

## INVESTIGATING SOCIO-STRUCTURAL AND LEGAL CHALLENGES FACED BY WOMEN PRISONER WITHIN CRIMINAL JUSTICE SYSTEM IN PUNJAB

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### Abstract

This study examined legal vulnerabilities, and socio-structural challenges in Punjab's women prison system, addressing a critical gap in understanding how societal norms and systemic inefficiencies compound the marginalization of female prisoners. Researcher employed qualitative thematic analysis of in-depth interviews with incarcerated women, identifying recurring patterns across four key domains: societal stigma, family dynamics, legal procedures, and institutional barriers. The findings revealed pervasive moral judgments and character labeling, where women are disproportionately analyzed as "bad women," overshadowing their legal contexts. Family rejection, driven by community pressure and notions of dishonor, exacerbates emotional isolation, while legal vulnerabilities manifest as limited awareness of rights, procedural exclusion, and dependence on often-unresponsive legal representation. Institutional neglect further compounds these challenges, with inadequate gender-sensitive facilities, communication gaps, and prolonged case delays intensifying distress. Moreover, policy gaps persist, as existing protections for prisoners' rights remain inconsistently implemented. The study highlighted gendered double standards in the criminal justice system, where women face harsher societal and institutional penalties than their male counterparts. The findings underscored the urgent need for gender-sensitive legal reforms, improved institutional support, and policy interventions to mitigate stigma and procedural barriers.

### INTRODUCTION

The criminal justice system is a complicated interaction of legal processes, systems, and social values in which gender may tend to determine certain differences in treatment and consequences (Morgan, 2012). Although the larger legal-scholarly literature on criminal justice has been preoccupied with the problem of systemic inefficiencies and biases, the experiences of women prisoners have not those settings which combine patriarchal norms with legal systems

(Mayeux, 2018). Women going through this system have their own struggles such as stigmatization of the society as well as institutional indifference that adds to their vulnerabilities and marginalization. This paper fills this gap by focusing on the lived experiences of women prisoners in Punjab, questioning the role of gender-based stigma, legal inefficiencies, and structural barriers in exacerbating their oppression.

The current literature on criminal justice systems tends to be gender neutral, ignoring how society and institutions tend to punish women more than their male counterparts (Levin, 2023). An example is that although the criminal justice system is theorized to act as an educative institution to the rest of the society (Justice & Meares, 2014), its pedagogical nature tends to support gendered stereotypes, making women who encounter the law morally guilty. This ethical examination is especially sharp in the South Asian region, such as Punjab, where the culture determines rigid sets of female decency (Rubab, 2022). Women inmates are therefore doubly punished by both the law and the social injustice of breaking gender requirements.

Similar to most criminal justice systems, the Punjab criminal justice system is characterized by delays in the process, lack of resources, and poor supervision (Blumstein and Larson, 1969). But these structural vices have gendered consequences. Prisoners of the female gender note withdrawal of legal procedures, reliance on generally ineffective lawyers, and ignorance of their rights (Khan et al., 2023). Institutional negligence, such as the lack of gender-sensitive facilities and mental health services in prisons, adds to these difficulties (Khalid, 2025). In addition, their isolation is further aggravated by family and community rejection, which is informed by the idea of dishonor, which renders them without essential emotional and material support (Haider et al., 2025).

This paper suggested that stigma in the society and institutional inefficiencies interact to amplify the weaknesses of women prisoners in Punjab, which exposes them to more moral and legal punishment compared to their male counterparts. Through qualitative thematic analysis of in-depth interviews, we are able to reveal the realities that these women live and trace how stigma, legal exclusion, and structural neglect define the lives of these women. The study aids the wider discourse of criminal justice by identifying the gendered aspects of failure within a system, questioning the idea of impartiality in the justice system, and proposing

reforms that would respond to these overlapping injustices.

### Literature Review

The study of women in criminal justice systems has received growing attention, but still a lot is unknown about the intersectional issues experienced by imprisoned women in South Asian societies. The literature of the field indicates the importance of gender norms in the context of unequal treatment in legal frameworks, as women tend to be more severely morally judged compared to men committing the same crimes (Butt, 2014). This is even more common in patriarchal cultures, such as Punjab, where cultural standards of female decency determine the attitudes in the society and institutional practices (Durrani & Ahmed, 2022). Stigmatization of women prisoners is one of the themes that are replicated in a number of studies. A study carried out among the prisons of Punjab indicates that women in prisons are often branded as morally corrupt, and their criminality is shadowed by the view of sexual indecency (Zulfiqar et al., 2025). The same level of moral scrutiny can be linked not only to the prison walls but also to the fact that as women interact with their families and communities, their relationships are influenced. Research observes that family rejection could occur regularly after incarceration due to the fear of social status and societal attitudes (Alamgir, 2024). This denial adds to the sense of isolation of women inmates as they are left without the essential emotional and material support both in prison and post-release.

Another major problem facing the criminal justice system of Punjab is legal procedural barriers to women. It has been shown that female prisoners are often excluded even within their legal procedures, and their decisions are often made without any meaningful input (Sandhu & Malhotra, 2025). This marginalization in a procedural way is aggravated by a lack of understanding of legal rights and access to competent legal service. The power imbalance caused following this renders women susceptible to detention and ill treatment in the system.

These challenges are also exacerbated by institutional neglect in the prison systems. In South Asia, women prisons are always reported to have poor gender-sensitive infrastructure, such as a lack of healthcare services and bad sanitation facilities (Ishfaq & Kamal, 2024). Mental health services are especially wanting, although it has been proven that women prisoners have a higher level of mental distress than their male counterparts. The physical structure of most women prisons does not take into consideration the gender-related needs and produces a setting that may retraumatize instead of rehabilitating.

The colonial history of the South Asian prison systems has its toll on the modern practice, and most of the facilities still operate on the ineffective structures and punitive measures (Haider et al., 2025). This historical background contributes to the explanation of the existence of some institutional barriers, such as, the communication gaps between the prisoners and the authorities, and the slowness of the case processing. It has been found that such systemic inefficiencies are more pronounced to women who are subject to less priority in overburdened legal systems.

The literature available on women prisoners in Punjab has been majorly directed to either structural circumstances or individualized accounts yet very little has been done to understand how stigma, legal vulnerability, and institutional neglect intersect to influence carceral experiences of women. Although particular barriers such as family rejection or procedural obstacles have been reported in some studies, little has been done to examine the interaction of these issues to produce compounded disadvantages against women in the criminal justice system. This paper fills this gap by using an intersectional approach to analyze the role of gender norms, legal procedures, and institutional practices in marginalizing women prisoners in Punjab.

### **Methodology**

This paper has used a qualitative research design to examine the lived experiences of women who are incarcerated in the criminal justice system of

the Punjab, Pakistan. The thematic analysis principles outlined by Braun and Clarke (2006) informed the methodological approach to offer a flexible but systematic system of identifying, analyzing, and reporting the patterns found in qualitative data. This method was very appropriate to our research goals because it enables deep, in-depth investigation of complicated social phenomena and has a methodological accuracy.

### **Research Design and Participant Selection**

The research was phenomenological to gain an insight into the subjective experiences of women in the criminal justice system in the Punjab, Pakistan. Purposive sampling was used to select participants who were chosen among three women prisons (Lahore, Faisalabad, Gujranwala, and Rawalpindi) in the Punjab, Pakistan with representation being done among various age, socioeconomic status, and offense categories. The inclusion criteria included women who were already incarcerated and had at least six months in the criminal justice system so that they had gone through multiple phases of legal proceedings. The institutional review boards that gave their ethical approval were duly approached and informed consent procedures were meticulously adhered to, especially concerning the vulnerable nature of the participants.

### **Data Collection Procedures**

The method of data collection was in-depth, semi-structured interviews that were held in privacy within prison institutions. The interviews were approximately 60 to 90 minutes long and carried out in the preferred language of the participants (Punjabi or Urdu) by the trained female researcher. The interview guide addressed four areas of inquiries: experiences of societal attitudes and stigma, family relationships and support systems, experiences with legal procedures, and issues within prison institutions. All interviews were recorded with the consent of the participants and transcribed verbatim and the translations were made by bilingual researchers in order to be precise and at the same time capture the subtleties of the stories of the participants.

### Data Analysis Approach

Thematic analysis was conducted according to the six-phase model that was presented by Braun and Clarke (2006) and the researcher started by becoming acquainted with the data by repeatedly reading transcripts, recording initial observations and possible patterns. Early codes were then created systematically throughout the whole data, with a special consideration to both surface-level (semantic) and latent (underlying meaning) content. The codes were then grouped into possible themes using a process of review and refinement. To maintain uniformity in coding and theme development, the research team regularly discussed issues and reached a consensus on the inconsistencies.

The analysis revealed the presence of four main themes, such as societal stigma and moral judgment, family rejection and social isolation, legal procedural vulnerabilities, and institutional barriers to justice. All the themes were accompanied by a series of sub-themes that reflected the intricacy of the experiences of the participants. As an example, the theme of societal stigma contained sub-themes like character labeling and gendered double standards whereas legal procedural vulnerabilities contained sub-themes like awareness of rights and involvement in the legal processes.

### Results and Discussion

The results indicate deep-seated gendered differences in the experiences of female prisoners in the criminal justice system in Punjab, and societal stigma and legal vulnerability become the prevailing themes of how the stigmas influence the marginalization of the female prisoner. By conducting a thematic analysis of the stories of the participants, it was possible to identify several patterns that point to the overlap of moral judgments, procedural exclusion, and institutional neglect.

#### Societal Stigma and Moral Judgments

The global power of societal stigma proved to be a characteristic of the experiences of women prisoners as moral judgments more often prevailed over legal ones. The participants

explained how their imprisonment provoked instant characterization, when they were labeled as bad women even when their crimes were not that serious. This moral reproach went beyond their status in law, and was an indication of ingrained gender expectations that link female criminality to sexual immorality and moral laxity (Ali et al., 2023).

#### Character Labeling and Gendered Double Standards

The participants indicated that there was a sharp contrast between the view of male and female offenders in their respective communities. As the criminal action of men was frequently explained as a result of the socioeconomic factors, the actions of women were explained through the moral prism. This was the story of one participant, who said that her brother had also been in jail, but they had said he had been misled by bad company. In my case, they said I had loose character. This dichotomy of gendered difference is indicative of the so-called sexualization of female criminality as identified by scholars (Islam et al., 2019) wherein perceived sexual deviance intersects legal infractions by women.

#### Community Surveillance and Reputation Damage

The researchers found that community surveillance systems exaggerated the levels of stigma and the respondents said that gossip in the neighborhood was a constant source of stress. In the majority of the cases, they claimed that they were the object of overblown rumors that twisted their crimes into a melodramatic story of good-to-evil transformation. Sharing the experience of presumption of guilt, one participant even before his case was heard in court, the entire village had already determined him to be a prostitute, which was a case of presumption of guilt going beyond the legal sphere to social judgment. This is similar to findings on honor cultures in south Asia where the actions of women are closely associated with the family reputation (Irfan, 2009).

**Family Rejection and Social Isolation**

Family rejection was the most agonizing case of stigma and most of the participants claimed that they had experienced some kind of family withdrawal. Respondents talked about family members who deny prison visits or sever all connections to escape societal disapproval. One woman who was arrested said that on the day of her arrest, her husband told her that she was dead because incarceration is what destroyed vital support structures. The isolation frequently started in pretrial detention when families started to separate even before legal decisions were made, implying that social judgment preceded legal decisions and may have affected them.

**Intersectional Dimensions of Stigma**

The statistics indicated that stigma was compounded by marginalized subgroups with widowed, divorced or economically disadvantaged women undergoing increased moral scrutiny. The members of the lower castes claimed to have been doubly stigmatized, because of their criminal status and their status as underclass. Structural inequalities combined with gender biases were reflected in that a Dalit participant said that women like me are always trouble. Such results are consistent with intersectional studies of criminalization mechanisms (Jafri et al., 2025), proving the role of stigma in working on several disadvantage axes.

**Psychological Impact of Moral Condemnation**

Another important sub-theme was the psychological cost of endured moral judgment. The respondents reported feeling shame, self-doubt, and internalized stigma, which continued even after leaving prison. Some of them were said to develop coping mechanisms such as self isolation or practicing a religion to indicate moral rehabilitation. One participant described how internalized stigma influenced behavioral adjustments by talking loudly in order to make the guards inform her family that she has changed. This is in line with the clinical research findings on incarcerated women mental health, which cite stigma as one of the primary causes of

depression and anxiety disorders (Harner & Riley, 2013).

The figures demonstrate the role of societal stigma as a parallel system of punishment on women prisoners, which often creates more severe and lasting punishments than the legal system. These moral pronouncements do not only define the experiences of women in the criminal justice system but also leave lasting impediments of social reintegration after release as examined in the following sections. The results disrupt the notion of justice being neutral when the researcher uncovers how the extra-legal gender norms essentially change the carceral experience of women in Punjab.

**Legal Vulnerabilities and Procedural Exclusion**

In the study, the systematic legal weaknesses were identified which have a disproportionate impact on women prisoners in Punjab where institutional negligence and procedural barriers add to their marginalization. Exclusion of participants in their own legal procedures, low awareness of rights and poor legal representation were identified as a consistent issue by the participants. These data are in line with critical examination of gender prejudices in legal systems (Murphy, 1997), although they reported contextually determined obstacles within the judicial system of Punjab.

**Awareness and Access to Legal Rights**

There was an interesting trend in the lack of knowledge of their legal rights and procedures in participants. Most of the participants said they were not given a formal explanation of the arrest charges or legal rights, and many were told of court appearances by informal prison networks as opposed to formal means. I had no idea why I was in court until the judge began speaking, which is one of the participants recounting the communication gaps characterizing the process of women entering the legal system. This procedural ignorance meant that participants were left to rely on the frequently overworked public defenders or their family members to traverse complicated legal landscapes, further complicating their cases.

### **Procedural Exclusion in Court Processes**

The information showed the passive nature of the women in their own legal cases, with some referring to the court appearances as performance and not participation. The respondents often claimed that their voices were not heard or ignored in hearings, their testimony was not taken seriously, in favor of the testimonies of male relatives or the police version. Stressing the importance of patriarchal expectations in judicial proceedings, one of the domestic violence complainants, who became the accused, said that the judge did not ask her what happened, but her uncle did. This omission is indicative of larger trends in the testimonial injustice of women in legal frameworks in which the credibility judgment is gendered (Lindsey, 2019).

### **Dependence on Inadequate Legal Representation**

The quality of legal representation became a big issue and the participants used terms of overworked public defenders who seldom consulted with them on their strategies about the case. Most of them said that they met their lawyers once a week, at most, prior to hearings and were thus not informed about legal developments. One participant explains that his file shifted three times before anyone informed him, which highlights the communication failures between legal counsel and incarcerated clients. Such gaps in representation are disproportionately disadvantageous to women prisoners because they tend to have limited financial resources to employ individual counsel and limited social capital to insist on better services.

### **Prolonged Pretrial Detention and Case Backlogs**

The research also reported massive case processing delays, where majority of the participants took more than two years to trial, which is way beyond what the law stipulates. Such delays were credited to systemic inefficiency such as frequent transfers of the judiciary, lost files as well as the non-appearance of witnesses. They continue to say next date, however nothing

is happening, and that is why I am detained three years without verdict. This extended waiting period worsened psychological distress, with most recounting the psychological impact of waiting without knowing to be more severe than being sentenced. Such findings are corroborated with research on pretrial detention effects, especially in the case of women who are separated with children (Digard & Swavola, 2019).

### **Gendered Barriers in Evidence Collection**

The participants reported distinctive evidentiary difficulties based on gender norms such as police unwillingness to record domestic violence injuries or to take evidence of female witnesses. Some women claimed that they were not believed even after they had reported sexual violence and the police officers indicated that they must have provoked attacks. The trends are indicative of recorded biases in the standards of evidence of gender crimes, in which the patriarchal presupposition affects the quality of a criminal investigation. The ensuing evidentiary gaps tended to undermine the defense cases, which increased the rates of conviction of particular types of offenses (Goonsekere, 2008).

### **Intersection of Legal and Social Marginalization**

The findings highlighted the overlap between the legal vulnerabilities and social disadvantage especially to poor, rural or lower caste women. Marginalized participants reported experiencing compounded procedural barriers, such as the inability to pay bail bonds or bribe court personnel to process them quicker. Likewise, the socioeconomic status mediates access to the law, as a daily wage laborer shared that I would have to pay to be moved due to having no money. These results are consistent with the intersectional critiques of legal systems showing that gender, class, and caste disadvantages are mutually enforced in a judicial setting (Young & Billings, 2023).

### **Institutional Neglect in Prison Legal Services**

Prison systems did not offer much legal navigation support, and most prisons did not have regular legal aid clinics or informational

resources. Participants talked about the use of informal networks of prisoners to seek legal advice which they mostly gave them false information. As a participant, I observed that some of women women shared one ripped law book, and this situation reflects the lack of resources that hinder legal self-advocacy. This institutional negligence is indicative of larger trends of carceral oversight failure, with the facilities of women being allocated even less resources than those of men (McKay, 2018).

The results highlight the gendered nature of legal processes, even though they are supposed to be neutral, and their disadvantageous effect on women prisoners. Between first arrest and the resolution of the trial, there are multiplied barriers to women that are both systemic and ingrained in gender prejudice. Such procedural exclusions do not only serve to deny women the right to a fair trial, but also assist in the marginalization of women in the criminal justice system of Punjab, as discussed in the next section of this discussion.

### Discussion

The results of the research have some far-reaching consequences of both theoretical knowledge of gendered justice and real-world intervention in the criminal justice system of Punjab. Societal stigma, legal vulnerability, and institutional neglect all intersect resulting in a compounding effect that disproportionately marginalizes women prisoners and disputes the legal neutrality concept. These findings theoretically build upon intersectional frameworks (Jafri et al., 2025) through showing the interplay of gender, class, and caste identities in determining carceral experiences in South Asian settings. The cumulative effect of moralizing the participants regardless of the crimes they have committed highlights how patriarchal ideals make the legal proceedings a tool of social regulation, which strengthens what researchers have described as the moral regulation of the female population (Islam et al., 2019).

To policymakers, these findings are indicative of pressing demands of gender-sensitive institutional changes at various levels of the criminal justice

system. The recorded procedural exclusions imply that merely broadening the legal access will not be enough without considering biased roots in the values placed on the testimony of women or the investigative approach of cases. Some of the practical interventions may involve compulsory gender sensitivity training of police and judicial personnel, standardization of processes of gathering evidence in gender-related crimes, provision of women help desks in the police stations to facilitate the initial reporting experience. This mass legal illiteracy of the participants implies that prison systems ought to introduce routine legal literacy trainings, possibly in collaboration with law schools to offer supervised clinical services. In addition, the psychological effects of lengthy pretrial detention demand some systemic reforms to put women cases at the priority of backlogged courts, as well as increasing prison counseling programs.

A number of methodological drawbacks should be put into consideration when interpreting these findings. Self-reported data of existing prisoners could also lead to selection bias because women with especially traumatic experiences or with longer sentences may have been more inclined to participate. The prisons of Punjab are also the subject of the study, which restricts the ability to generalize the study to other areas with different legal cultures or social norms. Moreover, we have no comparative data of male prisoners or previously imprisoned women and can not completely isolate gender-specific experiences to general systemic problems. These limitations imply that although the research offers a qualitative depth of knowledge about how women live, a parallel quantitative research on the consequences of cases based on gender would reinforce the argument of causation on unequal treatment.

Further studies are needed to examine some of the dimensions of female incarceration in Punjab that are not well studied. Longitudinal research on life beyond prison walls would help in understanding how stigma functions outside the prison walls that impact reintegration opportunities. The cross-jurisdictional work in South Asia would aid in determining whether the

noticed trends are local or regional. Intervention studies to establish the effectiveness of suggested reforms, including gender-sensitive legal training courses or legal aid clinics in prisons, are also required. The ethnographic research on decision making processes in courts and in police stations would provide the insights into the role of gendered assumptions in the cases management on institutional levels. Lastly, consideration of the input of legal practitioners and prison staff would help to give a more comprehensive picture of systemic barriers instead of the victim-centered perspective of the majority of current literature.

The results of the study on familial rejection and social isolation lead to the next field of critical intervention community education efforts that would help decrease the level of stigma. Considering that family support tends to be a determinant of legal and post release stability, programs which encourage communication between incarcerated women and their family might help avoid some of the damages reported here. Such efforts may be strategically utilized by religious leaders and other local influencers who have moral authority in most Punjabi communities. Such practical uses should however be based on the acknowledgement of structural limitations such as chronic underinvestment in the justice systems and overcrowded prisons that constrain how feasible perfect reforms can be.

The mental stress of stigmatization within a person as reflected in the coping mechanisms of participants implies that interventions must be trauma-informed and culturally sensitive in mental health. Models of counseling that have Western origins might not be effective without the use of local conceptions of distress and healing. Future studies may investigate the possibility of using traditional support networks (e.g., peer networks, spiritual practices) as part of therapeutic interventions to incarcerated women. The fact that the study has recorded that the stigma differs according to the marital status and the caste also means that the interventions have to be an intersectional approach as opposed to the one-size-fits-all method.

This study disrupts the dominant discourses of criminal justice through the gender-neutral prism

of presenting the voices of women inmates. The unrelenting ethical investigation of the participants, as legal violations are mixed with sexual decency, indicates how the justice systems can serve as spaces of conserving patriarchal social structures. Such observations require a reconsideration of the typical reform agenda because it is not only necessary to address procedural inefficiencies but also the underlying cultural norms that pervert the legal experience of women. The conclusions eventually demand radical and not gradual reforms- the acknowledgement that genuine equity will mean ending the intersecting spaces of stigma, exclusion and neglect that characterize women incarceration in Punjab.

### Conclusion

This paper has shed some light on legal vulnerability and institutional negligence interact with each other to determine the experiences of women criminals in the criminal justice system in Punjab. The results show that the decisions of society in morality and process exclusion form a parallel punitive system on women, where the process of law gets entangled in the patriarchal rules of respectability and domination. The study affirms that the incarceration of women cannot be explained by the prism of legal systems only, as the experiences of women are essentially mediated by the gendered attitudes of socializing that go beyond the scope of formal sanctions.

The research identifies a number of key areas that require research in the future, specifically, longitudinal studies on the influence of stigma on post-release reintegration and cross-regional justice system comparisons. Intersectional dynamics, particularly the way caste and class exacerbate gendered disadvantages, would be explored further to gain a better insight into these structural inequities. Such understandings are valuable additions to the scholarly discussion of gendered justice and offer a base upon which policy changes can be made to make legal and penal systems more just in Punjab and other regions. The way forward involves not only institutional inefficiencies but also the racial social norms that lie deep in the history of

women and that are the root cause of women being marginalized.

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