



**Legal Awareness
Watch Pakistan**

Juvenile Justice NEWSLETTERS

(JAN-DEC 2021)

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Abbreviations

- **LAW: Legal Awareness Watch Pakistan**
- **MRDO: Marvi Rural Development Organisation**
- **CRPC: Criminal Code of Procedure 1898**
- **PPC: Pakistan Penal Code 1860**
- **JJ: Juvenile Justice**
- **JC.: Juvenile Court**
- **JJSA: Juvenile Justice System Act 2018**
- **JJN: Juvenile Justice Newsletter**
- **PEMRA: Pakistan Electronic Media Regulatory Authority**
- **NAPA: National Academy of Prison Administration**
- **KPK: Kyber Paktunkhaw province**
- **CRC: United Nations Convention on the Rights of Children**
- **CTD: Counter Terrorism Department**
- **JJC: Juvenile Justice Committee of Lahore Bar Association**
- **LBA: Lahore Bar Association**
- **I.G: Punjab Inspectorate General of Prisons**
- **I.O: Investigation Officer**
- **D.G: Director General**
- **A.C.: Assistant Commissioner**
- **GBV: Gender Base Violence**

Preface:

As far as we know LAW's monthly newsletter is probably one of the first of its kind to be published in Pakistan, perhaps even the very first.

In such a vast country, dozens of thousands of children are in conflict with the law. Among them, thousands are currently under arrest or even in detention for committed or alleged offences. And among those, several hundred are possibly facing, very unjustly, the death penalty or life imprisonment. These youngsters' moaning cannot be heard, they are walled up, vehemently hushed, scores of them without a lawyer or an acceptable defense system. They are voiceless.

LAW's newsletters can and should be the voice of these voiceless.

Mainly intended for legal professionals and child advocacy organizations, these publications can also edify a large public and, we strongly hope, draw the attention of political, administrative and law enforcement authorities to the improvements and reforms needed in juvenile justice. The media would be well advised to pass on the most important recommendations proposed by **LAW's** newsletters.

These newsletters are intended to provide regular alerts on individual cases of juveniles at risk of abuse or ill-treatment in the jurisdictional system, to demonstrate scrutiny of relevant laws, to show the dysfunctions altering the fundamental integrity of a juvenile in conflict with the law, the best practices and recommended references in juvenile justice, the counseled jurisprudence, the training opportunities for defenders, and many other relevant news and topics.

Our ambition is that as many professionals as possible (lawyers, advocates, police officers, probation officers, prosecutors, magistrates, social services, NGOs, etc.) will subscribe to LAW's newsletters. Then, that these professionals appropriate this tool as a catalog of useful sources, and as a possible relay to share their questions as well as their experiences likely to enlighten other colleagues, thanks to a "correspondence columns" section in each month's edition. We hope that the interaction generated by these newsletters will lead to the growth of a network of professionals who will have understood the substantial interest of pooling knowledge, and of sharing expertise to better protect children in conflict with the law. Such a network can be conducive to organizing enhancing sessions and trainings, to consider constructive collective approaches to State decision makers, as well as to other pro-active initiatives.

We want to move efficiently and quickly. Because there's an emergency: children deprived of their freedom are withering away in the cold shadow of our prisons' walls and even worse: facing disproportionate, cruel, and sometimes unlawful punishments. Yet each single child is the future of all humanity. Therefore, we are grateful for your interest and hopefully your involvement in **LAW's** newsletters. It's purely, simply, and powerfully a matter of justice.

(Mike Hoffman)

21st November 2021.

Message from the Director:

LAW had issued **twelve** editions in (2021) that included information collected through local newspapers and information received by its volunteers during their field operations i.e., jail visits, or news/information retrieved from official reports, and documents. At times, monthly editions entailed information that volunteers of **LAW** heard or received from reliable sources. Initiative of starting this edition was not only to bring **LAW** to visibility nor highlighting its awareness-raising advocacy campaign or updates of its individual cases involving children neither research surveys before the int'l community instead it was introduced to raise awareness as well as to advocate stakeholders across Pakistan and abroad through this newsletter. JJNP started for evolving communicational bridge among departments those who said to have a role in juvenile justice i.e., *probation officers, legal practitioners, prosecutors, judges, etc.* To the other hand, it was also predicted that through this newsletter awareness-raising advocacy on juvenile justice would bring much ignored domestic law **JJSA** and international convention i.e., **CRC** to light and under the consideration of the stakeholders to make them aware of their duties and responsibilities under JJSA. That prior to this initiative there seemed no specific newsletter on the issue of juvenile justice in Pakistan to our knowledge. For a second, we may confess that the civil society NGOs, and not-for-profitable entities across Pakistan had issued some editions (newsletter) for bringing their activities to light, and/or reports however all those remained linked with children in general i.e., street connect children, destitute & neglected children, child abuse, children of Afghan refugees, etc., however our newsletter has been child justice specific.

(Sarmad Ali)

Advocate High Court

Executive Director LAW Pakistan.

Dated: 23rd November 2021.

*Below is an inventory of recipients those who had received **JJN** in the year 2021 and future strategy of increasing number of recipients of the same in year 2022:*

Number & profession of subscribers receiving JJN			
	January 2021 to December 2021	Target June 30 2022	Target December 31 2022
Lawyers/ advocates/legal practitioners	100	200	500
Prosecutors	10	20	50
Magistrates and judges	05	10	50
Probation officers	20	Across Punjab and with some probation officers of Sindh, KPK and	As same as June 2022

		Balochistan (approx. 35+10+10+05=60)	
Police officers	23	50 (from Punjab, Sindh, and rest of parts of Pakistan)	Approx. 50
Journalists	10	20	50
Local NGOs	05	10	20
Foreign NGOs	Approx. 30	30	30
Guardians and parents of children in conflict with law those who understand little bit of English language	02	Depends upon number of parties LAW Pakistan will get involved with approx. 15	Depends upon number of parties LAW Pakistan will get involved with approx. 15
Readers and connected staff of the courts	05	20	25
Philanthropists (retired professionals, teachers, judges, lawyers, human rights defenders, friends of friends, etc.)	05	10	Approx. 20
TOTAL	200	Approx. 500	Approx. 1000

Note on Sources:

Where no source is quoted in the text of these editions have been **LAW** surveys, fact finding reports and communications from its volunteers and private citizens, official gazettes, economic and legal documents and regional press and publication of international agencies. We at **LAW** further submitted that images in these editions have been taken from national and regional newspapers and other online resources.

JUVENILE JUSTICE NEWSLETTER

January 2021 Edition

Throughout the year 2020, we worked vigorously facilitating information-sharing, building capacity, raising awareness, promoting juvenile and child rights, defending juvenile (s) at all levels despite the outbreak of dreadful Covid-19 pandemic, enhancing reach and impact and expanding our network.

Since 1999, **LAW** had communicated and remained in contact with its supporters, partner human rights NGOs, and Networks around the globe and within Pakistan to develop a stronger voice against the abolition of barbaric and medieval time punishment practice (s) upon children & vulnerable people across Pakistan, and around the globe in all cases. To remodel its strategy of communication with its partners **LAW** thought to starting this (monthly) newsletter for the rights groups', NGOs, Networks, Trade Unions, Bar Associations, Individuals those who are committed to influence abolition of the death penalty and life imprisonment including eradication of all forms of violence from criminal justice system of Pakistan and from countries carrying these practices. Similarly, this newsletter is for supplying information to stakeholder (s) to raise their awareness with a view of enhancing their capacity building in accordance with domestic law as well as under international human rights treaties, conventions, and norms. Therefore, in first edition of our monthly newsletter, you can explore legal developments, news involving children in conflict with penal law to assist them to make sure that they would not be sent to gallows or mass imprisonment owing to inadequate age determination process. This edition contains decisions, and steps taken, or steps required to be taken by the Government of Pakistan in direction of implementation of laws pertained to children in conflict, and child rights. Moreover, this newsletter entails succinct detail of events planned by **LAW** on the implementation of JJSA and child rights laws during November-December 2020. Thus, we encourage the recipient (s) of this edition either through email, telephone, or Facebook, to share information, or any comment or any points of interest, or simply to call for solidarity. We will also welcome any comments and constructive criticisms to better this initiative.

RECENT PAST EVENTS:

- In continuation of its one of the objectives on the implementation of JJSA 2018 **LAW** held a session in Khanewal District of Punjab province on 7th December 2020 at Jinnah Library in collaboration with the AC, **Khanewal District** having participation from District Probation Office, Local Bar Association Lawyers, District Public Prosecutor Office, and Rights Activists.
- Akin to that another session happened in **Bahawalpur District** of Punjab on 15th October 2020 on JJSA with an objective of raising-awareness of stakeholders on the law that was promulgated in the year

2018 for re-integration and providing separate criminal justice system for children in conflict with penal law.

- **LAW** in collaboration with local stakeholder (s) held a session on the implementation of JJSA in **Sukkur District** of Sindh province on 18th December 2020 to get engaged with stakeholders to enhance their legal and social understanding about juvenile justice system leading to implementation of JJSA at all levels in the Sukkur division.

NEWS FROM RECENT PAST:

- Until December 2020, JJC across Punjab in its each sessions division subject to section 10 of JJSA had not been notified by the provincial government. However, in Sindh after the intervention of **LAW**, the provincial Government of Sindh notified JJC for Shikarpur session division only. In Punjab, Criminal Coordination Committee (s) constituted under section 109 of Police Order 2002 in each sessions' division cannot replicate the function (s) of JJC to the reason that it must decide cases through *Diversion* where any juvenile in conflict with law implicated in minor and/or major offence (s) under section 9 of JJSA.
- **LAW** and its partners supported by the stakeholders of Bahawalpur district of Punjab approached to the incumbent government officials to submit their plea to constitute JJC by virtue of provisions of JJSA. However, until the time of this edition of newsletter no significant step had been taken for the constitution of JJC in Bahawalpur session division.
- No exclusive JC as warranted under section 4 of JJSA established in Punjab & Sindh until the end of 2020 notified in Punjab and Sindh. **We** appealed to the provincial governments to establish exclusive juvenile courts as required under section 4 of JJSA.
- Despite having in operation for three years nor Observation Homes, neither Rehabilitation Centers across Punjab nor Sindh notified for juvenile offenders' subject to provisions of JJSA. **LAW** calling on provincial government (s) of Punjab, and Sindh that Observation Homes & Rehabilitation Centers including separate centers for female juveniles by virtue of section 20 of JJSA.
- Provision of section 3 of JJSA remained unfulfilled as same as rest of other mandatory provisions of the same until the end of 2020. Section 3 of JJSA required that budget to be allocated for those juvenile offenders who would not be able to hire services of a legal practitioner during trial and/or appeal process.
- **LAW** came to know from its reliable sources that the Human Rights & Minority Affairs had submitted Rules of Business of the JJSA to the Secretary Provincial Government of Punjab for its review to the extent of Islamabad Capital Territory.

- **LAW** had dispatched a note to the Ministry of Human Rights of Pakistan praying that Print & Electronic Media House (s) of Pakistan to ensure implementation of section 13 of JJSA that forbidden publication and/or printing of names of juvenile (s) in the conflict with penal laws of Pakistan and/or having committed an offence (s) in their chronicles, and/or news & articles.
- The Child Court/Additional District & Sessions Court, Lahore sentenced a child (whose name is concealed as being a person of less than 18-year of age) to serve life imprisonment whereas, his two co-accused sentenced to serve simple five years' incarceration.
- Ten juveniles (bonded labourers) produced in court they were recovered from the owners of the brick kiln who employed them as labourers.¹
- Despite completing their sentence (s) **652** prisoners remained in prison (s) across Punjab because they had no means to pay the fine, they were sentenced to and incumbent government's inability for settling their fines (s). Most of these include vulnerable & destitute prisoners.²
- Abdul Khan (pseudonym) 15-year-old presented in the court of judicial magistrate on account of his alleged involvement in the murder of eight years old boy.³
- A teenage boy alleged to have committed necrophilia after murdering his seven-year-old cousin and then dumped her body in a pond. The teenager when brought before the court of judicial court on physical remand under section 167 of CRPC some enraged lawyers slapped him in sheer violation of law.⁴
- The 15-year-old boy wanted for siblings' murders found dead in Rawalpindi district of Punjab province. The youngster appeared to have committed suicide after murdering his brother, and sister but all theories were inconclusive at the point as further investigations were pending, said police.⁵
- National Assembly Speaker of Pakistan constituted a Special Task Force for uplift and mainstreaming of street children and bonded

¹ https://epaper.dawn.com/DetailImage.php?StoryImage=02_01_2021_151_002

² https://e.dunya.com.pk/detail.php?date=2021-01-07&edition=LHR&id=5468094_83957657

³ https://e.jang.com.pk/01-09-2021/Lahore/pic.asp?picname=02_15.png

⁴ <https://www.dawn.com/news/1598550>

⁵ https://tribune.com.pk/story/2280301/1?fbclid=IwAR2CmVBo8fNQWWc_TYpYnIBw5JD2_e3mTdXVgMXU5HNoYMa3d9-UKjn9nOo

labour. **LAW** had invited to be among its aide by **Special Task Force Head Member Parliament Ms. Nafeesa Khattak**.⁶

- The juvenile offender Ahmed Ali (pseudonym) in Kasur district still awaits justice for four years to the reason that until the time of this newsletter his trial had not been completed since 2016 in sheer violation of Article 10 (A) of the Constitution of Pakistan, 1973 read along with Article 40 (2) of CRC.

END

⁶<https://www.dawn.com/news/1584248/task-force-set-up-on-street-children-bonded-labour>

JUVENILE JUSTICE NEWSLETTER

February 2021 Edition

After the reception of positive feedback and comment (s) from you all on the very first edition of **JJN** newsletter in January 2021. We're now sharing with you all the second edition of **JJN** newsletter with more audacity, and confidence. In this edition you will find information on event (s) planned by **LAW** in collaboration with its partner organisation in the month of February 2021 about juvenile justice, and *update* on individual cases involving children in conflict in Punjab, and Sindh. Moreover, this edition will entail news that we had collected and received from our volunteers during their field operation (s) and preview of news printed in local newspaper (s) relating to children at risk and in custody. This edition also reflected on the judgement of the European Court of Justice with reference to the European Human Rights Convention and Section 11A (1) of Swiss Criminal Law Act.

EVENTS:

- **LAW** will organise a session on the implementation of JJSA in Hyderabad District of Sindh on 25th February 2021 for raising awareness of stakeholder (s) operating in Hyderabad district in the field of juvenile justice.
- Team comprising of Volunteer (s) associated with our organisation conducted made visits to Lahore Camp Jail on 22nd and 23rd January 2021 for having meeting (s) with juvenile (s) who have been receiving legal assistance from the legal team of **LAW Pakistan**. The team of volunteer (s) noted filthy environment in Children Barracks commonly known as **Munda Khanna** in prisons dynamics. The visitor (s) permitted having meeting with prisoner (s) without face mask (s) even in the wake of rapid spread of dreadful Covid-19 in prisons across Punjab.

NEWS FROM RECENT PAST:

- **Director Punjab Probation & Parole Service** is retiring from his job in the first week of February 2021 after serving as *Director* of (PPPS) for almost year and a half. It is believed that the government to designate an upright & active person to serve as *Director of Punjab Probation & Parole Service* as soon as possible to make sure that the children at risk would be protected and not left vulnerable.
- Research survey **Volume II on "Tracing of Juvenile (s) those facing the death penalty (DP), and Life Imprisonment (LI)"** is going to begin from March 2021 across Punjab, and Sindh targeting ten prisons five from each province.⁷

⁷ **Volume I** printed in June 2020 and available online on www.legalawarenesswatch.com targeted ten prisons five from each province. Those interested in receiving a PDF copy could solicit LAW for it.

- **LAW** submitted a request note under the Punjab Transparency and Right to Information (RTI) Act 2016 read along with **Article 19 (A) of the Constitution of Pakistan, 1973** to the Punjab I.G dated 21st January 2021 to public detail (s) of 652 prisoners who had been behind 41 prisons of Punjab despite completing their sentence (s) since they had no means to pay the fine, they were sentenced to.
- Abdul Khan (pseudonym) 15-year-old sent to judicial lockup/judicial remand on 19th January 2021 by the court of judicial magistrate of Model Town, Lahore. Abdul Khan had been dispatched to ordinary prison (*Lahore Camp Jail*) in custody of booted policemen (uniformed) in sheer violation of provisions of JJSA 2018 and General Comment No. 10 on the CRC to which Pakistan became party in 1990. *Volunteer (s) of LAW paid a visit on 26th January 2021 for interviewing him- whereby it transpired that he was tortured in the police station during the police remand/custody. The team of volunteer (s) spotted a black stain underneath his left eye.*
- In Punjab, there have been two Borstal institution (s) in *Faisalabad*, and in *Bahawalpur districts* notified under *The Punjab Borstal Act 1926*. These administered under *Pakistan Jail Manual (PJM) 1978* by the provincial government through its Home Department.⁸ To our knowledge, Borstal in *Faisalabad* district has not been functional since 2019 due to falling of boundary wall (s) of said premises. Subsequently some **44** prisoners were then shifted to **Faisalabad Central Jail**.
- Remand Home in *Karachi*, in the province of Sindh is functional, however, the one in *Nawab Shah* district since its notification in the year (2010) yet to be made operative. It had disclosed to us by our supporters in Sindh that the Superintendent of the said Remand Home wrote numerous notes and attention notices to the provincial government for allocation of funds for making it operational, but all his efforts and requests to-date fell on deaf ears. Mentioned Remand Home (s) had been notified under *Sindh Children Act 1955* rest of others so called (by name) Borstals/Juvenile Jails i.e., Youthful Offenders Industrial School (YOIS) have been administered by the provincial government through its *Home Department* under *PJM 1978* like ordinary prisons. Thus, it is proposed that government (s) at the provincial and federal levels to notify rehabilitation centers and observation homes under the command & supervision of probation departments as per law following international norms for the safe custody as well as rehabilitation of juveniles in conflict with law and imprisoned.
- Murder Appeal of Murtaza Abro (pseudonym) who was sentenced to life imprisonment by the learned trial court of Jacobabad, Sindh in 2019 is fixed for preliminary arguments on 25th February 2021 at the Larkana Bench of Sindh High Court. He has been receiving legal assistance from **LAW** and **MRDO** since 2020.

⁸ These detained young people upto the age of 25-year.

- From our reliable sources, it had transpired that the provincial government of Punjab is aiming to constitute a committee having NGOs, Lawyers, Government Officials, etc., as its members with an aim of drafting Rules of Business of JJSA to the extent of Punjab. It is a need of time that rules of business of JJSA be notified across Punjab for effective implementation of JJSA at all levels.
- The lawyer of Saqlain (pseudonym) the *juvenile offender* housed in Central jail Peshawar allegedly accuse of murdering a U.S. citizen named *Tahir Ahmed* on the premises of District and Sessions Court of Peshawar (KPK), a couple of months ago (who was then facing a trial on charges of blasphemy under section 295 C PPC moved a petition in the trial court praying that section 7 of Anti-Terrorism Act 1997 could not be applied in cases- where accused was less 18-year of age by virtue of section 23 of JJSA.⁹ *Note: The Peshawar High Court Chief Justice (now deceased) had already ordered that his trial to be concluded in lines with JJSA.*¹⁰

EUROPEAN COURT JUDGEMENT:

- On 19th January 2021 the European Court of Human Rights in **Lăcătuș v. Switzerland** (application no. 14065/15) found that laws in Switzerland which criminalised begging were a violation of Article 8 of the European Convention on Human Rights (the right to respect for private and family life). The claimant/plaintiff Ms. Lacatus was fined 500 Swiss francs for begging in public in Geneva. The Court found that Ms. Lacatus, who is illiterate and comes from an extremely poor family, relied upon begging as a means of survival and had the right – inherent to her human dignity-to attempt to meet her basic needs by begging. It found that the fine imposed on her was disproportionate to the aims of combatting organised crime or protecting the rights of shopkeepers and passers-by. **LAW** applauded this decision but children across the globe and in Pakistan shall not be given a free hand to beg. It should not be considered as a permission to exploit children/juveniles for begging, stealing, and delinquency, organized by criminal adults.

END

⁹Daily Insaf Urdu Newspaper dated 29-01-2021.

¹⁰ <https://www.voanews.com/extremism-watch/man-killed-pakistani-court-blasphemy-charges-was-us-citizen>

JUVENILE JUSTICE NEWSLETTER

March 2021 Edition

This is the third edition of our newsletter. Your positive and encouraging feedback, and comments made us to issue this third edition with extra courage, and confidence. We've been receiving excellent feedback from all around the world from individual (s), and organisation (s) working on human rights, and children rights particularly on the abolition of the death penalty, and life imprisonment practices upon vulnerable including children, and women. In this edition you will find information on event (s) planned by our organisation in collaboration with its partner organisation in the month of February 2021 about juvenile justice, and succinctly *update* on some of the individual case (s) in our hands particularly a case of prisoner standing trial on charges of blasphemy and cases involving children in conflict with penal law in Punjab, and Sindh. Moreover, this edition will provide *news* that we collected & received during our field operation (s) and preview of news printed in local newspaper (s) relating to children at risk.

EVENTS:

- MRDO in collaboration with **LAW** had planned a session on the implementation of JJSA in Hyderabad District of Sindh on 25th February 2021 on the implementation of JJSA that prohibited awarding of the death penalty to the children below the age of 18-year.
- Volunteer (s) associated with **LAW** made several visits to *Lahore Camp jail* during the month of February 2021. Children those reported to had been arrested during January, and February 2021 demanded to be released from prisons maintaining false implication (s). Thereafter, when contacted their family relative (s), father, and mother wanted their children to be remained behind bars fearing of police and observing hegemony of the state despite their children's false implication (s).
- Ahead of the European Union's human rights dialogue with Pakistan, scheduled for 3rd March 2021, civil society organizations have been invited to participate in a remote consultation which is planned for 18th February 2021. **LAW** had been invited to take a part in the planned consultation by a renowned international Coalition based in France, Paris.
- One of the leading Organisations hosted 5th edition of the international poster competition "Draw me abolition" aimed at young people aged 14 to 20 from all over the world, **this educational project aimed to encourage the young generation's civic** commitment to the theme of the universal abolition of the death penalty through an artistic approach.

NEWS FROM RECENT PAST:

- Ms. Neelam Afzal Additional Secretary in the Government of Punjab appointed as the Director General of Punjab Probation & Parole Service (PPPS) after the completion of tenure of Director PPPS in February 2021.
- Human Rights Commission of Saudi Arabia had reported that the death sentence of three juvenile (s) commuted to life imprisonment in a bid to improve its human rights record of the Kingdom of Saudi Arabia. Those juveniles included *Ali, Daewood, and Abdullah*.¹¹
- Volunteer (s) of **LAW** paid a jail visit to Abdul Malik (*pseudonym*) on 2nd February 2021. Thereafter, on 6th February 2021 legal team instituted post arrest bail petition in the court of District and Sessions Court, Lahore under section 497 of CRPC.
- Our legal team had also instituted post arrest bail petition of Abdul Khan (*pseudonym*) in the (Child Court operative in Lahore Sessions Division). Our legal team prayed that minimum criminal liability age under criminal law of Pakistan was ten years however, section 83 of PPC (as amended) gave discretionary powers to the court to increase the minimum age up to 14 years if satisfied that the child had not attained 'sufficient maturity of understanding'.
- A man aged (60) has been languishing in prison on charges of blasphemy under section 295 C of PPC. Our legal team has been providing legal assistance since November 2020, who appeared to have mental health issue (s) making him unfit to stand trial of blasphemy which is punishable by death. We've been litigating to make sure that before the prosecution evidence he should be dispatched to mental hospital under section 465 of CRPC.
- **LAW Pakistan** had applauded SOPs issued by the police department of Peshawar district of KPK province of Pakistan that identification as well as age determination to be made by the police through documentary evidence during police remand under section 167 of CRPC. This is a point that **LAW** wished to be implemented and promoted in Punjab and parts of Pakistan under section 8 of JJSA by all quarters of criminal justice.¹²
- **I.G** Prison of Punjab declared all **645** children barracks including **31** of *Lahore Camp Jail* as rehabilitation center (s)/shelter house (s). **LAW** applauded this decision however, we at **LAW** demanded that those must not be administered under *Pakistan Jail Manual 1978 (PJM)*, and children (if required) to be detained in custody of civilians instead of

¹¹ Daily Awaz Newspaper dated 9th February 2021.

¹² <https://www.dawn.com/news/1605336/wrongful-detention-may-result-in-punishment-for-police-officer>

policemen.¹³ The family of teenage boy placed the dead body at *Steel Bagh Chowk, Kasur* district of Punjab for transparent investigation from the police. The teenager from *Pirwala* was found hanging suspected to have been murdered by unknown after performing sexual assault with him.¹⁴

END

¹³Daily Awaz Newspaper dated 7th February 2021.

¹⁴ <https://tribune.com.pk/epaper/news/Lahore/2021-02-08/ZDg2NWVmODQzMDVhMDMwNzM5MWQ4OWY3ZjM0ZTM4ODAuAnBlZw%3D%3D>

JUVENILE JUSTICE NEWSLETTER

April 2021 Edition

This is a special edition of our newsletter. It will provide you the information on our awareness-raising advocacy sessions & training workshops for capacity-building as well as awareness of stakeholders that we held from **June 2019 to February 2021** in collaboration with stakeholders about juvenile justice in accordance with domestic laws and international conventions. The advocacy meant for implementation of JJSA whose **section 16** forbidden awarding of the death penalty to the minors **(at the commission of an offence)** in accordance with **CRC** to which the State of Pakistan became party in 1990. Despite having enacted and promulgated JJSA across Pakistan in **May 2018** minors still at imminent risk of being sent to gallows owing to inadequate **age determination** procedure in the juvenile justice system and lacking appropriate mechanism of providing documentary papers to children, and their parents i.e *birth certificate, computerized marriage certificates duly issued by NADRA* to these inadequacies' minors often subjected to gallows in recent times. Likewise, to harmonize the criminal justice system we undertook additional difficult task of defending individuals those facing charges of blasphemy under **section 295 C** of PPC across Pakistan. Until the time of this newsletter **39 individuals** facing **blasphemy charges** only in Lahore of which **05 women**, and **01 juvenile** rest all **men**.

RECENT PAST NEWS:

- The Chief Minister of Punjab sought report from authorities/police on incidence that happened in Narowal district of Punjab (in its one of the municipalities/tehsils) where 10th class student/juvenile allegedly killed one **Ayan Javed** with a gunshot fire.¹⁵
- **Ministry of Interior** told **Parliament of Pakistan** **9732** people behind prisons of Pakistan facing the death penalty & life imprisonment. Of which **7617** in Punjab, **1322** in Sindh, **73** in Balochistan and **360** in KPK. The **Parliament** further learnt that some prisoners' clemency petitions under **Article 45** of the Constitution of Pakistan, 1973 pending with the President of Pakistan for three years or more.¹⁶
- **LAW** applauds the decision of Punjab Prison Department to allow disabled, and juvenile prisoners to make telephone calls to their families' once a week at state expense.¹⁷

¹⁵ Daily Urdu Awaz Newspaper dated 28-02-2021.

¹⁶ <https://e.jang.com.pk/03-05-2021/lahore/pic.asp?picname=839.png>

¹⁷ https://e.dunya.com.pk/detail.php?date=2021-03-10&edition=LHR&id=5544800_74586662

- **Kasur district police** had booked a minor 17-year-old on account of his alleged involvement in the murder of a man (35). It was suspected that a youth shot dead his alleged abuser for sexually abusing him for years.¹⁸



- **Police of Hadiyara** charged a child on alleged occurrence of murder of a minor. The **Challan** report under section 173 of CRPC submitted in the Child Court of Lahore by the prosecution for commencement of trial proceedings.¹⁹

RECENT PAST EVENTS:



Group photo from a session on child justice held in Tando Allahyar (Hyderabad) Sindh on 25th February 2021 by LAW.

¹⁸ <https://www.dawn.com/news/1612591/teen-held-for-killing-man-over-years-long-sexual-abuse-in-kasur>

¹⁹ <https://tribune.com.pk/story/2287377/minor-faces-murder-charge-in-lahore>

- **LAW** distributed gift packs (daily use items) to street-connected children on **16th March 2021** to mark the day for the street-connected children on **12th April 2021**. Since the outbreak of Covid-19 across Pakistan, and around the globe street-connected children have suffered greatly denied basic services i.e., right to health & education, etc., around the world. Thus, **LAW** opined that *“for children either on streets or behind bars this is not pandemic, it is crisis for them.*



- In pursuance of “**Vulnerable & Abandoned Prisoners Initiative**” **LAW** donated **60 packets containing (detergents, washing soaps, toothpaste, and brush, hair oil, shaving razors, & comb)** on **8th March 2021** to vulnerable and abandoned prisoners housed in one of the prisons of Punjab. We wish to make more donations to **41** prisons of Punjab housing **7617 prisoners** including children and women facing death penalty and life-imprisonment.



Left: Director LAW with officials from District Jail Attock.

AWARENESS-RAISING ADVOCACY:

- In a bid to bring improvements in already sordid juvenile justice system of Pakistan awareness-raising advocacy campaign on the implementation of Juvenile Justice System Act, 2018 begun in the year 2019. Awareness-raising advocacy commenced from Lahore on **19th June 2019 (Forum No.1)** where Pakistan's First Child Court Judge inaugurated the **Forum No. 1** on the implementation of JJSA 2018 and appeared as one of the Speakers among others. Thereafter, a same sort of forum after almost a month gap held on **17th July 2019 (Forum No. 2)** in Lahore. Forums held in year 2019 drew participants from the **Civil Society, Probation and Parole Service Department (then Reclamation and Probation Department), Lawyers, Prosecution Department, Judiciary, etc.** Similarly, **LAW** held a training workshop at **Police Training College** in the same year on 10th October 2019; whereby **40 policemen** received training under JJSA 2018. Awareness by means of advocacy continued in year 2020 on **28th February** **LAW** had organised a training workshop at **NAPA** of prison police-whereby **40** prisons' police got trained by experts including members of **LAW**.
- At the zenith of Covid-19 last year (2019) **LAW Pakistan** held nine sessions in **nine different** districts of Punjab province subjected to *Corona SOPs* in collaboration with stakeholders those said to have roles in JJSA. The year **2020** concluded after having a session in Khanewal district of Punjab in **November 2020**.
- After the reception of positive feedback on our awareness-raising advocacy sessions & workshops in Punjab we substantiated our mission of implementation of JJSA to Sindh province of Pakistan in February **2020** with the support of Sindh based organisation. We thank **MRDO** for having a partnership with **LAW** on the issue of juvenile justice for saving juveniles from barbarism in shape of the death penalty and life imprisonment. Until the time of this edition of newsletter **LAW** had collaborated with its partner organisation in **04** forums those held in **Sukkur, Khairpur, Hyderabad and Ghotki** districts. **LAW** and its partner organization by means of forums, sessions and training workshops mobilized, and advocated and trained about **310** stakeholders directly another way around **3,000** altogether through **15** events in year **2020**.

END

JUVENILE JUSTICE NEWSLETTER

May 2021 Edition

Through this edition of our newsletter, we would like to report that **Volume II** of our research survey titled as *Tracing of Juveniles facing (DP) and (LI)* is completed therefore will be available online, and in printed form by May 2021. In connection with our research survey in two years we targeted 20 prisons 10 prisons from each province in collaboration with **MRDO**. In 2020 we traced out/identified **87** juvenile offenders- who were then possibly facing the death penalty, and life imprisonment across Punjab, and Sindh owing to inadequate age determination procedure in the criminal justice system of Pakistan. This year we traced out **42** juvenile offenders **21** in each province of which **01** minor facing blasphemy related charges in Punjab none in Sindh. **Volume I** already available online at www.legalawarenesswatch.com which was completed in year 2020. Moreover, this edition also provides information & news that we collected and found out during our visits to prisons, and field operations across Pakistan.

RECENT PAST NEWS:

- Child molested and assaulted in **Muzaffar Ghargh District** prison of Punjab province of Pakistan against which Prisons Ministry of Punjab province sought report from the Punjab Prisons I.G.²⁰
- **Shahrukh** (*pseudonym*) having *Christian faith* that received legal assistance from **LAW** released on after arrest bail after spending six years in prison on charges of blasphemy. The superior court admitted him to post arrest bail under section 497 of CRPC on the ground that the prosecution had failed to adduce evidence against the juvenile offender. **Shahrukh** was 16-year-old when implicated in blasphemy case by the local cleric of the vicinity- where he resided with his family. **Help him for re-building his life after wrongful incarceration. Send your donations to below list details.**
- It came to your knowledge that *Superintendent/In Charge* **Correctional Facility of Hyderabad** (Sindh) refused admitting a juvenile on the ground that it required to have Covid-19 test report of the prisoners dispatched to judicial lockup/custody by courts pursuant to SOPs. Upon denial I.O sought orders from the court that the juvenile offender would be put under the custody of Probation Office of Hyderabad until the time of reception of his Covid-19 report. **Courtesy Deputy Director Probation & Reclamation Department Hyderabad.**

²⁰ <https://e.jang.com.pk/03-27-2021/lahore/pic.asp?picname=811.png>

- **LAW** applauded the decision of the provincial government of Punjab that allowed male prisoners those sentenced to 10-years or more of incarceration to stay with their wives, and children for three days after every three months for which single bedding suites have been installed in the province Punjab in prisons of Multan, Lahore, Faisalabad, and Rawalpindi. It is not to forget that the model of conjugal rights of prisoners initially introduced in the **Islamic Republic of Iran** and thereafter the *Federal Shariat Court of Pakistan* opined in its one of the judgements in 2008-2009 that prisoner deserved conjugal rights facility behind prisons.²¹
- The death of a 14-year-old child drew strong condemnation across Pakistan. Innocent child was found dead in the police station of West Cantt-Peshawar and as expected, policemen termed the incidence a suicide, while the relatives stated that their child was tortured to death. Section 176 of CRPC empowers the concerned Ilaqa/Area Magistrate to hold judicial inquiries to find out the actual cause of death in custody of the police. Judicial inquiries for determination of actual cause of death in custody of police had been taken place on numerous occasions, however rarely those inquiries held police officials guilty of custodial death, due to the reason that police officials/accused managed suppressing of incriminating evidence against them or settled with the relatives of the deceased by pressurization and/or harassing them, making the judicial inquiry irrelevant & inappropriate.²²
- Generally, judicial inquiries into custodial deaths had never been fruitful across Pakistan for example, a case of a child named *Muhammad Rizwan*, was extra judicially murdered in Lahore in *Sabzazar* in 2017-while on physical custody with police. Those who were found guilty of his murder in the judicial inquiry were later acquitted of a murder charge by the trial court of Lahore for the “want of more evidence” against them. Moreover, there was an incident that happened near Sahiwal toll plaza, a couple of years ago- where the CTD gunned down a father, mother, and sister in front their children as always, the officials labelled them as terrorists. Those officials had also been acquitted of cold-blooded murders by the trial courts due to insufficient incriminating evidence against them.
- We congratulate our friendly organisation **International CURE** for starting a Pan-Asia newsletter.²³

END

²¹<https://www.pakistantoday.com.pk/2021/04/02/women-prisoners-ignored/>

²² <https://www.dawn.com/news/1612546>

²³<https://dailytimes.com.pk/742269/pakistans-juvenile-justice-system-and-custodial-deaths/>

JUVENILE JUSTICE NEWSLETTER

June 2021 Edition

This is the sixth edition of this monthly newsletter. In this edition you'll find reflection of research survey (**Volume II**) that we conducted this year in continuation of (**Volume I**) that we conducted last year. The research survey **Volume I** and **Volume II** are available online at www.legalawarenesswatch.com. Moreover, this edition will lay information & news that we collected and found out during our visits to prisons, and field operations across Pakistan in the month of May 2021. We wish to receive your feedback as well as comment (s) or constructive criticism on content (s) of this edition *via* email or simply giving us a telephone call to make this initiative better in future.

RESEARCH SURVEY:

Among the most salient features of the data that we collected in **Volume I**, and **Volume II** are:

- Altogether we identified **129** minors those possibly facing DP, or LI across Punjab, and Sindh (**87 in 2020, and 42 in 2021**) owing to inadequate age determination procedure in the criminal justice system.
- Most juveniles across Punjab, and Sindh facing charges of murder and rape out of total **129** juveniles **14** facing murder charges and **04** facing rape charges in Punjab however, **11** facing murder charges in Sindh, and **02** facing rape charges. In Sindh we identified total **04** juveniles those facing terrorism related charges unlike Punjab. To the contrary, in Punjab we identified a minor having 16-year-old at the time of our visit to that prison where he was then detained at facing blasphemy charges under section 295 of PPC.
- It is striking that we identified only **01** case- where probation officer was involved during the judicial proceedings in Punjab. However, in Sindh we identified not a single case where the concerned probation officer was involved and/or considered in the judicial proceedings.
- We noted those who have been facing DP or LI charged/convicted of murder and/or rape offences falling in the age scale of 14-year-old to 17/18-year-old.

NEWS FROM RECENT PAST:

- Judicial Magistrate of Jacobabad District of Sindh on **21st April 2021** had directed the Investigation Officer/police that produced a minor in its court for seeking physical custody/remand under section 167 of CRPC 1898 for determination of age under section 8 of JJSA. The court directed the Investigation officer after taking into consideration the physical appearance of the minor. **LAW** and **MRDO** applauded this decision of the court and appreciated that

key pillar of the juvenile justice system started acting vigilantly. ***Reported to us by the Deputy Director Probation & Reclamation Department, Sukkur & Khairpur, Sindh.***

- On **3rd May 2021**, it transpired to our volunteers that a minor having 14-year of age whose arrest had already been reported in **January Edition, 2021** implicated in another blind murder case by the police. It appeared to us that his confession in second murder occurrence was secured by the police through torture techniques and/or by way of third-degree torture. **“F”** is now standing trial in connection with alleged two murder occurrences. **LAW** has been providing pro-bono legal assistance to that vulnerable minor. ***This information is reported to us by “N” the grandfather of minor. Donate us for saving this vulnerable minor from inhumane punishment.***
- **“R”** student of class 10th from **Daska city** has been arrested on suspicion of murdering his cousin **“F”** aged 4-year. His uncle/father of deceased implicated him through supplementary statement that he recorded after 15 days from the day of occurrence.²⁴
- **February 2021** edition reported **652 prisoners** had been behind **41** prisons of Punjab including **two** prisons of Lahore city despite completing their sentence (s) owing to their inability to settle their fine (s) or *Diyat*/ blood money they were sentenced to. Further, it is brought to our notice that the philanthropists had paid **20 million** to prison authorities that approved the release of **35** prisoners. Pursuant to report that printed in local Urdu newspaper *“Awaz”* dated **05-02-2021** **50** prisoners still behind prisons those who required to settle their *Diyat*/ blood money to victims’ families’ amounting to **60 million**. **19** prisoners required to pay **30 million** for their release from the prison who’ve completed their sentence (s). The authorities calling on the philanthropists and rights groups to offer funds for those prisoners. ***Support us for taking these prisoners out of notorious prisons of Pakistan.***
- **LAW** on the day of *Eid-ul- Filtr* **LAW** distributed clothes and food among street-connected children.

²⁴ <https://www.facebook.com/watch/7newshdoofficial/>



- **On 16th May 2021**, two children arrested allegedly on charges of raping a minor girl photo below itself circulated on social media by the I.O. in sheer violation of section 13 of JJSA that demanded that the identity of minors in conflict with law not required to be disclosed. In comparison to Pakistan's despicable juvenile justice consider recent development in India where the Child Rights Body directed *Delhi Lieutenant Governor Anil Bajjal* to take-action against **Minister Rajendra Pal Gautam** for disclosing the identity of minors in a social media post. How strong Indian juvenile justice system was and how despicable would have been for children in criminal justice system of Pakistan.²⁵



²⁵ <https://www.ndtv.com/delhi-news/child-rights-body-seeks-action-against-delhi-minister-for-violating-juvenile-justice-act-2442518>

- It had been reported on numerous occasions in Pakistan that police had either killed people in custody or abused sexually or physically people in custody. However, this time not police instead The Frontier Corps (reporting name: **FC**) is a paramilitary force of Pakistan now said to have sexually assaulted a child of 13-year of age in **Hoshab** area near China Pakistan Economic Corridor (CPEC) Highway. **LAW** strongly condemned this incidence and demanded FC officials/constables those sexually abused that child to be brought to justice in accordance with law.²⁶

EVENTS:

- **LAW Pakistan** in collaboration with stakeholders planned two days “**National Training Workshop**” about Juvenile Justice at Lahore from 26th May to 27th May 2021 having participants from across Pakistan subject to government of Pakistan’s Covid-19 SOPs.

END

²⁶ <https://www.dawn.com/news/1619843>

JUVENILE JUSTICE NEWSLETTER

July 2021 Edition

This is the seventh edition of this monthly newsletter. In this edition you'll find reflections of our two days "**National Training Workshop on JJ**" that we planned last month in continuation of our advocacy on juvenile justice. Child Rights experts implicated to juvenile justice from Switzerland, and from Australia offered their perspectives on "**Alternative to Incarceration, and Restorative Justice**" via video link. However, qualified professionals from police, judiciary, probation as well as from Punjab public prosecution office featured as resource persons in the workshop. **LAW Pakistan** provided training to **24** professionals on **JJ** considering international norms on juvenile justice. In this edition you'll also find information and news that we had collected and found during our field operations in the month of **June 2021**.

ACHIEVEMENT:

- After the conclusion of our **Two Days National Training Workshop on Juvenile Justice** Lahore Bar Association had constituted six members committee **JJC** at the Bar level. The **Vice President of LBA (2021-2022)** in consultation with President of the same constituted the committee keeping **Executive Director** of **LAW** as its **Chairperson**.
- However, in the wake of our awareness raising sessions on JJSA 2018 across Punjab the Government of Punjab had established Juvenile Justice Committees as warranted under section 10 of JJSA at all districts with the mandate of deciding cases involving minors in conflict with law facing criminal charges on grounds of minor and major offences under PPC.

RECENT PAST EVENTS:

- Two days "**National Training Workshop on Juvenile Justice**" was planned by **LAW** in collaboration with stakeholders to educate, and enhance the working capacity of stakeholders i.e., police, probation officers/social workers, prosecutors, magistrates, and defense legal practitioners--while dealing with minors in conflict with law or having committed any penal offence. Our training workshop was officially approved by the provincial governmental departments of **Punjab, Sindh, and Balochistan** provinces of Pakistan. The **Vice President** of **LBA** made inaugural speech having welcomed the participants and appreciated the efforts of **LAW** for planning national level training workshop on juvenile justice. *We would like to pay our humble gratitude to those who had supported and funded our two days training workshop.*
- It was for the very first time that such like national level workshop was planned in Pakistan on juvenile justice. To our knowledge in past workshops had taken place on juvenile justice, however, those

somehow only focused on stakeholders and/or professionals of one region/province of Pakistan. In our national level training workshop, professionals, and stakeholders from across Pakistan participated.

- The objective of said training workshop was to develop communicational bridge between stakeholders those said to have roles in juvenile justice introduced under JJSA 2018. Apart from building a communicational bridge among stakeholders we also wanted to afford an opportunity to stakeholders i.e., police, and probation officers to communicate with each, and understand how important it was for them to communicate where any minor said to have committed any penal offence under penal laws of Pakistan. *We at LAW believe that without their effective communication law i.e., JJSA that was introduced three years ago cannot be effectively implemented across Pakistan in its true spirit.*

Our training workshop concluded with following recommendations:

- Child Rights experts/trainers from aboard lectured that juvenile justice in Pakistan to be based on the principle of restoring “social harmony”. Minors in conflict with law or having an offence must not be considered as criminals rather as victims in juvenile justice. Thus, rehabilitation not incarceration based on the principle of social harmony.
- Trainees recommended that the provincial governments of Pakistan must notify juvenile rehabilitation centres, observation homes to ensure that juvenile offenders be rehabilitated instead humiliated.
- Trainees emphasised that **exclusive** juvenile courts at all sessions’ divisions under JJSA to be established that must fulfil child-Friendly and conducive environment considering international norms: *see section 13 of JJSA.*
- Minors those identified in **Volume I, and II** falling within the age scale of up to fourteen years of age their cases must be dealt *with Criminal Law Amendment (2016); section 82, and section 83 of CRPC.* This is to remind you **LAW** in collaboration with its local partner **NGO** conducted a research survey to identify minors in conflict in law possibly facing life imprisonment (LI), and the death penalty (DP) across Pakistan. In two years’ time we targeted **20** prisons ten from Punjab, and same number of prisons from Sindh out of total **104** prisons of Pakistan owing to our inadequate financial backing, and manpower. Altogether we identified **129** minors those possibly facing LI and/or DP. **Volume I and II.**
- Juvenile offenders identified in research survey **Volume I, and II** should receive fair trial in lines with CRC, and under the provisions JJSA.

- We recommended that *Rules of Business* under JJSA to be notified at the earliest by all provincial governments of Pakistan for making sure that children in conflict with law would receive full protection under this law.
- Participants recommended that life sentence without the prospect of parole to be questioned considering Article 37 of CRC in Pakistan.
- We recommended that some necessary amendments to be brought in to JJSA i.e., **introducing penalty clause** against stakeholders those intentionally not comply with provisions of JJSA **OR** omitting their duties under the said law.

GROUP PHOTO:



Participants (with Executive Director of LAW) of Two Days National Training Workshop on Juvenile Justice.

RECENT PAST NEWS:

- **“Dani”** whom we traced out during our research survey (**Volume II**) until the time of this edition has been languishing in prison without the prospect of releasing from prison even on bail. It is to remind you that **“Dani”** has been facing blasphemy charges under section 295 of PPC despite being a minor at the time of commission of alleged occurrence. After the submission of *Challan* report/Charge Sheet under section 173 of CRPC **“Dani”** has not been produced in the trial court from prison to defend himself in the court in sheer violation of fair trial principle as embodied in Article 10 (A) of the Constitution of Pakistan, 1973.
- Our volunteers visited **“Dani”** in prison—whereby, it transpired that the jail authorities since the time of his arrest had not dispatched him to the court from prison in sheer violation of fair trial principles. Miserably, **“Dani”** has not been given fair trial considering substantive criminal law of Pakistan read with codified special law i.e., JJSA to establish his innocence beyond the reasonable doubt. ***Help us for supporting “Dani” and his downtrodden mother and father.***



Photo: Director LAW on right with Adnan Ali (brother), and Safdar Ali (father of “Dani”)

- In a bid to support vulnerable & abandoned prisoners **LAW** raising funds under **“Vulnerable and Abandoned Prisoners Support Initiative”**. We had already provided daily use items i.e. **(detergents, washing soaps, toothpaste, toothbrush, hair oil, shaving razors, & comb)** on **8th March 2021** to vulnerable and abandoned prisoners housed in one of the prisons of Pakistan in the month of April this year. We wish to make more such like donation drives to **7617 prisoners** including children, & women facing death penalty & life-imprisonment across Pakistan. ***Help us with this initiative if you can!***
- Trial court of Sialkot district of Punjab province sentenced 14-year-old juvenile to life imprisonment. The court also imposed Rs. 2,00,000 worth of fine. The juvenile offender will serve additional six months in prison on nonpayment of fine. We suggested that juvenile should not have sentenced to life imprisonment by the trial court considering the age of the juvenile considering Article 37 of CRC that prohibited the awarding of the death penalty, and life imprisonment without the prospect of parole to minors in conflict with law. The trial had been conducted by the ordinary criminal court because to date not a single exclusive court across Punjab established considering section 4 of JJSA. Thus, we urged the government to establish exclusive juvenile courts across Pakistan-- where child-friendly and conducive environment likely to be observed during judicial proceedings considering international norms.²⁷
- Session on the implementation of JJSA 2018 will take place on **26th June 2021** in Hafizabad district of Punjab in collaboration with JJC of **LBA**.

²⁷<https://tribune.com.pk/epaper/news/Lahore/2021-06-10/MzdIZTg2OWFhMTgwZDQxNjIjNDU5NzIxYWfkNGRmZjcuanBlZw%3D%3D>



- **LAW** signed an open letter, urging the **U.K.** government to ensure that street-connected children are not left behind as the world responds to and recovers from the pandemic.²⁸

END

²⁸ <https://www.streetchildren.org/idsc2021/sign-our-open-letter/>

JUVENILE JUSTICE NEWSLETTER

August 2021 Edition

LAW would like to pay its gratitude to Hafizabad Bar Association, District Press Club Hafizabad, Punjab Inspectorate General of Police for their active participation in the session that was held last month on juvenile justice in collaboration with Juvenile Justice Committee of Lahore Bar Association. We would also like to thank District Probation Officer Hafizabad guided and assisted us in that session. (Group photo of the participants placed below)

This edition will precisely include latest news that we traced out in late June, and during the month of July related with minors in conflict with law. Furthermore, this edition will provide brief information on establishment of an authority by the incumbent government in partnership with the Ministry of Human Rights to provide legal and financial assistance to poorest of poor people in criminal cases.

RECENT PAST NEWS:

- **A (8)** and **Z (10)** both residents of *Baddu* village arrested for allegedly murdering their friend and sent them to prison on 14th July 2021. **LAW** urged I.O to investigate the matter in accordance with **JJSA** and their guardians as well as concerned probation officer under **section 5** of JJSA to be informed about their arrest. The I.O of the case is also urged to seek social investigation report under **section 7** of JJSA and in conformity with United Nations Minimum Standards Rules for the Administration of Juvenile Justice (*The Beijing Rules*) from the concerned probation officer.²⁹



²⁹https://epaper.dawn.com/DetailNews.php?StoryText=29_06_2021_177_002

- A child (14) in photo arrested on suspicion of murdering his real sister (7). Despite JJSA in place police & media houses released this photo in sheer violation of section 13 of the said law that required identity of minors in conflict with law to be kept secret and protected. **LAW Pakistan** appealing to the government to ensure strict compliance of section 13 of JJSA that in its spirit required identity of minors in conflict with law or said to have infringed any penal law not to be disclosed at any level not even during investigation. We urged the **PEMRA** and Federal Investigation Agency/Cyber Crime Wing to take necessary steps against violators that publish and disclose identity of children in conflict with law on social media, and channels.³⁰



This photo is copied as it is from social media.

- In pursuant of the decision taken by the National Juvenile (policy meeting) Committee and in exercise of power under **section 19 of JJSA**. The Home Department of Sindh has established **JJC** for Sukkur Sessions Division. We thank our partner organisation **MRDO** for its efforts of making this happen in Sukkur Sessions Division with the support of government officials. This is reminding you that such like committees have already been established in all Sessions Division of Punjab under section 10 of JJSA. Under JJSA such likes to consider cases involving minors in conflict with law in offences carrying simple imprisonment up to ten years.

³⁰<https://www.urdupoint.com/daily/livenews/2021-07-17/news-2858426.html>

- It is brought to our knowledge that on **3-7-2021** the Judicial Magistrate of *Deepalpur* (municipality of *Okara* district of Punjab province) had directed the probation officer of district *Okara* to admit the juvenile offender to rehabilitation center or to reformatory center (if any notified by the government) for pre-trial detention as he was no longer required for investigation by the police. It is to remind you that no rehabilitation center or reformatory center under JJSA until the time of edition have been notified by the government under JJSA separate from ordinary prisons. It is likely that juvenile offender had admitted to ordinary prison i.e., **(Okara District Prison)** for pre-trial detention since there was not a single active rehabilitation center across Punjab. Thus, **LAW** urge the government to notify rehabilitation center (s) across Pakistan as warranted under JJSA, and under *The Beijing Rules* that required juveniles must be not incarcerated instead placed under close supervision or intensive care for their rehabilitation.
- **Appeal for donations:** we're trying to raise donations for the education of a boy-- who had been arrested and charged with blasphemy in 2016 when he was 16-year-old. Now he has released from prison on bail and still standing trial. That boy since his release from the prison has been trying to re-integrate in the society by reviving his education. The boy hails from the lower strata of the society. **Further information will be provided on request.**
- **Legal Aid and Justice Authority** set up in Pakistan to provide legal and financial assistance to poorest of poor in criminal cases. The authority is established under the Ministry of Human Rights in collaboration with Law and Justice Commission of Pakistan.³¹ **LAW** applauded this step; however financial and legal assistance should reach to most deserving people including minors facing criminal charges i.e., blasphemy.
- **Pakistan** has an obligation to criminalises torture, but it is shocking that there is currently no existing law in Pakistan which criminalises or explicitly defines torture. **LAW** is pleased to learn that the Senate of Pakistan passed a bill which will treat custodial deaths as heinous as other penal offences embodied in Penal Code of Pakistan. However, in our view Law of Evidence (**Qanoon-e-Shahadat 1984**) also to be considered for amendments because in custodial deaths and/or human rights violations cases burden of proof must be reversed. A new provision should be introduced in the **Evidence Act/ Qanoon-e-Shahadat 1984** reversing the burden of proof regarding human rights offences. Additionally, a senior judge, if not a high court judge, should conduct the inquiry into the death in custody. It is too big a matter for the poor magistracy. The burden

³¹<https://tribune.com.pk/epaper/news/Lahore/2021-07-12/YjhmYjljNzQzMzgZMTA4ZDE2ZDVkODZlMDU2YjU0YWluanBIZw%3D%3D>

of proof should lie on the police. It should reveal the causes of death immediately. **LAW** is aware of instances, where minors in conflict with law either murdered in custody of police by the police themselves or lynched by violent mobs' cases unfolding public outcry i.e., blasphemy. For instance, *Muhammad Rizwan* was killed in custody of police in November 2017 in Lahore against which **five** police officials found guilty of murder in the judicial inquiry. However, later acquitted of a murder charge by the trial for 'want of evidence'.³²

- **LAW** is delighted to collaborate with “*Interfaith Prison Partnership*” on ‘**Adopt-A-Prison**’ slogan.

UPCOMING EVENT:

- **LAW** in collaboration with Juvenile Justice Committee of Lahore Bar Association have planned “**Media Sensitization Session on Juvenile Justice in Faisalabad**” on 31st July 2021 at Press Club”.

RECENT PAST EVENT:



Group photo of participants in the session on JJSA 2018 held on 26th June 2021 at Hafizabad district Punjab.

END

³² <https://www.dawn.com/news/1634687>

JUVENILE JUSTICE NEWSLETTER

September 2021 Edition

LAW would like to pay its gratitude to Faisalabad Bar Association, District Press Club Faisalabad, policemen from the Office of District Police Faisalabad (D.P.O) for their participation in the session that was held last month with media on juvenile justice with an objective of raising the awareness and understanding of media houses, and associates of media on **“Disclosure of Identity”** with reference to **section 13** of JJSA.

RECENT PAST NEWS:

- **Youngest** child ever charged of blasphemy in Pakistan which can carry the death penalty. A child belonging to **“Hindu”** background had been accused of intentionally urinating on a carpet in the library of a madrasa, where religious books were kept, last month.³³ Despite carrying the death penalty not a single execution had taken place on basis of blasphemy since the introduction of **blasphemy as an offence in 1985 under General Zia’s regime**. However, individuals accused/convicted of blasphemy either killed by the violent and charged mobs comprised of the radicals or they found dead in custody of police under suspicious circumstances.



A violent mob gathered for killing a child.

- A child aged **(13)** had been allegedly charged with raping nine-years-old boy in Islamabad (Capital City) of Pakistan. **LAW** appealing to the authorities and police to conduct investigation in accordance with JJSA with the involvement of the concerned probation officer and without obtaining DNA profiling/report child charged of committing sexual activity should not be confined in ordinary prison regulated under **Pakistan Jail Manual 1978** having said that meant

³³<https://www.tribuneindia.com/news/schools/8-yr-old-hindu-boy-becomes-youngest-person-charged-with-blasphemy-in-pak-295225>

‘**identity of arrested child**’ also to be protected by the police & media in fulfillment of **section 13** of JJSA 2018 at any stage of the investigation.³⁴



A child 13-year-old is arrested for raping a nine-year-old boy.

RECENT PAST EVENT (S):

- On 31st July 2021, **LAW** in collaboration with **District Press Club Faisalabad** had planned a session with media persons to sensitized them on the application of section 13 of JJSA that required that identity as well as other private information of children in conflict with law said to be protected, and disclosure of identity by any agency/authority or individual may serve simple imprisonment up to three years.

³⁴ <https://www.urdupoint.com/daily/livenews/2021-08-09/news-2873029.html>



ACCOUNCEMENT:

- We're proudly announcing that **LAW** initiated a new project on women facing the death penalty and life imprisonment across Pakistan. **LAW** will provide *pro-bono* legal assistance to women in need of legal representation to establish their innocence. Our current project on children in conflict with law or said to have committed an offence punishable by the death penalty & life imprisonment will also stay active, as it is going on since **2017**.

END

JUVENILE JUSTICE NEWSLETTER

October 2021 Edition

This is the tenth edition of our **JJN**. At glance, through this edition **LAW** would like to pay its humble gratitude to *President Sialkot Bar Association*, District Police Officer Sialkot (D.P.O) for nominating officials to our awareness-raising session in Sialkot district of Punjab province on **4th September 2021**. Awareness-raising session was inaugurated by the President of Sialkot Bar Association who opined that “no prior attempt had been made to have this kind of open discussion on juvenile justice in Sialkot”.

RECENT PAST NEWS:

- **National Commission for Human Development** in collaboration with **Punjab Prisons Department** had launched a program that would allow prisoners particularly unschooled to receive preliminary education inside prison walls. The notification that had been issued by the office of **Inspectorate of Prisons Punjab** read that **01 center** in district prison, and **02** in **central** prisons. *It is to remind you that in Punjab there are 41 prisons some are central, and others are district prisons housing 40,000 prisoners altogether.*³⁵
- A child was arrested on suspicion of killing his friend (**aged 14**) from Lahore. The police alleged that the arrested child wanted to marry a girl that had a relationship with deceased.³⁶
- It is brought to our knowledge that the *Punjab Probation & Parole Service* revised the draft rules under JJSA and resent it to the **Secretary Home Department** for its approval.

APPEAL FOR DONATIONS:

- We share with you in sheer grief that a man (**62**) whom we provided *pro-bono* legal assistance under our project on saving individuals (adults) from gallows had been sentenced to death penalty on **13th of September 2021** by the trial court. The trial court in sheer violation of United Nations Declaration on Human Rights and domestic substantive criminal law found him culpable of an offence that until the time of this edition from the day of its introduction in **PPC** had been mis-used against marginalized, and vulnerable communities in Pakistan. Considering this development **LAW** has been appealing for *donations* for contesting his criminal appeal under **Section 410 of CRPC** against the judgement, and order of the death penalty in the High Court for saving him from going to barbaric gallows. *Note: “M” has been abandoned by his family in*

³⁵https://e.dunya.com.pk/detail.php?date=2021-09-08&edition=LHR&id=5762108_94150601

³⁶https://e.dunya.com.pk/detail.php?date=2021-09-22&edition=LHR&id=5779581_42311897

apprehension of getting lynched from the hands of any charged and violent mob instigated by the radical, and fanatics.

RECENT PAST EVENTS:



Participants actively taking apart in session.

- Participants suggested in **Sialkot** on **4th September 2021** that the police to carefully investigate alleged crimes by juveniles.
- To protect the identity of accused juveniles, to hold juveniles in rehabilitation facilities rather than adult prisons, to criminalize torture by police and prison staff.
- That to place the burden of proof on officials in the case of deaths in custody. On top of everything, *“the President of Sialkot Bar Association suggested that such like sessions to be planned frequently across Pakistan having participation from stakeholders because seeking before implementation of the law for the protection of juveniles awareness level of the stakeholders required to be increased for effective implementation of the law at all levels of criminal justice system.”*

END

JUVENILE JUSTICE NEWSLETTER

November 2021 Edition

This is the eleventh edition of our **JJN**. At glance, we would like to congratulate our partner organization (**MRDO**) for having a successful session in Shikarpur district of Sindh province on **29th September 2021** with stakeholders on juvenile justice in collaboration with District Commissioner Office, **Shikarpur**. The session had participation from **Shikarpur** as well as from **Khairpur** divisions stakeholders. In the wake of delta wave of the Covid-19 pandemic in Sindh and across Pakistan **Executive Director of LAW Pakistan** had participated virtually and presented developments and happenings that had taken place in the field of justice with children in Pakistan.

RECENT PAST NEWS:

- **National Commission for Child Welfare and Development (NCCWD)** while acting upon the petition submitted by **LAW** had issued a directive notification dated **27th September 2021** to **PEMRA** (*Pakistan Electronic Media Regulatory Authority*), and **(PCP)** *Press Council of Pakistan* to avoid disclosure of identity of children said to have infringed any penal law. The notification had also directed four Inspectorate Generals of Police to submit report to the office of (NCWC) on measures and steps taken for observing section 13 of JJSA that prohibited disclosure of identity of children those said to have committed any offence. **(Bare text of JJSA is available at: <https://legalawarenesswatch.com/>)**
- A child of **nine years** of age has been languishing in jail for more than a month. He was denied post arrest bail by the trial court of **Rahim Yar Khan** district of Punjab province last month. It is to bring in your knowledge JJSA 2018 provided bail is to be given as a right to children said to have committed any penal offence where their age is less than or up to 16 years.³⁷



Child in jail cell.

³⁷ <https://www.dawn.com/news/1649259>

- To mark the international day against the death penalty **LAW** held a small level meeting with its members, and volunteers in Lahore on **10th October 2021**. The objective of the meeting was to repeat its affirmation, and commitment against the use of the death penalty against the children, women and vulnerable.
- The law Ministry of Pakistan in its Criminal Law Reforms has proposed that the death penalty to be abolished for **two offences**. Presently, there are 33 offences in Pakistan those carrying the capital punishment. The Ministry of law suggested that section 9 C of Control of Narcotics Substance Act 1997 and Railways Act 1890 to be amended and prescribed punishment of death penalty to be replaced with “**remainder of life**.”³⁸ **LAW** hoped that if this amendment occurs children that we had identified in **Volume II** of our research survey this year **2021** will likely to be benefitted as a result of proposed amendments to penal code of Pakistan.³⁹ The government of Punjab has decided introducing reforms in decades ago prison culture. Under plan prisoners’ barracks will likely have dish antennas/cable facility. Similarly, timely payments/salaries to prisoners working in jails will also be ensured.⁴⁰
- We like to refresh your memory that male prisoners those sentenced to ten years or more of incarceration to stay with their wives, and children for three days after every three months for which single bedding suites have been installed in the province Punjab in prisons of Multan, Lahore, Faisalabad, and Rawalpindi. It is not to forget that the model of conjugal rights of prisoners initially introduced in the Islamic Republic of Iran and thereafter the **Federal Shariat Court of Pakistan** opined in its one of the judgements in **2008-2009** that people in custody deserved to have conjugal rights facility.
- One of the boys who has been receiving *pro bono* legal assistance from **LAW Pakistan** is still facing pre-trial detention as the prosecution until the time of this edition of newsletter had not adduced evidence in the trial court against him even though the trial is to be completed within six months from the day of the arrest of a child as per JJSA 2018. **Note:** *We had identified this boy during jail visits across Punjab in connection with **Volume II** of our research survey this year 2021. He was arrested on charges of blasphemy that he denied committing the complainant implicated him with whom his family had financial dispute.*

³⁸<https://tribune.com.pk/story/2324221/death-penalty-on-two-offences-may-be-abolished>

³⁹ **Volume II** is available at: www.legalawarenesswatch.com

⁴⁰ <https://www.thenews.com.pk/print/896106-cm-reviews-progress-on-jail-reforms>

RECENT PAST EVENTS:



Photo of session held in Shikarpur district of Sindh province on justice with children on 29th September 2021.

APPEAL FOR DONATIONS:

- We're renewing our appeal for donation (s) for helping a convict **(62)** on the death row whom we had provided *pro-bono* legal assistance under our project on saving individuals from gallows who had been sentenced to death penalty on **13th September 2021** by the trial court. The trial court in sheer violation of United Nations Declaration on the Human Rights and domestic substantive criminal law found him culpable of an offence that until the time of its insertion in **PPC** had been mis-used against marginalized, and vulnerable communities living in Pakistan. Considering this development **LAW** has been appealing for *donations* for contesting his criminal appeal under **section 410 of CRPC** against the judgement, and order of the death penalty in the High Court for saving him from going to barbaric gallows. *Note: "M" has been abandoned by his friends, and family in apprehension of getting lynched from the hands of any charged and violent mob that actively pursuing the case on behalf of the complainant. For further reading visit links provided in the footnote.*⁴¹

END

⁴¹ <https://www.thenews.com.pk/tns/detail/896774-no-end-in-sight>
<https://aequitasreview.org/pakistans-blasphemy-law-by-sarmad-ali/>
<https://dailytimes.com.pk/104914/the-state-of-blasphemy-in-2013/>

JUVENILE JUSTICE NEWSLETTER

December 2021 Edition

This is the twelfth and last edition of this year (2021), however we'll continue this initiative next year (2022) and after this edition next edition will be issued in January (2022). At glance, we would like to pay our humble gratitude to participants and departments who had attended our session on child justice that held in **Jacobabad** district of Sindh (which is on the bordering of *Balochistan* province of Pakistan in November 2021. Before the end of this year, **LAW Pakistan** will hold its last awareness-raising advocacy session on child justice in Sindh with stakeholders. We'll share further details on request.

RECENT PAST NEWS:

- **LAW Pakistan** providing *pro bono* legal assistance to an individual (who appeared to be a child) has been standing trial on criminal charge under Pakistan Penal Code 1860 despite being deaf and dumb. Our volunteers found out that his brothers and their wives (sister in laws) deviously implicated him to get rid of him in collusion with the complainant. *Pro bono legal* team of **LAW Pakistan** hoping that **"A"** will be transferred to mental hospital from prison considering **section 84⁴²** of PPC1860. ***Help us if you can for supporting him.***
- **LAW Pakistan** contributed a blog entitled as ***"Unearthing the facts about children facing the most severe penalties in Pakistan"*** linked to the World Congress on justice with children that took place virtually this year in November 2021. We thank **Penal Reforms International (PRI)** for its assistance with respect to this publication. ***Bare text available at:***
https://www.google.com/search?q=unearthening+the+facts+of+children+by+sarmad+ali&rlz=1C1SQJL_enPK973PK973&oq=&aqs=chrome.1.69i59i450l8.312248638j0j15&sourceid=chrome&ie=UTF-8

SALIENT FEATURES:

- There are 106 prisons in Pakistan under the responsibility of the Ministry of Interior, which are subordinately controlled and administered by the Home Department in each of the four provinces of Pakistan (Punjab, Sindh, Kyber PaktunKhaw, and Balochistan). The research conducted by **LAW Pakistan** targeted a total of 20 prisons over two years: 10 prisons in Volume I in 2020 (5 each from Punjab and Sindh provinces) and the same number of prisons from each province in Volume II in 2021.

⁴² Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

TRENDS IDENTIFIED IN RESEARCH:

- **Age determination of children:** The children facing the death penalty or life imprisonment identified in the research fall in the age scale of 10 to 17/18 years old. However, owing to inadequate age determination procedures in the criminal justice system, anybody could be considered an adult and some children (under 18 years of age) had been considered and treated as an adult. We underlined the importance of ensuring that appropriate age determination by the police/investigation agency should be mandatory, to curtail the arbitrary power and discretion of the police and other actors of the criminal justice system that rely solely on how old the individual looks. Rather, evidence of a person's age should be sought from the individual, their guardian, or others, and considered during the investigation.
- **Probation/social welfare officers:** Under Section 5 of JJSA the police/investigation officer must inform the concerned probation/social welfare officer, as well as the child's guardian, about the arrest of a child. However, of 87 cases that we assessed in Punjab, we found that a probation/social welfare officer had only been involved in the judicial proceedings in one single case, and not in any cases in Sindh. In response to this finding The Punjab Probation and Parole Service Department stated that this "omission on part of the police/investigation agency has rendered juvenile justice system of Pakistan ineffective and unworkable." In line with our observation and findings, it has been said that the social welfare system across Punjab, Sindh and other parts of Pakistan lacks 'proactive initiative taking capacity' which might be due to a lack of capacity building training workshops and/or awareness on child justice issues and the JJSA. Thus, both the police/investigation agency and the social welfare system have both contributed to anomalies in the child justice system, which highlights the need for training and capacity building among social welfare officers, in line with international norms.
- **Children and blasphemy:** We identified a child in Punjab who was facing blasphemy charges under Article 295 B of PPC 1860. He was arrested on charges of blasphemy in 2020 and remained in prison without a fair trial.
- **Drug trafficking:** We identified 2 children in Volume II (1 in each province) facing drug trafficking charges under section 9-C of Control of Narcotics Substances Act 1997 (CNSA), suggesting that children in such cases had been used to sell, carry, or transport drugs. "Drug lords" across Pakistan sometimes induct children into the illegal drug trade, knowing that children – if arrested and determined to be under 18 years of age – would not be sentenced to the death penalty by the courts.

- **Very serious charges:** In Volume II across Punjab, we noted that most children identified in the research faced charges of murder under section 302 and rape under section 376 of PPC 1860: 14 children faced charges of murder and 4 of rape in Punjab, while 11 faced charges of murder and 2 of rape in Sindh. Under such charges, they are precluded from accessing bail. Moreover, based on our findings and direct interaction with the children involved, a trend was identified across both provinces whereby children were either used as tools or prompted by adults (often co-accused in the case) to commit these offences. For example, one boy we met claimed that he was instigated by his father to kill his mother. It is widely acknowledged that children – due to their youth and developmental stage – do not have sufficient mental propensity to realize the full consequences of their actions; thus, studies found that they could be easily instigated and led by adults in line with their criminal intent.
- **First offences:** We noted that the children detained in prisons that we identified in the research were there as the result of a first offence, having no prior history of offending. Most also had an adult or adults as their co-accused – as described above, this suggests that children are generally used as tools by adults to commit criminal offences on their behest.
- **Mental health:** We identified a child who was facing trial and had been indicted, despite his mental health condition, and was later transferred to a mental health hospital following a medical report prepared at the direction of the trial court. Here we submitted that during investigation the police/investigation agency must seek a medical report/medical health condition from the concerned hospital before admitting a child or even an adult to judicial custody; they should instead be transferred to a mental health facility upon arrest or when found to be mentally unwell during the investigation. It is unfortunately likely that many more similar cases could be ongoing across Punjab and Sindh of children in prisons with unidentified or untreated mental health issues.

PHOTO:

Participants actively taking apart in awareness-raising advocacy session in Jacobabad on child justice.

END**Help us if you can!**

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Branch Name: District Courts, Lahore.