to justice in Bangladesh. Finally, against this backdrop, I use a postcolonial lens alongside restorative and transformative justice scholarship to examine why imagining justice beyond punishment remains both difficult and necessary. Together, these perspectives provide the conceptual foundation for my study, examining how SGBV advocacy stakeholders understand the limitations of existing justice responses and imagine alternative possibilities for justice within the Bangladeshi context. In doing so, the study contributes to a growing conversation about how justice can be understood and reimaged in contexts where locally grounded alternatives to punitive approaches remain underdeveloped and where carceral understandings of justice continue to hold significant influence.

2.1 Anti-Carceral Feminism: Critiquing Carceral Logics

The concept of carceral feminism has become central in feminist debates on how to address sexual and gender-based violence (SGBV). Carceral feminism has emerged as a critical concept within feminist scholarship (Terwiel, 2020), referring to feminist approaches that align with a “law and order” agenda (Bernstein, 2007) by promoting punitive, state-centered responses to (all

forms of) gender-based violence. Elizabeth Bernstein (2007)¹¹ first introduced the term *carceral feminism* in the context of U.S. anti-trafficking campaigns. She critiqued the growing alliance between feminist movements and criminal justice institutions, where tools like harsher sentencing, mandatory arrests, and increased policing were seen as victories in making gender violence visible (i.e. “the personal is political”¹²). While this shift initially helped position violence against women as a serious public concern, scholars have increasingly questioned its long-term consequences, particularly for marginalized women. Critics argue that feminist reliance on criminal legal interventions has often expanded punitive state power while doing little to address the structural conditions that produce violence (Bernstein, 2007; Taylor, 2018; Tapia Tapia, 2025). Others have noted that criminal justice responses frequently fail to serve women who are racialized, poor, migrant, Indigenous, or otherwise marginalized, while simultaneously reinforcing surveillance, incarceration, and exclusionary forms of justice (Davis, 2003; Richie, 2012; Tapia Tapia, 2018). As a result, scholars have increasingly questioned whether criminalization alone can provide meaningful justice for those affected by gender-based violence.

Globally, carceral approaches to SGBV have manifested in several ways. In the United States, for example, reforms in the late 20th century introduced mandatory arrest policies for domestic violence cases and statutory minimum sentences for rape and assault (Kim, 2019). While these measures were intended to signal zero tolerance for gendered violence, research shows they have often led to unintended harms, including the arrest of victims themselves,

¹¹ Although, Bernstein originally used the term *carceral feminism* in the context of sex crimes and anti-trafficking efforts, later scholars extended its application to broader issues concerning gender justice.

¹² The feminist slogan “the personal is political” emerged during the second-wave feminist movement to highlight how private experiences are shaped by broader systems of power and oppression.

Carol Hanisch is widely credited with popularizing the phrase in her 1969 essay *The Personal Is Political*. See Hanisch, C. (1969). *The personal is political*. Retrieved from <https://www.carolhanisch.org/CHwritings/PIP.html>

particularly women of color who were misidentified as aggressors (Richie, 2012). Sex offender registries, another hallmark of carceral policy, have been criticized for relying on flawed assumptions about deterrence while reinforcing racialized myths about sexual danger (Sardina & Ackerman, 2022). Across Europe, reforms have focused on consent-based definitions of rape and stronger sentencing guidelines (Keenan & Zinsstag, 2022; Lauri et al., 2023) but feminist scholars argue that these measures have not fundamentally altered survivors' experiences of disbelief, stigma, or retraumatization within adversarial legal systems (Keenan & Zinsstag, 2022). In South Asia, punitive measures such as the death penalty for rape in Bangladesh (2020) and India (2013)¹³ were celebrated as feminist victories but have shown little evidence of reducing violence, while often silencing debate about structural inequalities that sustain gendered harm. Instead of being supported in defining their own needs for safety, healing, or accountability, survivors were channeled into rigid legal processes that prioritized punishment over care.

As argued by Terwiel (2020), in sexual violence trials, women must transform themselves into idealized victims, where their trauma becomes evidence, and their role is reduced to aiding the punishment of the accused. In this process, their own need for healing, safety, and material support is often sidelined and gets lost in translation of 'justice'. The state's promise of protection came at the cost of autonomy, as punitive strategies constrained survivors' choices and failed to address root causes such as poverty, racism, and structural inequality. This dynamic is evident in the 1994 Violence Against Women Act¹⁴, which, while expanding funding for services

¹³ In 2013, following the Delhi gang rape case, India introduced the death penalty for certain categories of rape under the Criminal Law (Amendment) Act. See also Amnesty International. (2013, March 22). *India: New sexual violence law has both positive and regressive provisions*. <https://www.amnesty.org/en/latest/press-release/2013/03/india-new-sexual-violence-law-has-both-positive-and-regressive-provisions-2/>

¹⁴ The Violence Against Women Act (VAWA), enacted in the United States in 1994, was the first comprehensive federal legislation addressing violence against women. The Act expanded criminal justice responses to domestic violence, sexual assault, stalking, and related offences through increased funding for law enforcement, prosecution,

like shelters and crisis centers, tied these resources closely to criminal justice interventions. As a result, survivors were positioned to rely primarily on law enforcement and courts, rather than being offered a broader range of options for support. Feminist legal theorists have long warned against such reliance on legal institutions, emphasizing that they are not neutral. Smart (1989, 1995), for instance, argued that law is patriarchal at its core, designed to uphold power relations rather than dismantle them. This reliance on punitive strategies also reflects a broader drift away from welfare-based feminist politics toward neoliberal and carceral logics¹⁵ (Bernstein, 2007; 2012), where the coercive arm of the state became central to projects pursued in the name of gender justice.

Feminist scholars have criticized this carceral turn on several grounds. First, punitive responses often fail to deliver meaningful outcomes for survivors (Tapia Tapia 2022; 2025), who remain subject to low conviction rates, lengthy court processes, and retraumatizing encounters with the criminal legal system (Snider, 1994; Sardina & Ackerman, 2022; Keenan & Zinsstag, 2022). Second, carceral approaches can deepen racial, class, and other structural inequalities by disproportionately targeting marginalized communities (Bernstein, 2012; Tapia Tapia, 2025). As Beth Richie (2012) has shown in the U.S. context, mandatory arrest policies and heightened surveillance in poor and racialized neighborhoods have frequently led to the incarceration of women themselves, especially women of color mistaken as aggressors. Third, the promise of deterrence that underpins carceral policies remains unproven. Bottoms and Von Hirsch (2010)

victim services, and prevention initiatives. While widely recognized for bringing greater public and political attention to violence against women, VAWA has also been critiqued by anti-carceral feminist scholars for strengthening reliance on criminal legal interventions and punitive responses to gender-based violence. See also: U.S. Department of Housing and Urban Development. (n.d.). *Violence against women act (VAWA)*. <https://www.hud.gov/vawa>

¹⁵ Carceral logic refers to the underlying assumptions that state-led responses to punishment (e.g. incarceration) are the primary or most legitimate responses to harm and wrongdoing. It extends beyond prisons themselves to shape how justice, accountability, and public safety are imagined (see Davis, 2003; Richie, 2012).

note that the deterrent effect of criminal law is highly uncertain, yet legal systems continue to operate as if harsher punishment alone can bring about social change. In this way, carceral feminism risks producing new harms even as it claims to protect survivors. Similarly, in Bangladesh, although feminist groups have historically worked outside formal power structures and exert limited influence over legal reform, punitive responses to SGBV remain dominant. For instance, the introduction of the death penalty for rape in 2020 was celebrated as victories for women's rights but it has done little to prevent violence. Instead, these reforms risk sidelining survivors' actual needs for safety, dignity, and support, while reinforcing a justice system that is largely inaccessible to poor and rural women. This makes it necessary to engage with the concept of carceral feminism in the Bangladeshi context, as it reflects a broader global trend where criminal justice is framed as the primary solution to gendered violence.

Even in cases of state-perpetrated violence, survivors are pressured into criminal processes they may not trust. Feminist and Indigenous movements in Latin America have shown how racialized and impoverished women, themselves frequent targets of state violence, seek justice instead through community, memory, and collective repair (Fulchiron, 2021). These struggles indicate the limits of punitive frameworks. Tapia Tapia (2025) critiques how dominant justice frameworks reduce systemic abuse to isolated incidents, thereby depoliticizing harm and silencing survivors' own visions of justice. This penal fixation is rooted in a narrow understanding of justice as punishment (Chamberlen & Carvalho 2022), erasing visions of justice which may encompass more relational and community-based approaches grounded in care, healing, and collective accountability (Tapia Tapia, 2025; Fletcher, 2022; Bottici, 2010). Scholars argue that these alternative visions are essential, especially for those situated at the intersection of multiple vulnerabilities such as race, class, gender, and migration status. When

analyzing how carceral feminism perpetuates intersectional harms, we also have to engage with the existing body of scholarship on this issue.

2.2 Intersectionality: When Overlapping Inequalities Deepen Carceral Harms

To understand how punitive justice frameworks disproportionately affect certain survivors, intersectionality offers a crucial analytical lens. The concept of intersectionality, first introduced by Kimberlé Crenshaw (1989), has become indispensable for understanding the complex ways in which systems of oppression interact. Crenshaw coined the term to highlight how Black women in the United States experienced forms of discrimination that could not be fully explained by either “race” or “gender” alone but emerged from their intersection. Her foundational work demonstrated that legal frameworks, especially anti-discrimination law, were ill-equipped to recognize and address these overlapping harms. For instance, cases brought by Black women alleging discrimination were often dismissed because courts insisted on treating race and gender as separate categories, thereby erasing the unique experiences that arise when these identities intersect. Intersectionality, thereby, is not only an analytic tool but also a critique of the law’s narrow, single-axis framework for understanding inequality. It highlights how intersecting forms of oppression (e.g. race, class, gender, and immigration status) shape individuals’ experiences of violence and the responses they receive from legal institutions (Crenshaw, 1989; 2013; Collins 2021).

One of the central contributions of intersectionality is its insistence on linking personal experience to broader structural and political contexts. As Crenshaw (1991) argued in her analysis of domestic violence shelters, women of color were often excluded from feminist anti-

violence services because these services were designed with white, middle-class women in mind. Similarly, immigration laws, welfare policies, and policing practices often failed to account for the compounded vulnerabilities faced by poor women, migrant women, or women with disabilities. Intersectionality thus complicates feminist strategies that rely solely on universal categories like “woman,” demonstrating how such universalism risks reproducing privilege and exclusion. For feminist debates on justice, intersectionality provides critical insights into why carceral responses are often inadequate. In many contexts, Black, Indigenous, and racialized women face both state neglect and criminalization, though the dynamics vary across national and historical settings. Scholars have shown how women of colour, poor women, and immigrant women in the U.S. are disproportionately harmed by carceral policies that claim to protect them (Richie, 2012; Kim, 2018). Richie calls this the “prison nation,” where the very structures meant to ensure safety instead entrap marginalized women in cycles of criminalization. What began as efforts to protect survivors evolved into policies that fueled mass incarceration and racialized policing.

In Latin America, Indigenous women have similarly highlighted how reliance on punitive frameworks denies them meaningful protection while exposing them to further state violence (Fulchiron, 2021). Intersectionality reveals how punitive systems, when blind to layered inequalities, deepen survivors’ vulnerability rather than alleviating it. Similarly, anti-trafficking laws in South Asia, though framed as protecting women from exploitation, have often led to brothel raids and forced “rescues.” These actions displace sex workers from their communities and livelihoods, leaving them more vulnerable to poverty, stigma, and violence, while ignoring structural conditions such as migration restrictions and labor precarity (Kotiswaran, 2011). These examples illustrate how inequality operates differently across settings but consistently shapes

who has access to justice and under what conditions. Kim further argues that in the ‘dependence on punitive’ framework, survivors lost agency and were pushed into systems that offered control rather than care. For instance, criminal justice-centred interventions often leave survivors with little choice over whether or how to pursue justice. Once cases entered the hands of police or prosecutors, survivors’ voices are sidelined in favor of state priorities, such as securing convictions or imposing harsher sentences. It silences those whose experiences do not fit dominant narratives of victimhood and overlooks the broader structural conditions that enable violence (Tapia Tapia, 2022).

In the context of Bangladesh, intersectionality is instrumental in highlighting how class and gender intersect to deepen exposure to violence, while simultaneously limiting access to justice mechanisms. Women from economically marginalized backgrounds in Bangladesh face heightened and structural barriers to accessing formal justice mechanisms. For example, poverty, discrimination, a lack of legal awareness, and gendered stereotyping often break the “justice chain” before poor women can even engage with courts (Begum & Saha, 2017). The prohibitive costs of litigation, lengthy court delays, and the urban concentration of judicial institutions further limit access to justice for rural and low-income women (Akram 2017). In remote *char*¹⁶ areas, illiteracy, unfamiliar legal procedures, economic hardship, and poor infrastructure amplify these obstacles (Ahmed, 2023). By employing an intersectional lens, I foreground these structural exclusions. I argue that the current punitive framework is not only insufficient but also blind to the ways class and gender-based marginalization interacts. Poor and rural women often lack the financial resources, literacy, and social networks needed to navigate complex legal

¹⁶ In Bangladesh, *char* areas refer to riverine islands or sandbars formed through sediment deposition in major river systems. These areas are often geographically isolated, environmentally vulnerable, and characterized by limited access to infrastructure, public services, and legal or institutional support.

systems, while wealthier survivors are more likely to mobilize influence, connections, or private resources to pursue justice. Gender norms further exacerbate these disparities, as women from marginalized backgrounds face heightened stigma, social surveillance, and pressure to remain silent in cases of sexual or gender-based violence. Together, gender, class, and poverty shape unequal access to justice as the same punitive laws may be formally available to all women, but in practice, only those with greater economic and social capital can more readily benefit from them. This underscores the importance of advocating for a justice framework that addresses survivors' lived needs rather than reproducing systemic inequalities. Building on this critique of the punitive logic embedded in carceral feminism, I now examine the challenge of imagining justice beyond punishment through a postcolonial lens. In doing so, I explore both the possibilities and the constraints of reimagining justice in contexts where colonial legal inheritances continue to shape contemporary understandings of law, punishment, and state authority.

2.3 The Limits of Imagining Alternative Approaches: Possibilities and Constraints

A core assumption underpinning carceral approaches is the belief in deterrence, i.e. the idea that punishment will prevent future harm (Tapia Tapia, 2025). The problem we are facing with justice today is fundamentally a framing problem as dominant approaches equate justice almost exclusively with imprisonment and punishment (Davis, 2003; Chamberlen & Carvalho, 2022). This narrow understanding leaves little space to imagine or develop alternative responses that might be more attentive to survivors' needs or the social conditions in which violence occurs. Chamberlen and Carvalho (2022) further argue that societies with higher inequality, weak welfare systems, and reduced democratic participation often display greater support for punitive

justice (p. 95). This perspective helps us understand the Bangladeshi context as well, where structural inequalities and limited institutional support shape both survivors' experiences of violence and broader understandings of justice. It also sheds light on why individuals often continue to struggle to imagine justice beyond punitive framework, despite their extensive work experience navigating the limitations of existing justice responses. This critique of punitive justice is echoed by a number of feminist and Indigenous movements across Latin America, who have long questioned the value of criminalization, especially for women made vulnerable by race, poverty, and state violence. For example, Fulchiron (2021) documents, many survivors of sexual violence have found meaningful forms of justice not primarily through legal institutions but through community recognition, collective memory, and ongoing processes of repair.

Yet imagining alternatives to punitive justice is often far more difficult than identifying the limitations of existing systems. As Davis (2003) argues, prisons have become so deeply embedded within contemporary social and political life that they are frequently treated as an inevitable and commonsense response to harm. Rather than being understood as one possible way of responding to wrongdoing—punishment, incarceration, and criminalization have come to dominate public understandings of justice itself (Davis, 2003; Gilmore, 2006). The findings of this study are consistent with the broader literature in this context, as participants' accounts similarly revealed the dominance of punitive understandings of justice and difficulty in imagining alternatives. In this sense, the challenge is not simply whether alternatives exist, but whether they can be meaningfully imagined within societies that live in this 'carceral entrapment'¹⁷ with 'carceral logics' of justice. Building on this insight, Ackhurst (2024) argues

¹⁷ The term 'carceral entrapment' is used here to describe the normalization of punishment, surveillance, exclusion, and confinement as the primary responses to harm. See also: Foucault's concept of the 'carceral archipelago' (1995). Drawing on abolitionist scholarship (Davis, 2003; Gilmore, 2006), this term highlights the influence of prisons and criminal justice institutions as well as the broader social assumptions that make punitive responses appear natural,

that justice imagination is often constrained by the institutions and assumptions that shape everyday understandings of harm, accountability, and social order. Even when existing systems are recognized as inadequate, people may struggle to envision responses beyond familiar legal and punitive frameworks. Examining these constraints is therefore crucial for understanding how participants negotiated the tension between recognizing the limitations of punitive justice and continuing to imagine justice largely through punishment and formal legal accountability.

These constraints, however, are neither historically nor politically neutral. Baxi (2012) argues that postcolonial legal systems are defined by both continuity and change. Although political independence marked a formal break from colonial rule, many newly independent states retained the legal institutions, bureaucratic structures, and punitive modes of governance established during colonialism. As a result, colonial understandings of law (as a mechanism for maintaining state authority, social order, and punishment) continued to shape postcolonial legal systems (Baxi, 2012). At the same time, while postcolonial constitutions introduced new commitments to democracy, human rights, equality, and social justice, creating a tension between inherited colonial legal practices and the emancipatory ideals of the postcolonial state. Rather than viewing colonialism solely as a historical event, postcoloniality discusses the ways colonial legal rationalities continue to organize contemporary justice systems. This perspective is particularly relevant to Bangladesh, where colonial-era legal institutions and penal frameworks remain central to criminal justice responses (Ritu & Rahman, 2026). Viewing Bangladesh through this postcolonial lens helps situate current legal reforms within a broader socio-legal history, illustrating how legal reforms intended to strengthen survivors' rights continue to operate within institutions shaped by colonial legal rationalities and punitive modes of governance.

necessary, or inevitable. In this sense, I refer to carceral entrapment as the difficulty of imagining justice, accountability, and safety beyond conventional punitive frameworks.

Against this backdrop, I discuss Silvana Tapia Tapia's (2022) decolonial feminist critique of legal reform in Ecuador. While postcolonial scholarship explains the historical conditions through which punitive justice became institutionalized, Tapia Tapia extends this critique by examining how feminist engagement with the state can inadvertently reproduce carceral logics despite seeking greater protection for women. Her work demonstrates that punitive responses circulate not only through criminal law but also through broader state, legal, and public discourses, often reinforcing the assumption that justice is best achieved through punishment. In her more recent work, Tapia Tapia (2025) further interrogates the dominance of penal responses to violence against women within international human rights discourse, arguing that the coloniality and abstraction embedded in Western legal traditions frequently erase the embodied, contextual, and material realities of survivors. In response, she calls for justice approaches that move beyond punishment by centring culturally grounded, community-based processes that acknowledge survivors' lived experiences alongside the broader structural conditions that produce violence. Tapia Tapia's analysis is particularly relevant to Bangladesh, where legal reforms continue to operate within institutions shaped by colonial legal legacies (Ritu & Rahman, 2026), procedural rigidity, and unequal access to justice (Nahar & Bhuyain, 2021; Shahan, 2021). Rather than proposing a universal alternative to criminal justice, her work invites critical reflection on how justice might be imagined in ways that remain attentive to local histories, power relations, and survivors' needs. A decade ago, Pali and Madsen (2011) advanced a similar argument, noting that when restorative justice is carefully structured and survivor-centered, it can meaningfully address harm. Such models not only validate survivors' voices but also create space to confront the systemic failures of the criminal justice system.

Owing to the possibilities restorative and transformative approaches offer, scholars have increasingly called for a radical reimagining of justice beyond retribution (Llewellyn, 2021). Anita Dockley (2019) and Anastasia Chamberlen (2022) argue for justice models that prioritize collective healing, rehabilitation, and a deeper recognition of structural inequality. Chamberlen, critiques punitive responses for reproducing cycles of stigma, marginalization, and exclusion that frequently contribute to violence in the first place. Within this framework, even when convictions occur, punishment often fails to provide survivors with meaningful repair, safety, or recognition, while simultaneously limiting opportunities for perpetrators' accountability beyond incarceration. In response, Chamberlen advocates transformative strategies that interrupt these cycles through community accountability and structural change. Curtis-Fawley and Daly's (2005) research with victim advocates similarly suggests that restorative justice can provide survivors with greater voice, validation, and empowerment. Empirical studies have also demonstrated the effectiveness of restorative justice in responding to SGBV under carefully designed conditions (Mercer et al., 2015; Daly, 2017), challenging the assumption that punishment alone reflects the seriousness of gendered violence. That said, collectively this body of scholarship conceptualizes RJ and TJ as relational approaches that seek to address the needs and responsibilities of survivors, perpetrators, and communities simultaneously, recognizing that meaningful justice requires engagement with each of these interconnected dimensions (Zehr, 2002; Keenan & Zinsstag, 2022). These concerns also help to interpret my findings where participants similarly questioned the capacity of punitive responses to meet survivors' needs and reflected on the limitations of punishment as the singular pathway to justice in Bangladesh.

However, postcolonial feminist praxis offers concrete examples of how these relational alternative principles have been translated into action. Initiatives such as *Actoras de Cambio in*

*Guatemala*¹⁸ and *Mujeres de Frente in Ecuador*¹⁹ (Tapia Tapia, 2025) demonstrate how survivors, particularly those from racialized and impoverished communities have developed restorative, culturally embedded practices outside of state-centric punitive frameworks. These initiatives prioritize collective healing, mutual care, dialogue, and community accountability, illustrating how justice can extend beyond punishment while remaining responsive to local histories and experiences of oppression. At the same time, it is also noteworthy to mention that RJ's potential as an alternative to state-centred justice has been questioned by Indigenous scholars (Tauri, 1998; 2017), particularly in contexts where the state remains the primary source of legal authority, funding, and referrals. From this perspective, restorative and community-based initiatives may have limited autonomy and transformative potential when they remain dependent on state institutions, risking co-optation by existing power structures if broader questions of governance, sovereignty, and self-determination remain unaddressed (Cunneen, 2009; Pavlich, 2005; Stubbs, 2010). LaRocque (2010) too, cautions against romanticizing restorative or community-based responses, emphasizing that communities themselves may be shaped by unequal power relations and may not always provide adequate protection or accountability for women experiencing violence. Together, these debates underscore the importance of moving beyond equating justice solely with penal sanctions while remaining attentive to the

¹⁸ *Actoras de Cambio* is a feminist collective in Guatemala that facilitates long-term political and social processes aimed at breaking the silence and stigma surrounding sexual violence committed against Mayan and mestizo women during the armed conflict and in the present. Through collective memory work, healing practices, and survivor-led advocacy, they reclaim voice, body, and history to affirm dignity and build solidarity. Their networks enable collective action not only to confront sexual violence but also to transform the structural conditions affecting women in their communities, positioning survivors not as victims, but as active agents of change. See also: <https://www.actorasdecambio.org.gt/>

¹⁹ *Mujeres de Frente* is a grassroots feminist group based in Ecuador, composed of formerly incarcerated women, street vendors, educators, and activists. The group engages in political and pedagogical work to challenge the criminalization of poverty and gendered state violence. They organize around prison abolition, economic justice, and mutual care, creating community-led alternatives to punishment that center lived experience, relational accountability, and collective transformation. Their efforts reflect a broader commitment to dismantling punitive institutions and building solidarity from the margins. See also: <https://mujeresdefrente.org/>

complexities, challenges, and context-specific realities involved in imagining alternative responses to violence. Similarly, Sardina and Ackerman (2022) (being both survivors of sexual violence and advocates of RJ) emphasize that restorative justice must remain survivor-led, culturally responsive, and grounded in anti-oppressive practice if it is to avoid reproducing the harms it seeks to remedy. Terwiel (2020) likewise argues that reimagining justice does not require a rigid binary between punitive and alternative approaches. Rather, feminist abolitionist politics may involve legal reform, selective engagement with state institutions, and the development of community-based responses that gradually expand the possibilities for justice beyond punishment.

Collectively, this discussion highlights the limitations of understanding justice solely through criminalization and formal legal responses. Anti-carceral feminism provides a critical lens for examining the unintended consequences of relying on punitive institutions to address gendered violence, while intersectionality foregrounds how gender, class, and other structural inequalities shape survivors' experiences and access to justice. A postcolonial perspective further situates these dynamics within Bangladesh's broader socio-legal history, drawing attention to the enduring influence of colonial legal rationalities that continue to privilege state-centered and punitive understandings of justice. Restorative and transformative justice scholarship expands this conversation by challenging dominant assumptions about accountability and opening space to imagine responses centered on repair, healing, community accountability, and structural transformation. At the same time, the concepts of carceral entrapment and justice imagination remind us that envisioning alternatives is itself constrained by the historical, institutional, and social conditions through which punishment has become normalized. Together, this framework helps me interpret the tensions that emerged throughout the SGBV advocacy stakeholders'

accounts e.g. their critiques of punitive justice, their emphasis on survivor-centred and community-oriented responses, and the persistent difficulty of envisioning justice beyond punishment within the Bangladeshi context.

CHAPTER 3: METHODOLOGY

In this section, I outline the methodological rationale and research design that shape my approach to reimagining justice for sexual and gender-based violence (SGBV) in Bangladesh. My research draws on the critique of carceral feminism and intersectionality to examine how justice is conceptualized and practiced in SGBV cases in Bangladesh and to explore possibilities for alternative non-punitive justice approaches. This chapter begins with the rationale for employing qualitative methods and describing the ethical considerations undertaken for this study. Finally, it concludes by discussing the data collection and analysis procedures respectively.

3.1 Rationale for Qualitative Inquiry

For this project, I critically explored alternative justice approaches to addressing sexual and gender-based violence (SGBV) in Bangladesh. To do so, I conducted qualitative research using semi-structured, in-depth interviews with 10 stakeholders from NGOs and advocacy organizations who work closely with survivors, their families, and broader community. Given their proximity to survivors' experiences and engagement with justice processes, these stakeholders were well positioned to provide insights into both the limitations of existing criminal justice mechanisms and 'to imagine' other non-punitive approaches to justice within the Bangladeshi socio-legal context. Given the deep contextual, cultural, and ideological dimensions of justice, especially in a postcolonial society like Bangladesh that is marked by punitive legal norms, qualitative inquiry is particularly well suited to address my research questions. As Rubin and Rubin (2005) explain, in-depth qualitative interviewing, is a core naturalistic research method concerned with engaging individuals who have knowledge of or experience with the issue under study. It also allows researchers to "explore in detail the experiences, motives, and

opinions of others and learn to see the world from perspectives other than their own” (2005, p. 3).

In my study, I collected and analyzed primarily data generated through interviews with NGO stakeholders working on issues related to SGBV in Bangladesh. Instead of viewing justice as an outcome measured by conviction rates or institutional performance, my focus is on critically interrogating how justice is culturally constructed and operationalized within Bangladesh’s existing legal system. To accommodate these layered and context-specific dimensions of justice, I employed a qualitative approach to inquiry. As Weiss (1994) notes, interviewing provides access to people’s observations and interpretations, offering a depth of understanding that surveys alone cannot capture. Qualitative inquiry thus provides the interpretive depth needed to examine the data. Such approaches also allow researchers to interrogate the ideological assumptions and symbolic structures that shape social realities (Richardson and St. Pierre, 2018), making it possible to explore how justice can be reimagined in more relational and survivor-centered terms.

In addition, I found qualitative methodology particularly valuable for its flexibility and adaptability, allowing me to refine aspects of the research process in response to emerging insights (Petty et al., 2012). Given the exploratory nature of this study and the complexity of justice in SGBV cases, this iterative approach enabled me to revisit and refine interview questions, adjust lines of inquiry, and remain responsive to issues that emerged throughout the research process. This flexibility was particularly important in a study concerned with reimagining justice in a postcolonial context, where understandings of harm, accountability, and redress are deeply contested and context dependent. Given these considerations, a qualitative methodology was best suited to examine this phenomenon.

3.2 Ethical Considerations

Given the sensitive nature of SGBV and the involvement of human participants discussing issues related to survivor advocacy, justice-seeking, and institutional responses, I paid particular attention to maintaining ethical integrity throughout the research process. I prioritized protecting participants' rights, dignity, and confidentiality at every stage of the study. I obtained the ethics approval for this study from the Research Ethics Board (REB1) at the University of Manitoba prior to data collection. Participation in the study was entirely voluntary, and only individuals who provided informed consent were interviewed. Before each interview, participants were provided with an informed consent form via email outlining the purpose of the study, the nature of participation, potential risks and benefits, procedures for audio recording, confidentiality measures, data storage practices, and contact information for both the researcher and the University of Manitoba Research Ethics Board (REB1).

Participants were also informed of their right to withdraw from the study at any stage without explanation or penalty. None of the participants chose to withdraw from the study after providing consent. Given the professional sensitivity surrounding participants' work in the SGBV sector, particular care was taken to protect confidentiality and anonymity. That said, participants were assigned pseudonyms, and identifying details (including organizational affiliations, where disclosure could compromise privacy) were omitted or anonymized in the reporting of findings. Participants were also offered the opportunity to review their audio recordings and raise any concerns regarding the content of their interviews. Two participants requested access to their recordings; however, neither subsequently requested any amendments, removals, or clarifications. To minimize the risk of data breaches, interview recordings were

shared only through password-protected SharePoint links with a two-week expiration period. All data e.g. audio recordings, transcripts, and related research materials were stored securely in accordance with institutional research ethics requirements and accessible only to me as the principal investigator. No data breaches or other adverse incidents occurred during the study. Although no visible signs of distress were observed during the interviews, I offered all participants a debriefing session following the interview to discuss any concerns and ensure their wellbeing. As for my analysis— it is guided by the principles of rigor, transparency, and resonance, ensuring that interpretations are grounded in the data and aligned with the theoretical commitments of this study (Tracy, 2010).

3.3 Data Collection Strategies

Given the challenges of direct access to survivors and the sensitivity of the topic, I employed purposive and snowball sampling to identify NGO workers and advocacy stakeholders as key informants for this study. As non-probability sampling is commonly used in qualitative research, this approach enabled an intensive and contextually grounded exploration of a specific social setting (Bachman & Schutt, 2019). Purposive sampling allowed me to deliberately identify participants (Flyvbjerg, 2006), whose professional experiences and engagement with SGBV issues were directly relevant to the focus of this research. Once potential participants were identified, I reached out using their publicly available contact information via email or text message. Interviews were scheduled only after individuals expressed interest in participating and provided their consent.

Similarly, I adopted snowball sampling in a manner that prioritized participants' privacy. Potential participants were provided with my contact information through professional networks, and I only initiated communication after individuals reached out to me directly expressing interest in participating or agreed to be contacted. Participants were recruited based on the inclusion criteria: such as – individuals who are aged 18 years or older and are currently work or have previously worked in NGOs, advocacy organizations, or related sectors that engage with SGBV issues in Bangladesh. As the interviews were conducted online, another important criterion for participation was participants' willingness to engage in an online interview and consent to audio recording. While the sample size is relatively small with only 10 participants, this can also be viewed as a strength of the study, as it allows for a more in-depth and nuanced understanding of stakeholder perspectives. Participant recruitment continued until data saturation was reached (i.e. when additional interviews no longer generated substantially new insights or perspectives relevant to the research questions) (Mwita, 2022).

Table 1. Professional Profiles of Participants

Serial no.	Pseudonym	Role	Relevant experience (in years)
P01	Disha	Lawyer	25
P02	Syeda	Advocate & Program Specialist	6
P03	Tuli	Lawyer & Researcher	8
P04	Tripti	Independent Consultant	15
P05	Jahanara	Case Worker	9
P06	Amrin	Director of Strengthening the GVB wing	30
P07	Laboni	Project and Consortium Lead	10
P08	Shakha	Activist	7
P09	Aparna	Project Co-Ordinator	5

P10

Shemonti

Case Worker

4

Source: Data Collection 2026

Although participation was not intentionally restricted by gender, all participants who ultimately took part in the study identified as women. I made efforts to recruit male stakeholders working within the SGBV sector and approached three potential male participants; however, none responded to the invitation to participate. In many ways, this composition reflects the broader landscape of SGBV advocacy work in Bangladesh, where women disproportionately occupy frontline, advocacy, and support-oriented roles in responding to gendered violence. However, those who ultimately participated in this study, all represent diverse professional roles, including legal practitioners, case workers, researchers, and advocates working across intersecting areas of gender justice, survivor support, and legal reform. That said, one participant did not work directly within the gender-based violence (GBV) sector, but rather in the broader field of women's empowerment. Nevertheless, given the significant intersections between women's empowerment and sexual and gender-based violence (SGBV) in the Bangladeshi context, particularly in relation to structural inequality, access to support, and gendered vulnerability, her scope of work was considered highly relevant to the study. Data derived from the interview were therefore included in the findings and analysis.

To explore how SGBV is addressed in Bangladesh and to critically examine the limitations of the current punitive justice system, I used in-depth semi-structured interviews as the primary method of data collection. Given the sensitivity and contextual complexity of SGBV, semi-structured interviewing provided the flexibility and depth necessary to explore how justice is experienced, interpreted, and negotiated within the Bangladeshi context. Rather than prioritizing generalizability, this approach enabled me to focus on process, meaning-making, and

the ways justice is understood and contested in practice (Maxwell, 2013; Silverman, 2022). As NGO workers and advocacy stakeholders work closely with survivors and often mediate interactions with legal and institutional systems, their perspectives offered valuable insight into the challenges of justice-seeking, institutional barriers, and possibilities and/or pitfalls for alternative approaches to justice. Prior to the interviews, consent forms were sent to participants via email, providing detailed information regarding the purpose of the study, voluntary participation, confidentiality, and the use of audio recording. As all interviews were conducted online, participants were invited to choose a time and setting in which they felt most comfortable and able to participate privately. All interviews were conducted via Zoom and varied in length, with some lasting over 90 minutes.

At the beginning of each interview, participants were asked a small number of socio-demographic and professional background questions, including their age, the sex they identify as, their occupational role, and years of relevant experience working with SGBV. Although participants were also invited to disclose their organizational affiliation, most were reluctant to do so due to the sensitive nature of their work. This did not pose a barrier to the study, as disclosing organizational affiliation was not an inclusion criterion for participation. Interviews then began with relatively broad and open-ended questions, such as asking participants to describe their experiences working in the SGBV sector. This approach helped establish rapport and allowed participants to frame their experiences in their own terms before moving into more focused discussions. The interview guide was loosely structured around themes linked to the research questions while remaining sufficiently flexible to accommodate emergent insights and participant-led reflections. Participants were asked a set of different questions such as what justice meant to them in the context of SGBV, the challenges they encountered while working in

the sector, the barriers survivors commonly face when seeking justice, existing strategies used to support survivors, participants' perceptions of punitive approaches to justice and so on.

Throughout the interviews, I adopted an exploratory approach to discussions of alternative justice responses. That said, questions about alternative approaches emerged from participants' reflections on the strengths and limitations of the current criminal justice system. After discussing their experiences of existing responses to SGBV, participants were encouraged to consider what changes, alternatives, or complementary approaches they believed could better support survivors and address the causes of violence. This data collection strategy was particularly effective, as it allowed me to explore participants' own conceptualizations of justice alongside their perspectives on how justice approaches might be reimaged.

Following participants' informed consent, all semi-structured interviews were audio-recorded to facilitate detailed analysis, a practice commonly employed in qualitative research (Merriam & Tisdell, 2015). All participants were offered the opportunity to speak in the language with which they felt most comfortable. As a result, interviews were conducted primarily in Bangla, participants' first language, although English words and phrases were occasionally incorporated into conversations. One interview was conducted entirely in English as per the participant's preference. For transcription, I initially used Sonix.ai to generate automated transcripts. However, due to occasional inaccuracies and omissions in capturing participants' statements, I supplemented this process with extensive manual transcription and review.

Completing the transcription process, I subsequently translated the Bangla interviews into English for analysis and writing. Throughout the translation process, I was extremely careful to preserve the meaning, context, and nuance of participants' accounts, particularly when translating culturally specific expressions and concepts. This required repeated listening to the

recordings to ensure contextual clarity and ensure accurate representation of participants' narratives. While time-intensive, this process also enabled me to have a deeper familiarity with the data and supported a more nuanced engagement during the analytical stage.

3.4 Data Analysis and Interpretation: Reflexivity, Rigour, and Resonance

Following transcription, I moved to the coding stage, beginning with open coding to identify recurring concepts, patterns, and emerging themes within the data. As Coffey and Atkinson (1996) argue, coding constitutes an initial step in qualitative analysis, enabling researchers to identify commonalities, differences, and underlying structures that form the basis of thematic interpretation. In this sense, coding functions as a means of organizing, retrieving, and systematically engaging with qualitative data (Coffey & Atkinson, 1996). That said, while initial coding remained close to participants' language, subsequent rounds of coding focused on identifying broader patterns and conceptual relationships within the data. For instance, participants' accounts of lengthy trials, evidentiary challenges, and dissatisfaction with legal outcomes were interpreted through analytical codes such as "limitations of the current punitive justice system." Similarly, reflections on healing, survivor choice, and community involvement contributed to analytical codes such as "views on alternative justice approaches." These analytical codes enabled me to move from descriptive accounts toward a more interpretive analysis of participants' perspectives.

Although coding can be conducted manually or by using qualitative software, I opted for manual coding to maintain accuracy and remain closely engaged with participants' narratives throughout the analytical process. I used Microsoft OneNote to organize and colour-code emerging themes and patterns across the interviews. After identifying an initial set of themes, I

revisited the coded data multiple times, merging overlapping categories, refining and reorganizing the themes where necessary. Then I used thematic analysis to identify recurring patterns, meanings, and themes across the data. Through this iterative coding process, themes emerged inductively from participants' narratives while remaining informed by the broader research questions (Javadi & Zarea, 2016), and the theoretical frameworks discussed in Chapter 2. Carceral feminist scholarship informed my analysis as to how participants described the limitations of punitive justice responses and the unintended consequences of relying on criminal legal interventions to address SGBV. Intersectionality helped me focus on how experiences of justice-seeking were shaped by the interaction of gender with other structural factors, including class, social status, financial dependency, geographic location, education, and age. A postcolonial lens provided a broader perspective for examining how justice institutions, legal processes, and dominant understandings of accountability are shaped by historical power relations and colonial legacies, while also encouraging attention to locally grounded understandings of justice and community responses to harm. Rather than functioning as rigid coding categories, these frameworks informed the questions I asked of the data and the patterns I considered analytically significant.

As Ely et al. (1997) suggest, qualitative interpretation is recursive, dialogic, and affective, where theoretical understanding evolves alongside engagement with the data. Although I began the analysis with theoretically informed concepts linked to my research questions, I remained open to inductive insights, allowing meanings to shift and categories to be refined as new patterns and tensions emerged. For example, while the study initially explored punitive and alternative justice approaches as distinct categories, participants' accounts frequently challenged this binary, expressing dissatisfaction with punitive responses while continuing to emphasize the

importance of accountability. Hence, rather than forcing participants' narratives into pre-established frameworks, I remained attentive to moments of contradiction, disruption, and insight—what Mason (2011) describes as “flashes of understanding” to develop an interpretation attentive to the complexity and contested nature of justice in relation to SGBV. In interpreting the data, I adopted a contextual content analysis approach. Meaning, I interpreted these materials within the Bangladeshi social, political, and cultural conditions in which they were produced and circulated. This layered approach is informed by Taylor's (1997) emphasis on analyzing texts not only in their form but also in their production context and material consequences. This is important as language is not ideologically neutral; it is embedded in broader power relations and social practices (Fairclough, 1995). I then situate these discourses within broader ideological frameworks such as patriarchy, colonial legal legacies, anti-carceral feminism, and the emerging possibilities of alternative justice approaches.

As a Bangladeshi female researcher situated within the socio-cultural context I study, I recognize that my interpretations were inevitably shaped by my social location, lived experiences, and commitments to feminist and decolonial approaches to justice. Rather than attempting to eliminate subjectivity, I approached reflexivity as an ongoing and critical practice throughout the research process. In line with what Pillow (2003) describes as a “reflexivity of discomfort,” I remained attentive to moments of tension, contradiction, and uncertainty in both the interview process and analysis, resisting the urge to impose overly coherent or predetermined conclusions on participants' accounts. I was particularly mindful that my academic training in sociology and engagement with critical scholarship on punishment had made me receptive to non-punitive and alternative approaches to justice. Rather than viewing this perspective as something to be eliminated, I treated it as a standpoint requiring ongoing reflexive engagement.

During interviews, I remained conscious of how my positionality as a Bangladeshi woman and researcher may have shaped participants' responses, particularly when discussing sensitive issues surrounding justice, the death penalty, and experiences of SGBV. For instance, some participants appeared to assume that I shared particular views regarding punitive justice because of my familiarity with local debates surrounding violence against women. In such moments, I consciously avoided signaling approval or disapproval and instead encouraged participants to elaborate on their own reasoning and experiences. Throughout both data collection and analysis, I remained attentive to how my own assumptions and reactions might shape the direction of the conversation and subsequent interpretation of the data as well. I also revisited transcripts multiple times and remained attentive to contradictions and competing perspectives rather than privileging interpretations that aligned with my own assumptions regarding punitive justice or alternatives of such practices. Rather than seeking neutrality, I focused on engaging reflexively with how my positionality informed the questions I prioritized, the themes I emphasized, and the meanings I ultimately drew from the data. Thus, engaging rigorously with these tensions enabled me to develop an analysis grounded in participants' accounts while remaining critically aware of my own role in shaping the research process.

CHAPTER 4: Navigating Justice: Barriers, Burdens, and Exclusions in Bangladesh's Response to SGBV

In this chapter, I present one part of the findings generated through my qualitative interviews with ten female-identified stakeholders engaged in sexual and gender-based violence (SGBV) advocacy in Bangladesh. That said, this section specifically focuses on participants' responses to the first research question: *What are the inadequacies of Bangladesh's current punitive approaches to sexual and gender-based violence (SGBV)?* In the following discussion, I explore how existing justice mechanisms in Bangladesh are experienced, interpreted, and critiqued by those working closely with survivors. First, I begin by examining the socio-cultural barriers that discourage survivors from seeking justice, including stigma, victim-blaming, and concerns about social repercussions. Second, I explore the structural and material barriers that shape survivors' access to justice, examining how factors such as gender, class, economic resources, and social position intersect to create unequal experiences of justice-seeking. Third, I discuss systemic limitations that constrain the effectiveness of existing justice mechanisms such as police inaction, procedural delays etc. highlighting how legal reforms often fail to translate into meaningful justice in practice. Finally, I explore the challenges related to accessing support and protection services, including shelters, and survivor-centered assistance. In doing so, the following discussion highlights the structural, institutional, and socio-cultural limitations of punitive responses to SGBV within the Bangladeshi context.

4.1 The Costs of Seeking Justice: Stigma, Institutional Violence, and Inadequate Protection

All of the participants described seeking justice as a burdensome and often unsafe process for survivors of SGBV, shaped by social stigma, victim-blaming attitudes, and inadequate

protections within the justice system. Rather than functioning as a source of safety and accountability, the justice process itself was portrayed as one that frequently intensifies survivors' vulnerability. Respondents highlighted 'social shaming' and 'victim-blaming' as a major barrier to reporting, as it highly discourages survivors and their families from engaging with formal legal mechanisms. Another highlight was how patriarchal norms shape public perceptions of violence, where responsibility is often shifted onto survivors through scrutiny of their behaviour, clothing, or relationships. As one participant, Disha, observed, women are frequently asked "why they're wearing that, why did they go there", reflecting broader patriarchal attitudes and common rape myths that normalize blame toward survivors rather than perpetrators. Similarly, another participant Syeda (being an advocate and program specialist in SGBV sector for more than 6 years) noted that conceptual gaps continue to shape how survivors are treated, referring to instances where judges used language describing rape survivors as being of "loose character," (Huda, 2019a) thereby undermining their credibility. Participants emphasized that such attitude "leads survivors to lose trust in the justice system". For many participants, such responses weaken survivors trust in formal systems. More importantly, participants noted that such views are not limited to men but are also reproduced by women within institutional settings. For example, Tripti recalled, (in the context of cyber violence of women) a senior female police officer questioning: "Why do girls get involved with certain men in the first place? And why do they capture/send intimate pictures?"

These responses demonstrate how survivors encounter judgment and moral scrutiny even from actors expected to provide support, and ultimately contributing to their secondary victimization (i.e. additional harm, distress, or trauma experienced by survivors as a result of their interactions with institutions, professionals, or social networks following an incident of

violence). Adding to that, the fear of social repercussions further compounds non-reporting. Families often avoid pursuing legal action due to concerns about stigma, reputation-damage, humiliation, and future social consequences for themselves or their children. As Shakha explained, families may fear that pursuing justice today could create “bigger problems later” for their family, leading them to disengage from the legal system altogether. Another independent consultant, Tripti said, “They (survivors) say they do not want to go forward because their families warn them that if they file a case, they will face humiliation, backlash, or further problems.” Based on her experiences working directly with survivors, she spoke at length about the hesitation many survivors express when considering legal action, explaining that many initially resist filing cases because they fear humiliation and further complications.

Participants also highlighted the emotional burden created through repeated retelling of traumatic experiences. Although survivors may enter the system seeking support, many are required to repeatedly explain incidents to multiple actors throughout legal and service processes. Several participants suggested that this repetition can intensify emotional distress and leave survivors feeling exposed rather than supported. Thereby, the process of seeking justice may itself become another difficult experience to endure. This suggests that decisions around justice-seeking are deeply embedded within broader social and familial calculations rather than solely legal considerations. Even when survivors choose to pursue justice, participants emphasized that the absence of adequate protection mechanisms during trials often reproduces harm. Safety concerns for survivors and witnesses were repeatedly highlighted, particularly regarding weak witness protection measures and breaches of confidentiality.

Although in 2025, the Women and Children Repression Prevention (Amendment) Ordinance introduced revised provisions for victim and witness protection, including

empowering tribunals to implement safety measures for complainants, victims, and witnesses (Siddique, 2025)— participants stressed that implementation remains the central challenge. In practice, intimidation, weak institutional enforcement, and confidentiality failures continue to discourage individuals pursuing legal proceedings. For instance, Aparna explained that survivors are sometimes forced to wait in the same spaces as perpetrators during case proceedings, despite such conditions directly violating survivor-centred “do no harm”²⁰ principles.

Participants argued that these failures demonstrate how the justice system still has a long way to go before becoming truly “survivor friendly.” Moreover, while legal provisions intended to protect survivors’ privacy such as “in-camera trials” formally exist, participants noted that they are inconsistently implemented. “Some still argue that such measures violate the rights of the accused, and as a result, many courts do not fully apply them”, explained Amrin. These gaps leave survivors insufficiently protected and exposing enduring loopholes within the justice system. Disha also added to this saying, “there are safety concerns for those who come to witness”, indicating the broader insecurity surrounding participation in legal proceedings. What stood out to me across the interviews was that barriers to justice were not experienced only through formal legal failures but also through the emotional and social costs attached to participation. As participants described it, many survivors are forced to weigh the potential benefits of justice against the personal, emotional, and social burdens that pursuing it may bring.

Similarly, participants frequently described institutional responses to SGBV as lacking sensitivity toward survivors’ experiences and needs. All participants unanimously pointed to dismissive attitudes, inadequate understanding of trauma, and institutional practices that often prioritized procedural requirements over survivor wellbeing. While some acknowledged

²⁰ “Do no harm” is a survivor-centred principle emphasizing that responses to violence should prioritize survivors’ safety, dignity, and autonomy and avoid actions that may cause further harm, re-traumatization, or victimization.

improvements in policies and legal frameworks such as the prohibition of the two-finger test (The Daily Star, 2018), amendments to evidentiary rules intended to better protect survivors, the establishment of One-Stop Crisis Centres (OCCs) (Ahasan Raisa, 2020), and recent efforts to strengthen witness protection (Siddique, 2025), many felt that the way institutions respond in practice continues to discourage trust and meaningful engagement. One of the major issues that participants raised was the justice system's tendency to prioritize visible physical harm while overlooking emotional and psychological violence. Jahanara, with her 9 years of working experience in the field, questioned whether survivors reporting mental torture or emotional abuse would be taken seriously in the same way as physical assault, particularly for marginalized communities who often experience prolonged psychological harm. Her concern reflected a broader reality in Bangladesh, where SGBV practitioners who work closely with survivors and the justice system described it as difficult to imagine psychological abuse and mental health harms receiving recognition or being treated with the same seriousness as physical violence.

Within a system where even grievous forms of violence often take considerable time to be acknowledged and addressed, the prospect of meaningful recognition for psychological harms appeared even more remote. Another respondent, Shemonti (who works at one of the one stop crisis centres), echoed this concern from her professional experience. She observed that institutional responses tend to focus heavily on physical survival while paying far less attention to survivors' psychological needs after violence. In her view, broader emotional recovery becomes a distant concern once immediate physical harm has been addressed. This highlights that survivors are often forced to prioritize immediate concerns related to safety, shelter, economic survival, and ongoing risks of violence, leading to emotional recovery being postponed or overlooked altogether.

Another recurring concern involved the ways SGBV is minimized or trivialized by those responsible for providing support and justice. Participants described instances where violence was treated casually or dismissed altogether, even by individuals in positions of authority. Shemonti recalled an experience while discussing infrastructure concerns at a One Stop Crisis Centre (OCC), where someone casually remarked, “Oh, this is nothing, just a little rape, a little harassment, why so much fuss over it?” For her, such attitudes reflected a broader institutional mindset that directly affects the quality of support survivors receive. When individuals in influential positions fail to treat violence seriously, participants felt that survivors are less likely to experience care, safety, or accountability through formal systems. Thus, participants’ interpretations of these barriers highlighted that justice-seeking is shaped not only by access to institutions and services, but by the quality of institutional responses. Their central concerns included how survivors are treated, whether their experiences are acknowledged and validated, and whether systems respond with care or skepticism. As participants emphasized, institutions often failed to provide the sense of safety, dignity, and support necessary for survivors to meaningfully engage with justice processes.

4.2 Intersecting Barriers to Justice: Structural Exclusion and Unequal Access

Access to justice emerged as another major barrier for the survivors while pursuing justice. All the participants unanimously emphasized that access to justice in Bangladesh is not experienced equally. Rather, survivor’s ability to seek support, navigate institutions, and engage with legal processes is shaped by the intersection of gender with broader structural inequalities. In the context of Bangladesh, these intersecting inequalities most commonly relate to survivors’ socioeconomic status, geographic location, education, family and community power structures.

While gender-based violence affects women across social groups, participants emphasized that survivors experiencing multiple forms of marginalization often encounter greater obstacles in accessing legal, medical, and psychosocial support. Formal legal protections alone do not guarantee equal access to justice in practice.

Several participants identified class and social location as among the most significant forms of marginalization shaping survivors' access to justice in Bangladesh. Intersecting with gender, these structural inequalities influence who can realistically pursue legal remedies and who is effectively excluded from them. Illustrating this, Tuli explained that access within Bangladesh is "really, really disproportionate depending on how you identify or what your positionality is," pointing to broader inequalities that influence access to services, information, and institutional support. According to her:

Just dealing with the legal system, filing something as basic as a complaint, is often a daunting task and a lot of women particularly would rather resolve their matters out of court because people are just not sensitive in the way or responsive in the way [...] they should be understanding how there are multiple different intersecting factors that affect women who are maybe experiencing discrimination or some form of violence.

Tying to that, she further explained that survivors' interactions with service providers are shaped by intersecting forms of marginalization including age, religious identity, geographic location, and prevailing patriarchal norms. She noted that younger women, women whose behaviour or appearance deviates from socially prescribed gender expectations, and women living in rural communities often encounter heightened victim blaming and discrimination from service providers. As she explained, the stigma attached to sexual and gender-based violence

“plays out differently in an urban space” than in a rural one, illustrating how survivors’ social location influences both the nature of institutional responses and their willingness to seek further assistance. For many survivors, encountering discrimination at the point of first contact becomes an additional barrier to justice, discouraging continued engagement with legal and support systems. Participants further explained that access to justice is closely tied to financial realities. Women, especially those who are financially dependent, struggle to leave abusive environments due to limited alternatives and mostly lack of financial independence. Aparna shared:

Survivors often think, ‘Where will I go?’ The person who is harming them is often their husband, and they feel that if they endure it, things might improve in a few days. But if they pursue justice, they fear they may no longer be able to stay in their home. Many of the cases we see involve women, and this fear of losing their household [which] becomes a strong barrier.

Thus, participants’ accounts reflect broader structural patterns of gendered economic dependence in Bangladesh that more often than not shape survivors’ ability to leave violent situations, pursue legal action, or continue cases over time. Despite gradual improvements in women’s education and labour force participation, patriarchal social norms continue to position men as the primary providers, leaving many women financially dependent on fathers before marriage and husbands thereafter (Pradhan & Afrin, 2015). This dependence becomes particularly acute for survivors seeking to leave abusive relationships, as divorced, widowed, and deserted women often face social stigma, limited employment opportunities, and economic insecurity. Although the Government of Bangladesh has introduced targeted social protection programmes, including the Allowance for Widow, Deserted and Destitute Women and the Vulnerable Group Development (VGD) programme, available support remains limited in both

coverage and financial value (Pradhan & Afrin, 2015; Social Security Policy Support Programme, 2017; Immigration and Refugee Board of Canada, 2020). Consequently, for many survivors, pursuing legal action or leaving an abusive relationship is constrained not only by the violence itself but also by the absence of sufficient economic resources and sustainable social support. As Amrin (with more than 30 years of working experience in the field) noted that although Bangladeshi law states that survivors should not have to bear financial costs in seeking justice, barriers remain in practice. Reflecting on survivors' experiences she also noted:

When someone becomes a survivor of violence, there are costs involved, not only financial but also social and psychological. And before even deciding to file a case, they (survivors) think about whether they can bear those costs, how powerful the opposing party is, and whether they have the support to continue.

Amrin's account illustrates that the costs of seeking justice extend well beyond legal or financial expenses. Participants described these costs as encompassing financial dependency, social stigma, psychological distress, and unequal power relations, including concerns about the influence and resources of the opposing party. Importantly, they also emphasized that these burdens are not experienced uniformly. Rather, the ability to navigate these costs is shaped by survivors' intersecting social locations, which influence both their exposure to violence and their access to support, protection, and justice. Tripti repeatedly emphasized that gender alone cannot explain survivors' experiences. determine experiences of violence or access to support. Instead, she argued that multiple, overlapping identities shape both vulnerability and exclusion.

Reflecting on her work, she explained:

A person has many identities—their religion, age, social class, family income, level of education, whether they live in urban or rural areas, whether they are

Bengali or from another ethnic group, whether they live in the hills or plains, whether they have a disability.

In her words, these intersecting identities influence both privilege and barriers, acting as a deciding factor in whether survivors can safely disclose violence, access services, sustain lengthy legal proceedings, and mobilize the social and material support necessary to continue. This complexity became especially visible in discussions around digital access and service delivery. As many organizations increasingly rely on technology-based interventions and online support mechanisms, Tripti noted that new barriers are also emerging. Some survivors may lack digital literacy, struggle to communicate their experiences online, or remain unaware of digital risks that may expose them to further harm. As a result, attempts to expand access through technology may unintentionally reproduce exclusion for those already marginalized.

Collectively, participants' accounts illustrate that access to justice extends far beyond the existence of legal protections. Rather, survivors' ability to seek justice is shaped by the intersection of gender with socioeconomic position, educational opportunities, and geographical location (among many other), producing unequal access to information, resources, and institutional support. While legal protections may exist on paper, participants emphasized that access remains uneven, often shaped by forms of privilege and these intersecting forms of marginalization that extend far beyond the courtroom.

4.3 Justice Delayed, Justice Discouraged: Institutional and Legal Failures

For participants, unequal access to justice and fear of repeatedly reliving their trauma was often reinforced by negative experiences with institutions themselves. Tripti described situations where volunteers supported survivors through complaint drafting, legal referrals, and accompaniment to

police stations, only to encounter police unwillingness to take complaints seriously. Rather than being treated as criminal offences, incidents of violence within families and intimate relationships (which constitute a large proportion of SGBV cases) were frequently framed as “family matters” or “personal issues”, discouraging formal intervention. This institutional tendency is particularly concerning given that intimate partner violence constitutes the most prevalent form of violence against women in Bangladesh²¹. Additionally, such institutional responses appeared to deepen survivors’ reluctance to pursue formal justice mechanisms. These experiences also point to a broader concern that emerged throughout the discussion, i.e. the gap between the existence of legal protections and people’s ability to meaningfully access justice through them. For instance, while participants acknowledged that Bangladesh has developed and considerably improved legal frameworks to address sexual and gender-based violence (SGBV), many described justice as slow, uncertain, and difficult to obtain in practice. Rather than questioning the existence of laws themselves, participants more often pointed to weak implementation, procedural delays, and institutional inefficiencies that reduced trust in legal outcomes and discouraged survivors from pursuing justice.

Several participants emphasized that the problem was not necessarily the absence of laws, but the inability of institutions to effectively enforce them. Shemonti reflected on this distinction by noting that “one thing is the existing law and another thing is justice,” explaining that although legal provisions addressing violence against women largely exist, their presence does not automatically translate into meaningful outcomes for survivors. Similarly, Jahanara explained that while legal mechanisms are available to punish perpetrators of violence, “in

²¹ The 2024 *Violence Against Women Survey* found that 70% of women reported experiencing at least one form of intimate partner violence during their lifetime (Bangladesh Bureau of Statistics, 2025). See also: *Violence against women survey 2024: Final report*. https://bangladesh.unfpa.org/sites/default/files/report_documents/2025-10/Final%20Report%20VAW%20BGD%2024%20%2030Sep25.pdf

reality the proper application of justice does not always happen.” In her experience, delays in implementation and lengthy procedures weakened the effectiveness of justice, even when laws were formally in place. Participants repeatedly connected this implementation gap to the prolonged nature of legal proceedings. Delays in case processing emerged as a major source of frustration, fear, and disengagement from the justice system. Disha described how cases often remain unresolved for years despite legal timelines intended to expedite proceedings:

A case that was filed in 2006—and I get its verdict in 2022. How many years does that make the victim wait? And that’s not even the end—it then gets referred to High Court/Supreme Court and then the parties involved have to wait for how many more years?

For many participants, these delays carried consequences beyond inconvenience. Long waiting periods were described as emotionally exhausting and materially difficult for survivors and their families. Disha further explained that procedural delays often demotivate people from seeking justice because they begin to feel there will be no meaningful outcome. In some instances, survivors and their families reportedly relocated due to fear of continued harassment from perpetrators while cases remained unresolved. The slow pace of justice also appeared to shape people’s willingness to engage with legal systems from the outset. Shemonti explained that many people hesitate to pursue cases because of a widespread perception that legal processes are complicated and burdensome, involving repeated visits to police stations, courts, and prolonged procedures. According to her, survivors and families often delay making decisions because they anticipate “too much hassle, too much trouble,” and become increasingly discouraged as legal demands continue over time. This suggests that delays are not experienced only after entering the

legal system; rather, expectations of delay themselves influence whether people seek justice at all.

Participants also pointed to institutional and procedural inefficiencies that contributed to these delays. Some described challenges related to the appointment and functioning of public prosecutors, arguing that political affiliations could affect accountability and independence in legal proceedings. Disha raised concerns that politically appointed public prosecutors may face conflicts of interest when cases involve politically connected individuals, making it difficult to ensure impartial handling of SGBV cases. Also, due to inadequate training, public prosecutors often fail to actively pursue cases, coordinate with witnesses, and ensure witness attendance in court (Human Rights Watch, 2020). Others noted that repeated adjournments and lack of procedural clarity further slowed court proceedings. Referring to amendments made to the Women and Children Repression Prevention Act (2000)²², Disha explained that although the law has undergone several revisions (in 2003, 2020, and 2025), implementation guidelines remain unclear, creating uncertainty around how provisions should function in practice.

In addition to delays, some participants questioned the quality and reliability of legal outcomes themselves. Amrin identified the justice system's over-reliance on medico-legal²³ examinations in rape cases as a major concern, explaining that medical evidence is often treated as the primary determinant of whether justice can be achieved. She explained that organizations working in the sector began questioning this approach after observing "lack of proper understanding about how to collect and interpret evidence", arguing that such practices could sometimes produce "injustice rather than resolving it". Amrin further expressed frustration over

²² See Laws of Bangladesh (2000). *Women and Children Repression Prevention Act 2000*. Government of the Peoples' Republic of Bangladesh. <http://bdlaws.minlaw.gov.bd/act-835.html>

²³ Medico-legal assessment refers to the medical examination and documentation of injuries or evidence related to a crime, conducted by authorized medical professionals to support legal investigations and court proceedings.

the continued use of the ‘two-finger test’²⁴ despite its formal ban, highlighting the persistence of harmful and outdated medico-legal practices in assessing survivors’ experiences. Participants’ observations suggest that they view justice as something formally available yet practically difficult to attain. Delays, weak implementation, and procedural inefficiencies did not simply create a backlog of cases; they created mistrust, and unwillingness to engage with the system. As participants described it, the question was often not whether laws existed, but whether pursuing them felt possible, worthwhile, or likely to lead to meaningful justice.

4.4 Support That Remains Out of Reach: Gaps in Services and Survivor Support

Alongside legal barriers, participants repeatedly described difficulties in accessing the broader systems of support available to survivors of SGBV. In Bangladesh, victim support services remain limited in scope and are primarily directed toward women and children affected by domestic violence, rape, trafficking, acid violence, and other forms of gender-based violence. These services are provided by both government agencies and non-government organizations (NGOs). That said, participants shared that available services include legal aid and court representation, mediation, psychosocial counselling, national helplines, medical and forensic support, temporary and long-term shelters, and rehabilitation and reintegration programmes. These services are delivered through initiatives such as the Bangladesh Police’s Victim Support Centre, the Ministry of Women and Children Affairs’ One-Stop Crisis Centres and National Helpline, alongside NGOs such as Ain o Salish Kendra (ASK), Bangladesh Legal Aid and

²⁴ A medically unscientific and invasive examination formerly used in rape cases to assess a survivor’s sexual history based on vaginal examination. The practice has been formally banned in Bangladesh since 2018 due to concerns about re-traumatization, dignity, and lack of evidentiary value. However, despite the ban and government efforts to enforce it, several reports suggest the active use of ‘two-finger test’ within both the health and legal sectors. See Akter, et.al. (2026) for the detailed discussion.

Services Trust (BLAST), Bangladesh National Women Lawyers' Association (BNWLA), Bangladesh Mahila Parishad (BMP), the Association for Correction and Social Reclamation (ACSR) and so on (Akter & Shakil, 2020). While such services exist in Bangladesh, participants emphasized that access to such services often remains uneven, limited, or difficult to navigate in practice. Challenges related to awareness, eligibility, infrastructure, and accessibility translated to support that frequently remained out of reach for many survivors.

One of the recurrent themes across interviews was the lack of public awareness regarding available services. Participants explained that many survivors do not know where to seek help, what forms of support are available, or even how to identify their experiences within the framework of gender-based violence. Laboni emphasized that there remains “a significant lack of information,” explaining that many people are unfamiliar with what constitutes gender-based violence or where to seek support when violence occurs. Similarly, Shakha reflected on situations where survivors “did not know where to go for help or how to seek protection,” describing this as a deeply concerning reality. Shemonti similarly observed that even educated and socially aware individuals often remain unfamiliar with available services or may not recognize their experiences as forms of GBV or cyclical violence. According to her, this lack of awareness becomes an additional barrier because people cannot seek services they do not know exist. In this context, participants descriptions suggest that awareness itself therefore becomes an important part of access to justice and support.

Despite the existence of shelter services, participants pointed to persistent limitations in their accessibility and effectiveness. Aparna explained that “even when we try to provide safe shelter, we can only support survivors for a limited time—maybe two or three months—and even

that is not always possible due to resource constraints.” While immediate assistance may be available through case management, participants noted that longer-term safety and structural vulnerabilities often remain unresolved, particularly in cases of intimate partner violence where ongoing risk is difficult to eliminate. These challenges are further complicated by restrictive shelter policies that exclude certain women and girls from accessing support altogether. For instance, Human Rights Watch (2020) notes that access to Safe Custody Homes requires a court order, while women with more than two children must obtain legal authorization to enter shelters operated under the Ministry of Women and Children’s Affairs (pp. 31-32). These procedural requirements illustrate the bureaucratic hurdles that can complicate survivors’ access to emergency protection.

Participants also raised concerns regarding the structure and accessibility of formal support services, particularly the One Stop Crisis Centres (OCCs). While OCCs were recognized as important institutional spaces for survivor assistance, Shemonti questioned whether their design unintentionally excludes many people from accessing support. She explained that individuals typically cannot access OCC services directly and must first enter through hospital emergency departments and receive registration. In her view, this requirement creates barriers for survivors whose experiences do not involve visible physical injuries or immediate medical emergencies, particularly those facing emotional, psychological, or psychosocial abuse. Shemonti further explained, because many services remain tied to hospital-based pathways, survivors experiencing non-physical forms of violence may never reach available support systems. She also noted that many OCCs are centred in government sadar²⁵ hospitals, which may

²⁵ A government district-level public hospital in Bangladesh, generally located in the district headquarters and responsible for providing secondary healthcare and medico-legal services.

be more accessible to some socio-economic groups than others; again, reflecting the layered and intersectional realities that shape women's access to justice and support services in Bangladesh. Stigma, privacy concerns, and social class can further discourage some survivors from seeking support through these spaces. In this sense, participants highlighted a gap between the promise of universal service provision and the realities of access, which remain uneven and exclusionary in practice.

Concern regarding access to justice and support services for child survivors also emerged from the advocacy workers. Participants highlighted that, in Bangladesh, institutional responses to SGBV often fail to make meaningful distinctions between the needs of adult women and child survivors, resulting in child victims being channeled through systems primarily designed for adults. In particular, participants noted that services such as the OCC system generally operate through the same procedural framework for both adults and children, despite children requiring fundamentally different forms of care, communication, and support. In this context, Shakha explained that although legal provisions for child protection exist, navigating the justice process (including health services, filing cases, and court proceedings) that is already complex for survivors, becomes even more difficult for children. She added:

Children are often treated similarly to adults in legal procedures, even though they are not able to express themselves in the same way. Many children are too young to explain what happened to them, which creates additional challenges in ensuring justice.

Tying to this, Laboni stated:

There are some government initiatives, but they are still limited, and the availability and accessibility of child-specific services are not always adequate or

consistent across different areas. So, in many cases, children do not receive the kind of specialized support they need, which makes their situation even more difficult.

Several participants also reflected on how broader political shifts shape the environment in which justice-related work around SGBV takes place. Although political change was not discussed as a direct legal barrier in the same way as court delays or institutional insensitivity, participants suggested that changing political conditions influence how women's rights, legal protections, and justice work are understood and practiced. They described growing concerns about increasing conservative discourses, a shrinking civic space for women's rights advocacy, and political divisions within feminist and activist networks following the July 2024 uprising²⁶, (leading to the country's uncertain political atmosphere). Respondents' views reveal that access to justice cannot be separated entirely from broader political realities. Rather, legal systems, institutional priorities, and advocacy efforts operate within changing political contexts, and participants viewed these shifts as important in shaping both opportunities and limitations in responding to SGBV in Bangladesh. Together, the findings revealed a landscape in which services and support systems do exist but are often fragmented, difficult to access, or unevenly distributed. In Bangladesh, lack of awareness, structural barriers, limited infrastructure, and practical constraints frequently shape who could access support and under what conditions. As participants described it, the existence of services alone was not enough; accessibility,

²⁶ The July 2024 uprising refers to the nationwide student-led protests in Bangladesh that began over the reinstatement of the public sector quota system and later evolved into a broader anti-government movement. The protests culminated in the resignation of Prime Minister Sheikh Hasina on 5 August 2024 and the formation of an interim government.

awareness, and sustained support mattered just as much in determining whether survivors could meaningfully benefit from them.

Altogether, this chapter explored the participants' view of the inadequacies of the conventional legal justice process in Bangladesh. The findings highlighted a series of interconnected challenges that shape survivors' justice-seeking experiences. From the initial decision of whether to report violence, to navigating stigma, economic constraints, institutional barriers, procedural delays, and shortcomings within legal responses, survivors often encounter obstacles at every stage of the justice process. More importantly, these challenges are compounded for the individuals facing multiple intersecting structural inequalities e.g. individuals living in poverty, in rural areas, with limited access to education and other forms of structural disadvantages. Collectively, these findings suggest that the limitations of existing justice mechanisms extend beyond isolated institutional failures and are instead rooted in broader social, structural, and systemic conditions that continue to constrain access to meaningful justice for survivors of SGBV in Bangladesh. While participants identified important policy reforms and programs designed to support survivors and educate communities, they also emphasized the persistent gap between formal legal protections and survivors lived experiences. These findings therefore raise important questions about whether existing justice mechanisms are capable of adequately responding to survivors' needs and aspirations. Building on these concerns, the following chapter explores how participants imagined alternative approaches to justice, examining the possibilities, tensions, and limitations they identified when considering responses beyond conventional punitive frameworks.

CHAPTER 5: Reimagining Justice Beyond Punishment

In this chapter, I present the second part of the findings generated through my qualitative interviews, focusing on responses related to the second research question: *How do SGBV advocacy stakeholders in Bangladesh understand and imagine alternative approaches to justice in responding to SGBV?* Building on participants' critiques of the limitations of the existing punitive justice system discussed in the previous chapter, this section explores how NGO workers and advocacy stakeholders conceptualize alternative approaches to justice. In particular, it examines participants' reflections on survivor-centered responses, accountability, healing, prevention, and the possibilities and tensions surrounding non-punitive approaches within the Bangladeshi context.

However, before I begin, it is important to contextualize how discussions of alternative justice approaches unfolded during the interviews. I found that participants' responses were notably mixed. While a small number were already familiar with restorative and transformative justice, most were unfamiliar with these terms and required further explanation before engaging with the discussion. Several participants initially expressed confusion about what was meant by an "alternative" justice approach, while others found it difficult to imagine what such an approach might look like. Only one participant demonstrated a clear understanding of both restorative and transformative justice as established theoretical approaches. Likewise, only two participants independently introduced the possibility of alternative justice mechanisms without prompting. One respondent envisioned alternative approaches as complementary to the conventional criminal justice system, particularly to facilitate survivors' healing and reintegration following formal legal proceedings. Another participant was the only one to explicitly emphasize both survivor and perpetrator rehabilitation and reintegration as integral components of justice.

Although most participants were unfamiliar with the specific terminology of restorative or transformative justice, many recognized related practices through references to community-based dispute resolution, mediation, or informal mechanisms already present within the Bangladeshi context. These responses suggest that while the language of restorative and transformative justice remains relatively unfamiliar among many SGBV advocacy stakeholders in Bangladesh, broader ideas about community involvement and alternative forms of resolution are not entirely absent. At the same time, participants' uncertainty and difficulty imagining alternatives beyond the formal legal system further illustrates the broader theme of carceral entrapment discussed throughout this thesis. That said, rather than presenting alternatives as fixed models, the chapter explores how justice itself is reimagined through participants' experiences, professional insights, and engagement with survivors navigating violence and institutional responses.

5.1 Justice Is Not One-Size-Fits-All: Survivor Agency, Needs, and Contextual Realities

A strong theme that emerged from the interviews was the importance of placing survivors' needs, preferences, and wellbeing at the centre of justice processes. Participants frequently described the current justice system as overly focused on legal outcomes, while paying insufficient attention to survivors' emotional, social, and practical realities. In imagining alternative approaches, many participants emphasized that justice should not be limited to punishment alone but should also include support, dignity, healing, and the ability for survivors to make informed choices about what happens next. Against that background, participants repeatedly highlighted the importance of listening to survivors rather than assuming what is best for them. Shemonti emphasized:

It is very important to empower the survivors. Because they are already in a vulnerable state and in a confusing situation. They are in a state of fear. So, what we can do is ensure that they are empowered and that their voice is heard.

In such contexts, she argued that when survivors are supported whether through accompaniment to police stations, assistance navigating systems, or emotional support, it becomes easier to understand what justice means for them personally. This emphasis on agency was closely connected to concerns around re-traumatization. Syeda argued that the justice system in Bangladesh continues to understand justice primarily through a legal lens, leaving many other needs unaddressed. In her view, survivors should be reintegrated into society in ways that prevent stigma, re-traumatization, and repeated retelling of painful experiences. Justice, therefore, was imagined not only as accountability for harm but also as ensuring survivors are able to move forward without continued punishment from society itself.

Participants also highlighted the importance of psychosocial support within justice processes. Throughout their discussions, participants described how violence creates emotional, psychological, and social consequences that legal outcomes alone cannot address. Several emphasized that survivors often require counseling, emotional support, and practical guidance throughout legal processes, particularly when systems themselves are difficult to navigate. Some participants pointed to evolving practices within existing institutions as examples of movement toward more survivor-centered approaches. Shemonti described changes within One Stop Crisis Centres (OCCs), where greater efforts are now being made to support survivors throughout the full process—from entry into services to case closure. According to her, survivors are increasingly given information about available options, including legal action, mediation, or referral pathways, while being encouraged to make their own decisions based on informed

understanding of risks and benefits. However, she also acknowledged that such systems remain inconsistent and constrained by institutional limitations. Participants further emphasized that survivor-centered justice requires more than simply offering options. Rather, it requires environments where survivors feel safe enough to exercise choice. Confidentiality, respectful treatment, emotional safety, and practical support were repeatedly identified as necessary conditions for meaningful participation in justice processes. Without these supports, participants suggested that “choice” may remain limited or difficult to exercise in practice.

Similarly, all the participants emphasized that justice cannot be understood as a single fixed outcome applicable to all survivors or all forms of sexual and gender-based violence (SGBV). Rather than imagining one universal response, participants described justice as something shaped by the type of violence experienced, the survivor’s intersecting social realities, their relationships with perpetrators, and their own wishes and priorities. Tripti argued that systems should evolve alongside changing social realities rather than simply replacing one framework with another. In her view, the issue is not whether Bangladesh should completely abandon existing systems in favor of imported alternatives, but rather how justice systems can adapt to contemporary needs—whether through courtroom arrangements, survivor-sensitive practices, or more responsive institutional cultures. However, this emphasis on context-specific and survivor-centred responses became less evident when participants discussed implementation. At that stage, most returned to standardized legal and institutional mechanisms as the primary means of delivering justice. This shift reflects the persistence of carceral logics and the dynamics of carceral entrapment, whereby even efforts to imagine alternatives remain constrained by deeply embedded assumptions about formal punitive systems. This tension is explored in greater detail in the following chapter.

Another strong theme emerging from participants' accounts was that survivors do not all seek the same outcomes, and that preferences for justice often shift depending on individual circumstances and context. Several participants noted that survivors experiencing violence within intimate or family relationships often prioritize ending abuse rather than pursuing legal punishment. Shemonti reflected on recurring patterns observed in her work, explaining that in cases involving husbands or in-laws, many survivors often wish to preserve family relationships and avoid divorce. In such situations, survivors frequently seek compromise, mediation, or behavioral change rather than legal punishment. As she explained, many survivors "want the family to continue" and often prefer local settlement or interpersonal resolution if they believe that the violence can stop. Aparna similarly shared an example from her work involving a survivor who experienced severe sexual abuse by her husband over four years. Rather than pursuing legal action immediately, the survivor initially preferred mediation. With support from a legal aid center, a mediated agreement was reached in which the husband committed to changing his behavior. However, violence later resumed, illustrating both the appeal and limitations of mediation in intimate partner violence cases. For participants, these examples demonstrated that survivors' preferences are not simply individual choices, rather they are produced within broader structural conditions. Emotional ties, family responsibilities, economic dependency, and hopes that their relationship with their spouses might improve influenced survivors' decisions about whether and how to seek justice. At the same time, their choices were constrained by limited resources, the burden of stigma, and rigid institutional responses.

On the other hand, participants also emphasized that survivor preferences often differed in cases involving severe sexual violence, child victimization, or violence outside intimate relationships. Shemonti explained that in sexual violence cases (particularly where the

perpetrator is not a spouse) survivors more frequently seek punishment and formal accountability. She also noted that in cases involving child deaths or serious violence, families often want answers, proper investigation, and accountability rather than compromise or local settlement. These instances suggest that, for some survivors, justice was understood as both closely tied to the recognition of harm and formal accountability for perpetrators. Echoing that, Disha stressed that severe crimes directly linked to violence—such as rape, acid attacks, or murder—cannot simply be addressed through negotiation or compensation. In her view, accountability remains essential in such cases, even if punishment does not necessarily mean capital punishment.

Participants also noted that survivor preferences cannot be separated from broader lived realities. Decisions around justice are often influenced by financial dependency, social stigma, family pressure, fear of retaliation, or lack of alternative support systems. As Aparna explained, some survivors remain in violent situations not because they accept violence, but because they fear losing family support, housing, or financial security. For some, pursuing legal action may feel riskier than tolerating the abuse. Across the discussion, there was a strong recognition that survivors want different things at different times, and that meaningful responses to SGBV must begin by understanding what justice means to the survivor themselves and must remain grounded in local realities. Rather than advocating for a universal model, participants consistently stressed that justice must be shaped by context—by the type of violence, survivor needs, cultural realities, unequal power relations, and the broader social conditions in which violence occurs.

5.2 Looking Beyond Individual Harm: Prevention, Root Causes, and Social Chang

While participants acknowledged the importance of legal accountability after violence occurs,

many also questioned approaches that focus only on punishment after harm has already taken place. A recurrent theme was conversations toward prevention, social attitudes, and the structural conditions that contribute to violence. Rather than understanding SGBV as isolated acts committed by individuals alone, participants often framed violence as shaped by broader social systems, learned behaviors, unequal power relations, and unmet social needs. In this sense, justice was imagined not only as responding to violence, but also as preventing it. Several participants stressed the importance of addressing the root causes of violence rather than focusing solely on punishment. Jahanara explained that, particularly within marginalized communities, violence is often connected to broader structural issues such as poverty, dependency, and unequal living conditions. From her perspective, if these underlying factors remain unaddressed, violence is likely to continue recurring regardless of legal punishment. She described the potential for a “need-based justice approach,” where responses are designed around understanding why violence is occurring and addressing contributing factors through interventions such as counseling or support for relationship dynamics where appropriate.

Participants also emphasized that harmful attitudes toward women and violence are socially learned rather than naturally occurring. Amrin reflected that responsibility cannot be placed only on institutions because broader social beliefs are reproduced within families and communities themselves. In her view, ideas about what women should tolerate, what counts as violence, and what behaviors are considered acceptable are often normalized from an early age. To shed light on the context, she shared:

Some [convicted offenders] even said that they had seen such [abusive] behavior around them growing up, in their families or communities, and nothing had

happened to others who did similar things, so they ended up doing it themselves and just happened to get caught.

Tying to this, participants frequently emphasized that justice responses must involve wider efforts to challenge these beliefs rather than relying on punishment alone. Several participants also highlighted the importance of long-term behavioral and social change. Tripti explained that meaningful prevention must begin early, particularly through schools, community engagement, and broader awareness-building efforts. At the same time, she cautioned that behavior change is complex and difficult to achieve through short-term project cycles that often prioritize immediate outputs over deeper transformation. In her view, meaningful change requires long-term commitment, accountability mechanisms, and clearer responsibility around who is expected to sustain prevention efforts.

Participants also described violence as requiring collective rather than individual responses. Amrin argued that violence should increasingly be approached as a broader social issue similar to a public health concern, requiring national awareness campaigns, community engagement, and coordinated efforts to challenge harmful norms. She pointed out that even educated populations often struggle to identify different forms of violence, suggesting that prevention work remains necessary across all social groups. This emphasis on prevention also emerged in discussions around community-level programming. Participants described initiatives such as awareness campaigns, listening groups, community sensitization, and interventions involving men and boys as important ways of reducing future harm. Aparna discussed programs

such as SASA! Together²⁷ and EMAP²⁸, which aim to engage communities in understanding violence, accountability, and behavioral change. According to her, violent attitudes are shaped through social and cultural systems, meaning they can also be challenged and changed through intentional engagement. Participants' reflections further suggest that such initiatives may create opportunities to question and gradually unlearn deeply embedded punitive or carceral assumptions about justice. By fostering dialogue, collective responsibility, and behavioural change at the community level, they can expand the ways in which violence and accountability are understood beyond punishment alone, making space for more relational and preventive responses to SGBV. Against that context, these initiatives help empower people within communities to support survivors and challenge harmful attitudes that contribute to violence.

5.3 Reimagining Responses to SGBV: Community as Support, Not Substitute

Although participants frequently criticized the limitations of punitive justice and expressed openness toward alternative approaches, very few advocated for abandoning formal legal systems entirely. Instead, what emerged across interviews was a preference for approaches that combine legal accountability with survivor support, prevention, psychosocial care, and opportunities for rehabilitation where appropriate. Rather than positioning punitive and restorative responses as opposites, many participants imagined justice as something that requires multiple forms of intervention working together. Reiterating that formal legal systems remain

²⁷ SASA! Together is a community-based, gender-transformative approach developed by Raising Voices (in 2008) that seeks to prevent violence against women and girls by addressing unequal power relations and transforming harmful gender norms through community mobilization. See also: <https://raisingvoices.org/women/sasa-approach/sasa-together/>

²⁸ EMAP stands for Engaging Men through Accountable Practice to prevent violence against women and Girls. It is a gender-transformative intervention model developed by the International Rescue Committee (IRC) to engage men in critically reflecting on masculinities, power, and violence in order to prevent violence against women and girls.

necessary (particularly in severe cases of violence), Disha explained that crimes such as rape, acid attacks, and severe sexual violence are “not really negotiable,” arguing that financial compensation or informal settlement cannot adequately respond to serious harm or broader societal accountability. Rather, they require strong legal intervention and formal accountability mechanisms. For most of the participants, the goal of intervention lies in punishing the offender and holding them accountable, acknowledging the gravity of the harm, and protecting survivors and the wider community from future violence. That said, participants viewed formal legal intervention as necessary for the ‘most serious’ forms of SGBV, even while remaining critical of how the existing system currently functions.

However, they also argued that punishment alone is insufficient. In Disha’s view, justice should include broader systems of care, including psychosocial counseling, medical support, shelter, and educational or livelihood assistance for survivors. Similarly, Syeda (based on her experiences working with survivors of wartime violence) reflected that some survivors valued acknowledgment of harm and visible remorse as meaningful and restorative forms of justice, suggesting that legal accountability, and restorative approaches (e.g. survivor re-integration in society) should exist “side by side”. Particularly because punishment alone cannot address the long-term social and emotional consequences survivors experience. Even where legal action remains necessary, participants stressed the importance of social reintegration of survivors. Interestingly, while participants consistently emphasized survivors’ healing, recovery, and reintegration as central goals of justice, discussions of perpetrator rehabilitation or reintegration were notably absent. With very few exceptions, participants did not consider/ imagine behavioral change or reintegration of offenders as part of accountability. Instead, accountability was largely understood through legal sanctions and punishment. This omission is itself significant, as it

illustrates the difficulty of imagining responses to SGBV that extend beyond conventional punitive frameworks, even when participants articulated broader, survivor-centred understandings of justice.

That said, findings also revealed a cautious engagement with the possibilities of alternative approaches as participants appeared interested in approaches that center healing, dialogue, accountability, and behavior change, but only when survivor safety, consent, and power dynamics are carefully addressed. Most of the participants described restorative or restitutive (dialogue-based) approaches as potentially useful in cases involving family conflict, intimate partner violence, emotional harm, or such ‘less severe’ forms of violence. For instance, Jahanara reflected that in some domestic violence cases, counseling or couple-based interventions may help reduce harm if underlying causes are properly addressed. Similarly, Tripti suggested that in some situations, processes involving guided dialogue, counseling, or mediated reflection may help perpetrators recognize wrongdoing and better understand the consequences of their actions. However, much of the critical feminist literature argues that domestic violence is generally unsuitable for restorative justice. As Daly (2005) explains, domestic violence differs from many other forms of crime because it is “not discrete events but [is] typically characterized by an entrenched pattern that cycles from periods of calm to an escalation of violence to reconciliation” (Laing, 2002, as cited in Daly, 2005). This cyclical and ongoing pattern of abuse suggests that restorative justice processes may be ill-equipped to address the persistent power imbalances and coercive dynamics that characterize abusive relationships.

On the other hand, as participants reflected on possibilities beyond formal legal systems, many emphasized the important role communities can play in supporting survivors and preventing violence. A smaller portion also mentioned fostering prevention by educating the

male members of the society. However, participants were also careful to distinguish community involvement from replacing formal justice altogether. Participants suggested that communities were to be imagined not as alternatives to legal accountability, but rather as sites for support, prevention, awareness-building, and connection to services, particularly in contexts where formal institutions fall short. Several participants described community-based responses as especially important in contexts where state systems are slow, inaccessible, or unable to provide adequate support. Tuli explained that when justice systems become delayed or fail to meet survivors' immediate needs, communities can step in to provide practical and emotional support. This may involve grassroots groups helping survivors access shelter, resources, information, or emotional assistance while legal processes unfold. In her view, communities can act as an important source of care when state systems are unable to respond quickly enough. Participants also described community pathways as essential for increasing awareness around available services and encouraging help-seeking. Aparna noted that although community members are not technical experts in case management, they can still play an important role in identifying risks, encouraging reporting, and connecting survivors to formal services. In many contexts, community actors may be among the first people to notice violence or provide initial support, making their involvement particularly important in prevention and early intervention efforts.

Participants also discussed how discreet and localized support systems can sometimes make help-seeking feel safer. Reflecting on experiences in Cox's Bazar (Rohingya) refugee camps²⁹, Jahanara described gender-based violence support centers where survivors can report incidents discreetly through entry points disguised as salons or pharmacies. Expanding on this,

²⁹ Rohingya refugee camps refer to settlements in the Cox's Bazar district of Bangladesh that host Rohingya people forcibly displaced from Myanmar, particularly following mass violence and military persecution in 2017. See also: <https://www.unrefugees.org/news/rohingya-refugee-crisis-explained/>

Laboni shared experiences working in the same humanitarian settings, where health services, mental health support, psychosocial care, and legal referrals were integrated into a coordinated system. In these models, survivors could access medical care while simultaneously connecting to legal or psychosocial services through case management structures. Participants viewed this type of integrated support system as especially valuable because it recognizes that survivors' needs rarely fall into one category alone. Also, these mechanisms are particularly useful in contexts where survivors fear stigma, retaliation, or public exposure. Against this backdrop, echoing the majority, Aparna explicitly emphasized that communities cannot replace formal justice mechanisms or assume responsibility for legal proceedings. Rather, their role was imagined as complementary—contributing through prevention, awareness-building, ethical support, and assisting survivors in navigating institutional systems more safely. Across the discussions, what stood out to me is that participants consistently stressed that serious forms of violence still require formal accountability, even while recognizing the limitations of existing punitive responses.

While participants acknowledged the importance of community support, they also warned against romanticizing community-based approaches. Several raised concern regarding existing prevalence of informal settlements in SGBV cases (particularly when survivors face pressure to avoid formal legal processes) as well as that communities themselves are shaped by patriarchal norms and unequal power relations. Several explicitly rejected coercive arrangements such as forcing survivors to marry perpetrators under the guise of reconciliation. While participants acknowledged that legal pathways formally exist, many described situations where cases are redirected toward negotiation, compromise, or social settlement rather than judicial accountability. In many instances, these arrangements were not understood as freely chosen

alternatives but as responses shaped by social pressure, economic vulnerability, fear, and lack of trust in legal systems.

Laboni explained that domestic workers, who often experience heightened vulnerability to gender-based violence, frequently see their cases “resolved” through negotiation rather than formal legal channels. According to her, these informal resolutions often become normalized despite concerns around accountability and fairness. Participants expressed particular concern when informal settlements were used in cases of sexual violence. Shakha described situations where rape cases were redirected toward marriage between the survivor and perpetrator rather than ensuring justice for the survivor or legal accountability for the perpetrator. Although participants emphasized that organizations working in the field actively try to resist such outcomes, they acknowledged that these practices continue to occur. As Shakha explained, attempts are sometimes made to “resolve” violence through arrangements that prioritize social closure over survivor wellbeing or justice. At the same time, participants distinguished these coercive or pressured settlements from broader conversations about non-punitive or alternative justice approaches. Participants were careful not to equate community pressure, forced compromise, or marriage-based settlements with survivor-centered alternatives to justice. Rather, many described these practices as examples of how accountability can be weakened when survivors have limited choices or inadequate institutional support. Collectively these findings suggest that informal settlements in Bangladesh operate within a complex landscape shaped by legal barriers, social expectations, and unequal power relations. While formal justice pathways may remain difficult to navigate, participants emphasized that not all alternatives to criminal punishment necessarily produce meaningful justice. Instead, participants raised important

questions about what kinds of accountability genuinely support survivors and which forms of resolution risk reproducing harm in different ways.

That said, most of the participants described restorative or restitutive (dialogue-based) approaches as potentially useful in cases involving family conflict, intimate partner violence, emotional harm, or such ‘less severe’ forms of violence. For instance, Jahanara reflected that in some domestic violence cases, counseling or couple-based interventions may help reduce harm if underlying causes are properly addressed. Similarly, Tripti suggested that in some situations, processes involving guided dialogue, counseling, or mediated reflection may help perpetrators recognize wrongdoing and better understand the consequences of their actions.

Tripti stressed that transformative approaches should never legitimize harmful practices disguised as mediation, emphasizing instead the need for long-term change that addresses root causes while still ensuring accountability. Aparna cautioned that influential community actors, including religious leaders, can sometimes reinforce harmful attitudes or pressure survivors into silence rather than support them. Similarly, Amrin reflected that merely involving women or local actors is not enough if those involved continue to reproduce victim-blaming or patriarchal ideas. As such, participants stressed that meaningful community involvement requires careful training, sensitization, and monitoring to ensure that informal mechanisms do not replicate the same harms often associated with formal systems. At the same time, participants remained realistic about the practical challenges of implementation. Many acknowledged that hybrid approaches depend upon strong monitoring, institutional coordination, political commitment, and sustained investment; without these conditions, systems risk becoming fragmented or failing to provide meaningful protection for survivors.

Consequently, participants largely resisted framing justice as a binary choice between punishment and alternatives. Instead, the majority envisioned justice as requiring both accountability and care, where legal consequences (if and when necessary) exist alongside psychosocial support, prevention efforts, survivor empowerment, and coordinated services. Laboni emphasized that Bangladesh already possesses important legal protections, arguing that the central problem lies less in the absence of laws than in their inconsistent implementation. From this perspective, the priority is not the wholesale replacement of existing systems but rather their strengthening through the integration of complementary forms of support. Thus, rather than substituting one model with another, participants proposed strengthening existing systems and building new responsive ones that can address the multiple and complex realities survivors face in the aftermath of violence.

The findings presented in this chapter reveal an important contradiction that runs throughout participants' accounts. On one hand, they consistently articulated justice as a multidimensional process centred on healing, fairness, recognition, accountability, and survivor well-being. On the other hand, they continued to imagine these outcomes through punitive legal responses and state-centred interventions. This apparent contradiction suggests that while participants' aspirations for justice are considerably broader than punishment itself, the criminal legal system remains their primary means through which these goals can be achieved. The following chapter situates these findings within the broader literature and theoretical frameworks discussed earlier, examining how this tension reflects wider debates on punitive justice, carceral entrapment, and the possibilities and limitations of imagining alternative approaches to addressing SGBV.

CHAPTER 6: DISCUSSION

In this chapter, I present a coherent and critical discussion drawing on the findings mentioned in the previous chapters answering both components of my research; first, by identifying the inadequacies of Bangladesh's current punitive approaches to SGBV; and second, by examining the possibilities and limitations in imagining alternative non-punitive approaches to justice in Bangladesh. Since both components of this study are deeply interconnected and mutually dependent, the following discussion focuses on overlapping themes and arguments emerging across the findings, while also critically engaging with the underlying tensions and contradictions they reveal.

The first segment of the findings strongly resonates with existing critiques of carceral approaches to justice demonstrating how criminal legal systems often struggle to provide meaningful justice in cases of sexual violence (Bernstein, 2012; Gotell, 2015; Daly, 2017; Kim 2018; Sardina & Ackerman, 2022). Although many of these studies were conducted in contexts outside Bangladesh, they identify challenges that closely mirror those described by participants in this study. Previous research has documented significant barriers throughout the justice-seeking process, including high levels of case attrition and withdrawal (Kelly et al., 2005; McMillan, 2011), low conviction rates and dissatisfaction with legal outcomes (Dash, 2021; Keenan & Zinsstag, 2022), and repeated experiences of secondary victimization and re-traumatization within criminal justice processes (Campbell & Raja, 1999; Maier, 2008; Brooks-Hay, 2020). Similar concerns emerged throughout the interviews, as participants described survivors encountering stigma, institutional barriers, procedural delays, and inadequate support while seeking justice in Bangladesh. These accounts closely mirror findings reported in previous Bangladeshi scholarship, which has similarly documented stigma, institutional failures, and

barriers to accessing justice for survivors (Akram, 2017; Begum & Saha, 2017; Huda & Titir, 2018; Shahan, 2021; Ahmmed, 2023). Together, these findings suggest that many of the limitations identified in international critiques of punitive justice are also reflected within the Bangladeshi context, although shaped by its own distinct social, cultural, and institutional conditions. Participants consistently described the inadequacies of Bangladesh's punitive justice system as multisectoral and intersectional—extending across legal, institutional, and socio-cultural domains. These findings likewise resonate with earlier research documenting how intersectionality (i.e. gender, poverty, economic dependence, location etc.) complicates the justice seeking experience in Bangladesh (Akram, 2017; Begum & Saha, 2017; Huda & Titir, 2018).

Even where survivors manage to overcome stigma, victim blaming and such other social barriers to report violence, participants emphasized that they are often met with discouragement and institutional inaction from first responders—particularly the police, medical hospitals, and One-Stop Crisis Centres (OCCs). Rather than functioning as accessible entry points to justice and support, these institutions were frequently described as reproducing barriers that further discourage survivors from pursuing formal accountability (Human Rights Watch, 2020; Sultan et al., 2022). Existing research in Bangladesh has shown that survivors face not only social stigma and revictimization but also significant legal and institutional barriers to justice (Begum & Saha, 2017; Huda & Titir, 2018; Human Rights Watch, 2020; Sultan et al., 2022). Similar concerns emerged in this study, where participants consistently described procedural delays and lengthy legal proceedings as making justice-seeking an emotionally exhausting and difficult process for survivors. Prolonged trials, repeated court appearances, and delayed resolutions were often perceived as intensifying emotional distress and discouraging continued engagement with formal

justice mechanisms. Participants' accounts echoed concerns documented in both Bangladeshi (Huda & Titir, 2018) and international scholarship (Keenan & Zinsstag, 2022), suggesting that these challenges are not unique to Bangladesh, although they are shaped by its particular socio-legal context.

The role of institutional insensitivity throughout the justice-seeking process, particularly from police officers, medical examiners, public prosecutors, and judges are another important aspect of carceral critique. Rather than functioning as neutral facilitators of justice, these actors were often described as reproducing skepticism, victim-blaming, and shifting evidentiary burdens onto survivors. In most cases, this puts the onus on survivors to prove not only the violence itself but also their own credibility, morality, and innocence. Participants' accounts also point to the persistence of legal cultures that continue to privilege narrow and gendered understandings of credibility. Huda's (2019b) analysis of reported rape judgments demonstrates that judicial reasoning has, at times, relied on stereotypes surrounding women's sexual morality; be it describing survivors as being of "loose character" or giving a verdict saying, "rape for a woman whether major or minor is deathless shame." Such institutional responses contribute to re-victimization and further complicate access to meaningful justice. Moreover, viewed through a carceral feminist lens, these practices demonstrate that legal reforms alone cannot transform justice when patriarchal assumptions continue to shape judicial reasoning and survivors' experiences within the criminal justice system. Consequently, justice is shaped not only by the content of the law but also by the assumptions through which it is interpreted and applied.

Participants' accounts also reflected an intersectional understanding of harm, even where they did not explicitly use the language of intersectionality. Discussions of violence repeatedly extended beyond the violent act itself to encompass the survivor's broader social and structural

conditions. Participants' accounts reflected an intersectional pattern in which economic dependency, poverty, limited awareness of legal rights, rural location, and social stigma overlapped to shape both survivors' experiences of violence and their ability to pursue justice. This finding echo previous research in Bangladesh, which has similarly documented the cumulative effects of these intersecting structural inequalities (Huda & Titir, 2018; Human Rights Watch, 2020; Ahmmed, 2023). Thus, the findings suggest that justice cannot be understood independently of the unequal social conditions that structure survivors lived realities, as access to legal protection and support remains contingent upon intersecting forms of gendered, economic, and social marginalization. In the same vein, although support services for survivors exist, meaningful access to them remains deeply intertwined with the underlying structural conditions that often sustain violence in the first place. As such, access cannot be understood merely as the availability of services but must be situated within broader systems of inequality that simultaneously produce vulnerability and limit survivors' ability to seek protection.

That said, although participants generally acknowledged the presence of relevant and, in some cases, progressive legal reforms addressing SGBV in Bangladesh, what stood out to me was the relative absence of critical reflection on who remains excluded from legal recognition itself. While this study primarily focuses on sexual and gender-based violence committed against women, I found it important to note that participants rarely discussed the limited recognition of violence experienced by men (Hossain, 2025) and other gendered minorities within Bangladesh's legal framework, despite significant gaps³⁰ in legal protection for these populations (Jannat, 2025; Human Rights Watch, 2020). Only one of the participants briefly raised concerns

³⁰ For example, section 375 of the Penal Code 1860 defines rape exclusively as an offence committed by a man against a woman. As a result, in Bangladesh, the legal definition does not encompass male or gender-diverse survivors, thereby leaving such cases of violence unsuitable of punishable offences. See also: The Penal Code (1860) <http://bdlaws.minlaw.gov.bd/act-11/section-3231.html>

regarding this issue, while it was largely absent from the broader discussion. To me, this silence appeared to reflect the gendered assumptions embedded within Bangladesh's legal framework, where domestic violence protections are largely confined to women and children³¹. Such legal constructions shape who is formally recognized as a victim, and whose experiences become visible within advocacy, policy, and public discussions of SGBV.

Even where progressive legal reforms exist, participants' accounts revealed a significant gap between law and implementation. Participants largely framed the failures of punitive justice in terms of implementation and procedural shortcomings rather than questioning the legal system itself as structurally exclusionary. While concerns surrounding delay, retraumatization, unequal access, and institutional insensitivity emerged strongly, fewer participants explicitly questioned how legal systems may privilege particular forms of victimhood, actively produce harm, and reproduce narrow understandings of justice. This absence is significant, particularly in light of longstanding feminist critiques that legal systems often privilege narrow and idealized understandings of victimization while marginalizing survivors whose experiences fall outside dominant social and legal expectations (Tapia Tapia 2022; Baxi, 2013; Kapur & Cossman, 1996; Menon, 2004). Nevertheless, participants' emphasis on unequal access, stigma, and institutional barriers implicitly reveals how justice remains unevenly distributed across social locations. Despite these criticisms, participants often imagined reform through better implementation, survivor-sensitive responses, and stronger institutional responsibility.

³¹ Similarly, The *Domestic Violence Prevention and Protection Act (2010)* was enacted to protect women and children from violence within the household, but it does not provide equivalent legal recognition or protection for male survivors or individuals of diverse gender identities. See Bangladesh: Act No. 58 of 2010, the Domestic Violence (Prevention and Protection) Act, 2010, <https://www.refworld.org/legal/legislation/natlegbod/2010/122775> [accessed 03 July 2026]

Participants' emphasis on implementation is also significant within the broader postcolonial context of Bangladesh. Despite the formal ban on practices such as the two-finger test (Akter et al., 2026) and the existence of legal provisions intended to compensate survivors for relevant legal and medical expenses in SGBV cases, participants repeatedly suggested that such protections are rarely implemented in practice (Human Rights Watch, 2020). Instead, institutions often appear to fall back on rigid procedures, hierarchical cultures, and deeply entrenched practices inherited from British colonial governance. These include highly formalized court processes, complex evidentiary requirements, reliance on legal and bureaucratic expertise, and centralized state control over justice administration (Begum & Saha, 2017; Huda & Titir, 2018). While such practices might intend to ensure procedural fairness, participants frequently described how they can also create barriers for survivors by making justice processes slow, inaccessible, and disconnected from survivors' broader needs and experiences. Thus, while colonialism itself may be long gone, coloniality continues to shape how justice is imagined, administered, and experienced (Ritu & Rahman, 2026), often at the expense of survivors.

Against this context, where participants consistently critiqued the limitations of existing punitive justice approaches, a notable tension emerged across participants' accounts (in the second segment of the findings) regarding how justice for SGBV should be understood and pursued in Bangladesh. While participants repeatedly described the existing punitive justice system as delayed, retraumatizing, inconsistently implemented, and often incapable of delivering meaningful justice, many simultaneously returned to calls for stronger punishment, improved implementation of legal mechanisms, or more effective criminal accountability. This contradiction became especially visible in discussions surrounding rape, child sexual abuse, and severe forms of violence, where participants frequently expressed skepticism toward purely non-

punitive responses while continuing to critique the failures of punitive systems. This contradiction in their views reveals the complexity of imagining justice in contexts where formal systems are deeply flawed yet remain among the few institutionally recognized avenues for accountability (Ackhurst, 2024).

From my observations, participants did not simply defend punishment uncritically. Instead, their continued investment in legal accountability appeared to emerge from several overlapping realities shaped by survivors' experiences, institutional limitations, and broader social conditions. Furthermore, participants' continued reliance on punitive responses must be understood within a broader socio-legal context in which carceral ways of understanding justice have become deeply normalized. In Bangladesh, demands for harsh punishment are frequently invoked not only following crimes such as rape and murder but also in response to offences such as theft, mugging, and snatching. Public's general reactions to any offence often include demands to "kill them"³², subject them to mob justice, or imprison them indefinitely. Following incidents of sexual violence, slogans such as "Hang the Rapist" have become common expressions of public outrage (The Daily Star, 2020), reflecting a widespread belief that the harshest punishment represents justice. This punitive orientation is reinforced through the legal system itself. Beyond homicide, Bangladeshi law retains the death penalty for a range of offences, including certain trafficking-related crimes (Habib & Khan, 2025; Akhi, 2026). Such examples illustrate how carceral logics are reproduced through both public discourse and legal institutions, shaping the conditions within which participants imagined justice.

³² Them here refers to the suspects/ offenders.

Most noticeably, many participants understood severe forms of violence (particularly rape, child sexual abuse, and fatal violence) as requiring some form of formal punishment from a deep sense of moral recognition of harm as well as the need for legal accountability. In these cases, punishment was often imagined as a way of affirming that violence had occurred and that perpetrators could not act with impunity. Participants' continued reliance on punitive responses reflects a broader social tendency to equate justice with punishment. This aligns with Socia et al.'s (2021) nationally representative vignette survey, which found that sexual offences generate particularly strong public support for punitive responses. At the same time, participants' accounts also illustrate how perceptions of what constitutes "serious" or "severe" violence are themselves socially and legally constructed (Muehlenhard & Kimes, 1999; Socia et al., 2021). In their discussions, forms of violence that occur within intimate or familial relationships, including domestic violence and sexual violence perpetrated by intimate partners, were discussed less frequently as requiring the same level of formal intervention, despite evidence that such experiences can be equally devastating for survivors (Stubbs, 2002; Sultan et al., 2022). This suggests that dominant socio-legal understandings continue to shape which forms of violence are most readily recognized as deserving of punishment and public condemnation. This contrasting view is especially significant in a context where survivors frequently face disbelief, stigma, and pressure to remain silent. For some participants, abandoning punitive measures altogether risked minimizing the seriousness of violence or denying survivors the sense of acknowledgment they sought.

Against that context, putting their trust into a system that consistently fail to deliver the desired outcome appeared contradictory at first glance. To better situate this tension within the broader literature, I turned to what Ackhurst (2024) describes as an enduring attachment to

carceral systems despite profound dissatisfaction with them. Drawing on Lauren Berlant's (Berlant, 2011) concept of "cruel optimism", Ackhurst suggests that people working around sexual violence may remain invested in criminal legal systems not because these systems consistently deliver justice, but because they continue to represent a hopeful possibility that justice might still be achieved despite repeated disappointment. While my research participants did not explicitly frame their perspectives in these terms, a similar dynamic appeared throughout the findings. Even while criticizing the failures of punitive responses, most of them struggled to imagine accountability entirely outside legal frameworks. That said, this attachment to formal justice should not be interpreted as simply ideological support for carceral systems. Participants repeatedly highlighted the absence of trusted and viable alternatives within the Bangladeshi context. Existing forms of informal mediation, particularly at the community level, were frequently described as patriarchal, coercive, and unsafe for survivors. Such concerns strongly resonate with previous local research as well— which has highlighted how informal dispute resolution mechanisms may pressure survivors into silence, compromise, or reconciliation, particularly in cases involving domestic or intimate partner violence (Huda & Titir, 2018; Human Rights Watch, 2020). In this context, respondents' hesitation toward non-punitive approaches may reflect an understandable skepticism toward alternatives that currently lack institutional safeguards or social legitimacy.

More importantly, although participants did not explicitly articulate 'restorative or transformative justice' as an alternative framework, their responses consistently signaled towards the core elements of restorative and transformative models. Collectively, participants emphasized survivor preference, agency, community accountability and collective responsibility, structural transformation, and the importance of context-specific understandings of justice as central to

imagining alternative responses to SGBV. Consistent with the existing conceptualization of RJ and TJ, these themes reflect two of the three core relational dimensions commonly associated with such approaches; e.g. survivors and communities. Discussions of perpetrator accountability beyond punishment (and particularly perpetrator rehabilitation or reintegration) were notably limited. This suggests that participants' imaginaries of justice extended beyond punitive responses in important ways while remaining predominantly centred on survivors and broader structural change. This is particularly notable given that RJ (Zehr, 2002; Daly, 2016) and TJ (Generation FIVE, 2007; Mingus, 2019) frameworks generally conceptualize justice as involving interconnected relationships among survivors, perpetrators, and communities. Furthermore, their emphasis on relational accountability, contextual responses, and addressing the structural conditions that enable violence, particularly align with key principles underpinning transformative justice (Brazzell, 2026). That said, while participants consistently emphasized survivor agency and community responsibility, discussions of perpetrators largely remained confined to punishment rather than rehabilitation or reintegration.

Additionally, an important contradiction remains embedded within participants' imagination of justice. While many called for stronger implementation and reform of the criminal justice system, their broader visions of justice often appeared at odds with the very logic underpinning formal legal responses. As findings reveal, participants repeatedly emphasized the importance of survivor preference, contextual realities, lived experiences, and individualized understandings of justice. Yet, formal legal systems are fundamentally structured around standardization, procedural uniformity, and fixed legal categories rather than context-specific responses (Tapia Tapia, 2018; 2022). In this sense, criminal justice mechanisms are often limited in their ability to respond to the diverse and evolving needs of survivors, as they prioritize legal

consistency over individualized care and contextual sensitivity. This tension is significant because it reveals how participants simultaneously sought more responsive, survivor-centered forms of justice while continuing to place hope in institutions that may be structurally incapable of fully accommodating such demands.

At the same time, participants were cautious about framing communities as alternatives to legal accountability. While community-based support was widely recognized as important, it was rarely imagined as replacing formal justice mechanisms. Instead, communities were often described as spaces for prevention, awareness-building, ethical support, and connection to services, particularly where institutional responses remain inadequate. Participants emphasized that communities could play important roles in shifting harmful social norms, reducing stigma, and supporting survivors through justice-seeking processes. Yet most remained clear that serious forms of violence still required formal accountability. In this sense, participants imagined community involvement as complementary rather than a substitutive—working alongside legal systems rather than replacing them. Another important theme shaping participants' hesitation toward alternative justice approaches concerned who gets to participate in imagining justice itself. Participants raised concerns that discussions surrounding restorative or transformative justice in Bangladesh often remain concentrated within academic, NGO, advocacy, or civil society circles, with limited engagement from the broader communities most affected by violence. As one participant reflected these conversations can sometimes operate within an “echo chamber,” largely shaped by individuals who share similar forms of educational, social, and activist privilege, thereby limiting broader participation in imagining justice. While restorative and survivor-centered approaches are increasingly discussed in Bangladesh, participants suggested that these conversations rarely extend meaningfully into grassroots contexts.

This observation raises important questions regarding whose knowledge counts in conversations about justice reform. The concentration of these conversations within elite and professional spaces may reflect the enduring privileging of institutional and expert knowledge over community-based understandings and lived experience, reproducing hierarchies of knowledge that postcolonial scholars identify as legacies of colonial governance (Baxi, 2012; Tapia Tapia, 2025). If alternative justice approaches remain confined to privileged spaces, they risk becoming conceptually disconnected from the everyday realities of those navigating violence and structural inequalities. Moreover, these findings reveal that participants' imaginaries of justice remain deeply ambivalent, contextual, and relational. Although punitive systems were repeatedly criticized for their failures, participants did not simply reject legal accountability. Instead, they grappled with the difficult task of imagining alternatives in a context where institutional systems remain inadequate, informal mechanisms are often unsafe, and trusted non-punitive options remain underdeveloped. Justice, therefore, emerged not as a singular or fixed outcome, but as a negotiated process shaped by survivor needs, social realities, institutional constraints, and possibilities for broader transformation. That said imagining justice beyond punishment cannot simply involve importing universal transformative frameworks into Bangladesh without attention to local context. Rather, participants suggested that meaningful alternatives must emerge through participatory and contextually grounded conversations shaped by communities themselves.

CHAPTER 7: CONCLUSION

In this final chapter, I conclude by summarizing the study and presenting the limitations of this current study with implications for future research.

7.1 Research Summary

Over the past several decades, Bangladesh has increasingly relied on punitive responses to address sexual and gender-based violence (SGBV) (Shahen, 2021), including the introduction of harsher sentencing provisions and the expansion of the death penalty (Amnesty International, 2020; Ellis-Petersen, 2020). Although punitive reforms were often introduced in response to public demands for stronger punishment to ensure prevention and justice for the survivors, available evidence suggests that such measures have had limited impact. Not only rates sexual violence remain persistently high (Ain o Salish Kendra, n.d.), but also harsher penal reform have done little to address the underlying factors contributing to sexual violence, nor have they significantly improved conviction rates or survivors' access to justice (Begum & Saha, 2017). Against this context, my study examined SGBV advocacy stakeholders' perspective on the limitations of existing justice responses to SGBV in Bangladesh and how they imagine alternative approaches to justice in such context. To address these research questions, I collected and analyzed primary qualitative data generated through in-depth semi-structured interviews with ten female stakeholders whose professional work involved legal aid, survivor support, research, and activism. There are multiple key takeaways from the study which are being discussed below.

To begin, none of the advocacy stakeholders expressed positive views about the current legal approach to SGBV as an effective means of providing justice or responding to survivors' needs. Across interviews, participants consistently identified limitations at multiple stages of the justice-seeking process. These ranged from survivors' own struggles to report violence due to stigma, shame, and fears of social backlash, to broader structural barriers shaped by gender, class, and economic vulnerability. Participants also pointed to institutional failures, including police inaction, delays, procedural barriers, and inadequate implementation of existing laws. Even where support services and legal protections existed, many emphasized that a lack of awareness, accessibility, and effective coordination often prevented survivors from benefiting from them. Collectively, these findings reinforce longstanding feminist critiques of punitive justice, which have questioned the ability of criminal legal responses to adequately address gendered violence (Bernstein, 2007; Richie, 2012). Rather than advocating for restorative or transformative justice frameworks as appropriate for Bangladeshi context, respondents' views of justice reflected practices that are embedded in both. Thus, the findings further echo restorative and transformative scholarship emphasizing that justice cannot be achieved solely through harsher punishments or legal reform, but requires attention to the social, institutional, and structural conditions that shape experiences of violence and access to justice (Daly, 2006, 2017; Mingus, 2019; Keenan & Zinsstag, 2022; Terwiel, 2020). Participants' accounts therefore suggest that meaningful responses to SGBV require addressing these broader conditions alongside, or beyond, formal legal interventions.

Against that context, a striking tension emerged between how participants defined justice and how they imagined justice responses in practice. When asked what justice meant to them,

many described it in terms of healing, fairness, gender equality, survivor agency, dignity, prevention, and responsiveness to survivors' needs. Several emphasized that justice should ultimately be defined by what survivors themselves seek, rather than by predetermined legal outcomes. Yet when participants were asked to imagine alternative approaches to justice, punitive measures, incarceration, and other forms of legal sanctions frequently reappeared within their responses. Rather than envisioning alternative or different ways of addressing harm, many participants focused on improving, strengthening, or making existing punitive systems function more effectively. This tension is particularly revealing as it illustrates how carceral entrapment operates in practice. Even when participants recognized the limitations of punitive justice, imagining alternatives remained constrained by the pervasive assumption that punishment is the primary means of responding to harm. This strongly resonates with Davis's (2003) argument on prisons and punitive responses becoming so deeply embedded within contemporary social life that they are often perceived as natural, inevitable, and commonsense responses to wrongdoing.

The findings also suggest that even among participants who were highly critical of the existing justice system, imagining alternatives beyond punishment remained difficult. This is perhaps not surprising given that sexual and gender-based violence often evokes particularly strong emotional reactions and public demands for retribution. Research has consistently shown that sexual offences generate some of the strongest punitive attitudes among the public, especially in cases involving children (Socia et al., 2021). Within such contexts, calls for harsher punishment can appear both morally intuitive and politically necessary, even when participants simultaneously acknowledge the limitations of punitive justice. That said, thus the findings can be linked to Ackhurst's (2024) discussion of the difficulties of imagining justice beyond dominant punitive frameworks. Although participants were often able to identify what was

wrong with existing responses, they became far less certain once invited to think about what justice might look like outside the institutions and logics that have long shaped understandings of accountability. Their accounts therefore reveal not only dissatisfaction with current justice mechanisms, but also the broader challenge of imagining alternatives in a context where punitive understandings of justice remain deeply normalized.

While public and political responses to SGBV often focus on harsher punishments, far less attention has been paid to how justice is experienced by survivors and how those working on the frontlines of SGBV advocacy understand both the limitations of existing responses and the possibilities for alternatives. By centring these perspectives, this research contributes to ongoing debates about justice, accountability, and survivor support in Bangladesh, while also engaging broader discussions surrounding anti-carceral feminism, intersectionality, and the challenges of imagining justice beyond dominant punitive frameworks.

7.2 Limitations and Recommendations for Future Research

As with any academic inquiry, this study is shaped by a number of methodological and practical limitations that influence the scope and interpretation of its findings (Ross & Ziadi, 2019). First, the study was conducted without external funding, which inevitably shaped the scope of the project. Resource constraints influenced my decisions regarding recruitment, data collection, and the overall scale of the research. Second, while recruiting participants, I relied on purposive and snowball sampling and decided on a relatively small sample of ten participants. While this approach was appropriate for obtaining rich, in-depth insights from individuals with extensive

experience working on SGBV issues, the findings cannot be considered representative of all stakeholders engaged in justice responses in Bangladesh.

That said, a further limitation relates to participant composition. Despite my efforts to recruit individuals of different genders, all participants who ultimately took part in the study identified as women. While this reflects the reality that women disproportionately occupy frontline advocacy and support roles within the SGBV sector, it also means that the perspectives of male stakeholders are absent from the analysis. Future research may benefit from exploring whether and how male practitioners, policymakers, legal professionals, and community leaders understand justice and alternative approaches differently. Additionally, I conducted all the interviews online via zoom platform. Although online interviews enabled participation from individuals located in different regions and offered flexibility for participants, they may also have limited opportunities for building rapport, observing non-verbal communication, and capturing contextual nuances that can emerge during in-person interactions.

Another limitation relates to the relative absence of Bangladeshi scholarship examining restorative justice, transformative justice, and other alternative approaches to addressing SGBV. Much of the theoretical literature drawn upon in this study originates from North American, European, Indigenous, and Latin American contexts, where debates surrounding punitive justice, restorative practices, and abolitionist politics have developed over several decades. While these bodies of scholarship provided valuable conceptual tools for interpreting the findings, their application to the Bangladeshi context necessarily requires caution. The limited availability of locally grounded research meant that there were few existing studies against which I could compare participants' perspectives or situate the findings within broader national debates.

Against this context, these limitations point toward several important directions for future research. One of the most important findings of this study was the importance participants placed on effective and balanced community engagement, prevention, and locally grounded responses to violence. Future research should therefore continue and expand these conversations by engaging directly with local communities, including religious leaders, grassroots organizations, family networks, and community members whose perspectives remain largely absent from the current study. Such work would contribute to a more nuanced understanding of how justice is imagined, negotiated, and practiced beyond formal institutions.

As many of the participants noted that it is very important to hear directly from survivors about their own visions of justice, I too strongly advocate that future research should prioritize the voices of survivors themselves. While advocacy stakeholders offered valuable insights based on their extensive work with survivors, this study did not directly examine survivors' own aspirations, experiences, and understandings of justice. Given the diversity of harms, needs, and preferences reflected throughout this research, it is essential that further studies explore how survivors define justice, what forms of accountability and support they find meaningful, and how they imagine alternative responses to SGBV. Additionally, the absence of a substantial Bangladeshi literature on restorative and transformative approaches highlights the need for further research and dialogue on alternative responses to SGBV. By documenting how advocacy stakeholders understand the limitations of existing justice mechanisms and imagine alternative possibilities, this study contributes to opening a conversation that remains relatively underexplored within the Bangladeshi context. Rather than providing definitive answers, it offers an initial foundation upon which future scholarship, policy discussions, and community-based initiatives can build upon. Continuing these conversations is crucial if future efforts to reform or

reimagine justice are to remain grounded in the experiences and aspirations of those most directly affected by violence.

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APPENDIX A: PARTICIPANT INTERVIEW QUESTIONNAIRE

Interview date _____

Socio-Demographic Information

Age: ☐ 25-34 ☐ 35-44 ☐ 45-54 ☐ 55-64 ☐ 65-74 ☐ 75 and over

Sex: ☐ Male ☐ Female ☐ Prefer not to say

Occupation: _____

Organization/ Affiliation: _____

Number of years of advocacy experience with SGBV survivors: _____

1. Could you start by telling me a little bit about yourself and what led you to get involved in this line of work?
2. What motivated you to begin working in the area of sexual and gender-based violence (SGBV)?
3. Can you tell me about your current role in your organization and what your day-to-day work looks like?
4. How long have you been involved in work related to sexual and gender-based violence (SGBV)?
5. What are some of the challenges you face in your work?
6. What kinds of supports or strategies have you found most helpful in addressing these challenges?
7. What does justice mean to you?
8. What are your thoughts on Bangladesh's justice system?
 - *How do you perceive the BD Justice system?*
 - *What are the advantages and disadvantages?*
9. If you were to suggest or imagine alternatives to the current conventional legal system, how would you envision justice approach to SGBV?

10. What is your understanding of Restorative Justice (RJ)/ Transformative Justice?

- *How would you define RJ/ TJ?*
- *What do you think about the appropriateness of RJ/ TJ in SGBV cases in BD?*

11. Please feel free to add/ share anything that we have not covered.

Notice Regarding Collection, Use, and Disclosure of Personal Information

Your personal information is being collected under the authority of The University of Manitoba Act. The University of Manitoba is committed to preserving your right to privacy. The information you provide will be used by the University to support our research. Your personal information will not be used or disclosed for other purposes, unless permitted by The Freedom of Information and Protection of Privacy Act or The Personal Health Information Act. If you have any questions about the collection of personal information: Ph: 204-474-9462 or Email: fippa@umanitoba.ca

APPENDIX B: PARTICIPANT CONSENT FORM

Title of Research Study:

Reimagining Justice: Exploring the Possibilities and Pitfalls of Alternative Approaches for addressing Sexual and Gender-Based Violence (SGBV) in Bangladesh

Student Principal Investigator (Researcher):

Mansura Akter Meghla, 2nd year MA student, Department of Sociology and Criminology, University of Manitoba (me.....@myumanitoba.ca), (+1) 431*****

Advisor:

Marie Laperrière, Assistant Professor, Department of Sociology and Criminology, University of Manitoba (ma.....@umanitoba.ca), (+1) 204*****

Conflicts of Interest and Undue Influence:

Mansur Akter Meghla does not have any conflicts of interest in this research.

Invitation to Participate:

You are being invited to participate in a research study. **This consent form, (a copy of which you can download or print), is only part of the process of informed consent.** If you want more details about something mentioned here, or information not included here, feel free to ask any of the people named above; **Mansura Akter Meghla** and/ or **Marie Laperrière** (whose contact information can be found above). Please take the time to read this document and any accompanying information carefully. It is very important that you understand:

- **what is being asked of you,**
- **what the risks and benefits of participation are, and**
- **how the information you provide will be used and stored.**

Purpose of the Study:

I am doing this research for a thesis under the supervision of **Marie Laperrière**. This research study is about examining the limits of punitive criminal justice approaches in addressing sexual and gender-based violence (SGBV) in Bangladesh and on envisioning alternative frameworks that might offer more meaningful pathways to justice for survivors. We hope to open a critical, theoretically informed space for reimagining justice beyond carcerality in ways that are both context-specific and transformative.

Study Procedure:

- If you decide to take part in the study, we will meet for a 1-1.5-hour interview through UM Zoom.
- With your consent, the interview will be audio recorded, and Zoom's video function may be active during the meeting. However, only the audio recording will be used for the study.

Do you consent to audio recording? (1) Yes_____ (2) No_____

If your answer to this question is “**No**,” you will be **excluded** from this study.

- A number code will be assigned randomly as pseudonyms for all participants except those who waive their anonymity in the confidentiality section of this consent form.
- If you wish to withdraw from the study, you must inform the student principal investigator within two weeks of receiving the recording. If no response is received within two weeks, it will be assumed that you consent to the use of the audio recording as collected.
- The interviews will be transcribed using TurboScribe and analyzed by the principal investigator using qualitative thematic content analysis and manual coding.
- Your decision to take part or not take part in this study will not affect your professional role, access to services or programs, or your ability to participate in future research studies.

For UM Zoom interviews, University of Manitoba (Canada) guidelines on virtual research involving participants will be observed. For example, you are encouraged to:

- (a) Use a nickname or initials instead of your full name.
- (b) Keep your camera off, if you wish.
- (c) Join the meeting in a private location where you will not be disturbed or overheard.

For more information about these guidelines, please see:

<https://umanitoba.ca/research/sites/research/files/2022-10/Virtual%20Platforms%20Guidelines-%20September%202022.pdf>

Please feel free to ask any questions regarding the procedures and goals of the study or your role in the study.

Review of Data

- After the interview, you will have the opportunity to review the audio recording.
- Because this study is being conducted as part of a master's thesis with a fixed timeline, there is a limited period for participants to review their recording. During this time, participants may choose to withdraw from the study, but they will not be asked to make changes to the recording itself.

- The UM OneDrive link to interview recording will be emailed to you via a means of communication provided by you during the interview. You will have two weeks to review your audio recording and convey your decision to Mansura Akter Meghla using any of the contact information in this consent letter. If the student principal investigator does not hear from you after two weeks, it will be assumed that you are okay with your interview recording.
- If you would like to review your interview audio recording, please provide your email address or mobile number below:

- However, you have the option to waive the audio recording review through the following statement:

I would like to receive the audio recording of this interview: (1) Yes (2) No

- If your answer is “No,” no recording will be shared with you for review, and the interview data will be used as collected unless you choose to withdraw from the study within the specified timeframe.

Potential Risks:

- This study is considered **minimal risk**, meaning that the risks are no greater than those encountered in everyday professional life. The interviews are designed to focus on participants’ professional roles, experiences, and perspectives related to advocacy, justice, and SGBV work.
- However, it is recognized that some participants may have become involved in advocacy due to personal experiences of sexual or gender-based violence. If such information is disclosed, it will be entirely voluntary and not prompted by the student principal investigator.
- Discussing advocacy motivations, systemic challenges, or justice-related issues may cause mild emotional discomfort, particularly if participants reflect on difficult professional or personal experiences.
- To reduce any potential harm, participants will be informed in advance about the nature of the interview topics and reminded that they may skip any question, pause the interview, or withdraw from the study at any time without providing a reason or facing any consequences.
- Interviews will be conducted in a respectful and trauma-informed manner, and the student principal investigator will avoid probing into personal experiences unless the participant chooses to share them. No physical, legal, economic, or political risks are anticipated, and no other side effects are expected.

- After the interview concludes, participants will be offered a brief debriefing conversation, which will not be recorded. This provides an opportunity to address any questions and ensure participants feel comfortable before the session ends.

Potential Benefits:

- The research aims to contribute to academic and policy discussions by opening a conversation about imagining alternative justice models, including their possibilities and potential pitfalls, in responding to sexual and gender-based violence.
- There are no direct benefits to you from participating in this study. However, as a participant you will have the opportunity to share your professional knowledge and experiences related to sexual and gender-based violence (SGBV) and to contribute to research that aims to improve understanding of these issues and support prevention and advocacy efforts in the future.

Compensation:

There is no compensation for this study.

Confidentiality:

- All the information you provide as a participant in this study is confidential, which means we as the research team must keep it safe. We will do our best, however, it is not possible to guarantee absolute confidentiality. We will only share your personal information if required through court order or law (e.g., suspected child or elder abuse).
- All data collected through this research project is confidential. You will not be asked to provide your name or any identifiable details about you in the interview. If you do mention identifiable details, they will be omitted from the interview transcript to safeguard confidentiality.
- The data from this research project may be published and presented at conferences. Your identity will be kept confidential. Direct quotations from the interview may be used. However, you will be assigned a pseudonym (e.g., Disha, Syeda), and any information that could identify you, such as your workplace, location, or specific activities will be removed or altered in all reports and presentations.
- You also have the option to waive anonymity through the question below. If you waive your anonymity, it means you agree that data from you be presented in research reports using your real name instead of pseudonyms for those who do not waive their anonymity.

Would you like to waive your anonymity? Yes _____. No _____.

Storage of Data:

- Only the principal investigator will have access to the original data of the study.
- All recorded data will be securely stored in the office of the principal investigator. Electronic files will be password protected and hard copies will be kept in a locked filing cabinet in the student principal investigator's office. Materials will be stored at the University for five years after the work is published or otherwise presented. In September 2031, electronic data will be destroyed by file deletion, and hard copies will be destroyed by shredding.
- All data sets and paper documents, including consent forms, field notes will be scanned and recordings, will be uploaded to a secure University of Manitoba electronic data storage site (i.e., the student principal investigator's UM OneDrive), and paper documents will be destroyed.

Dissemination:

The results of this study will be shared through (1) the completion and publication of a master's thesis, (2) academic journal articles and conference presentations, and (3) a summary report of the findings that will be provided to participants who wish to receive it.

Withdrawing:

Your participation in this research study is voluntary. You can choose to [do only the activities and/or answer only the questions] that you are comfortable with. You may withdraw your participation from the study for any reason. You do not have to explain why. You will not be penalized in any way. If you withdraw partway through the study, all your information will be destroyed **unless you allow us to keep it**. You may withdraw from the study until 03/2026. After this date, we will combine everyone's responses. This means it may not be possible to withdraw your information. To withdraw from the study, please contact the student principal investigator [Mansura Akter Meghla] at the phone number or email above.

Summary of Results:

A summary of the study will be available via the UM OneDrive link by September 30, 2026.

Would you like to receive the link? Yes _____. No _____.

- If yes, please provide an email address or mobile number

Questions or Concerns:

Designated University of Manitoba personnel may look at your information to see that the research is being done in a safe and proper way.

This study has been reviewed and approved by a Research Ethics Board at the University of Manitoba. However, this does not mean that participation is risk-free. If you have questions about your rights as a research participant, you may contact the Office of Human Research Ethics at humanethics@umanitoba.ca or (204) 474-7122.

If you have any questions, concerns, or complaints about this study, you may contact the student principal investigator [Mansura Akter Meghla] or the student advisor [Marie Laperrière] listed on the first page or the Office of Human Research Ethics.

Consent:

By signing this document, I agree that:

- I have read the above information or had it read to me.
- I have had the opportunity to ask and have had all of my questions answered.
- I understand what is being asked of me.
- I will be taking part in a research study.
- I may freely stop or leave the research study activities at any time.
- I understand what the researchers will do with the information I give them.
- I do not waive my legal rights by participating in the study.

Notice Regarding Collection, Use, and Disclosure of Personal Information:

Your personal information is being collected under the authority of *The University of Manitoba Act*. The University of Manitoba is committed to preserving your right to privacy. The information you provide will be used by the University to support our research. Your personal information will not be used or disclosed for other purposes, unless permitted by *The Freedom of Information and Protection of Privacy Act* or *The Personal Health Information Act*. If you have any questions about the collection of personal information: Ph: 204-474-9462 or Email: fippa@umanitoba.ca

I agree to participate in this study.	☐ YES ☐ NO
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Name of Participant	Participant's Signature	Date
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Oral consent:

I read and explained to the participant all the information in this consent form before receiving the participant's consent. The participant had knowledge of its contents and appeared to

understand it to indicate their consent. In addition, oral consent obtained online will be audio recorded before interviews.

Name of Participant	Researcher's Signature	Date

I agree to be contacted by a member of this research team for future phases related to this research study. If yes, please provide an email address/contact information: _____ <i>By agreeing to be contacted, you are not required to participate in any future phases. We will keep your contact information for the duration of this multi-phase study. If you wish to withdraw your name from this list, please contact Mansura Akter Meghla.</i>	☐ YES ☐ NO
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