



# Towards Juvenile Justice

Learning from Pakistan

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**Save the Children**  
Sweden



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**Angela Coleridge  
& Ghulam Qadri**

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**Save the Children**  
Sweden



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Save the Children works for:  
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A world which listens to children and learns,  
A world where all children have hope and opportunity.

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<b>Authors:</b>	Angela Coleridge & Ghulam Qadri
<b>Project Leader:</b>	Syed Mehmood Asgher
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## Acknowledgements

At the heart of this report are the juvenile prisoners in Pakistan and the personal stories that have brought them into conflict with the law. This book is therefore dedicated to them and to all children who are vulnerable to infringing the law and being deprived of their freedom. In speaking out about their experiences, they have made it possible to improve the lives of detained children in Pakistan and advocate effectively for justice. We thank each for their contribution.

Reaching juvenile prisoners, and effecting change in their lives, has been the work of committed organizations. This book has been shaped by these organizations. Representatives from among them have formed a reference group which has provided information, shared critical thought, arranged visits with stakeholders, and deepened the analysis. We warmly acknowledge their role and thank them. In particular we would like to thank Dr. Muhammad Tufail from the Pakistan Pediatric Association (PPA), Mr. Arshad Mehmood from SPARC and Coordinator of the Juvenile Justice Network, and Mr Akbar Ali from Aurat Foundation.

The Ministry of Law, Justice and Human Rights (MoLJHR) has played a central role. Our thanks to Mr. Mashhood Ahmad Mirza, Deputy Director, Mr. Habibullah Khan Khattack, former Deputy Director, and Mr. Rahat Ali, Coordinator of the Rehabilitation of Juvenile Prisoners Project, for their active participation in the reference group. A valuable visit was made to the Adolescent Training Centre (ATC) in Haripur, and our thanks to the psychologists and teachers working there, especially Waqar Hussain. A visit was also made to Dar-ul-atfaal and we would like to thank the staff for the richness of that experience. In all this, our thanks to the director of the MoLJHR, Mr. Shah Zaman for supporting these visits and arranging meetings with law enforcement departments.

Juvenile justice essentially rests in the hands of the law enforcement officers. This programme has increasingly involved them and built their capacity. Their voices in this book are therefore of enormous importance, for it is through and with them that the changes come about. Our gratitude goes to all who have been involved in any way with this programme. In particular we would like to thank the City Capital Police, Peshawar, especially IG Police, DSP Mohammad Rafique, and Inspector Khan Raziq; the Probation Department in NWFP; and the Police Training Colleges NWFP and Sindh, and especially Mr. Saud Mirza, Ex-DIG Training Sindh Police, and Mr. Abdul Waheed Khan, Ex-Deputy Commandant PTC Hangu. The book has also been able to draw on the reports of training sessions with prison staff and juveniles and we would like to thank all who took part in these workshops from the district jails in Haripur, Abbatobad, D.I.Khan, Kohat, Bannu, Chitral, Swat and Timergara.

This research and documentation was conceived and promoted by Lisa Lundgren, Save the Children Sweden Regional Representative in South and Central Asia. Our sincere thanks to her for her sustained support and encouragement, and to our Principal Trainer, Shereen Niaz for her thorough documenting of all her training workshops which have been invaluable. The entire juvenile justice programme, from its very beginning and through each step of its development, has been nurtured and guided by Mr. S. Mehmood Asghar, Country Manager, Pakistan. On behalf of everyone involved, we thank you, Mehmood!

**Angela Coleridge**

Program & Management Advisor  
Save the Children Sweden  
Pakistan

**Ghulam Qadri**

Advocacy and Information Officer  
Save the Children Sweden  
Pakistan

## Preface

UN Convention on the Right of the Child (UNCRC) has set standards for protection of children in conflict with the law. It provides for the judicial process to treat the child in a manner consistent with the promotion of his or her sense of dignity and worth. The Convention opposes depriving the child of his or her liberty. It emphasizes, “The arrest, detention or imprisonment of a child ... shall be used only as a measure of last resort and for the shortest appropriate period of time.”

Pakistan ratified the UNCRC in 1990. But translating this political commitment to action was not an easy task. It was a long process, which needed persistence and patience. The existing judicial system in the country was contrary to provisions of the UNCRC: the Pakistan Penal Code stipulated minimum age of responsibility as seven years; laws lacked uniformity in defining the age of the child; awarding capital punishment to the child was permissible under the law etc. Inside the prison the young people were held in appalling conditions: physical and humiliating punishments, poor food, extreme overcrowding, sexual abuse and depression were common. Jails were highly safeguarded places where any interventions from the outside were looked at with suspicion.

In this context Save the Children Sweden began its juvenile justice programme from Peshawar jail in 1994. It started with providing some stimulation, recreation, health and nutrition support to children living with mothers in jail. Gradually the programme was extended to the juvenile prisoners. The programme was allowed to take its own pace and direction; no rigid process or targets were fixed. Whenever valid suggestions for change came, those were accepted, e.g. while working with young people in jail and jail staff it was identified that the vicious circle of abuse of rights of the children in conflict with the law start at the police station, so a project to develop a model police station alive to the child rights was initiated. In training sessions with staff at the police station it was suggested that desired impact cannot be achieved without extending the project to all police stations in the district. The project was amended accordingly. Again the trainees from police identified the need for involving Parole and Probation Officers and Police Training College. The change was incorporated accordingly.

This openness to change gave the programme a holistic profile and in the process a successful model with wide-ranging impact for children in conflict with the law was developed. The programme is now being replicated in Balochistan province of Pakistan. The most significant turn in the programme was collaboration with the Government. The Ministry of Law, Justice and Human Rights joining as implementing partner increased both pace and impact of the programme. This proves beyond doubt that public private partnership can speed up the reform process.

In the following pages an attempt has been made to document the process and learning from the programme which will give its readers a sense of how the programme progressed. It also suggests a step-by-step plan to replicate the programme. We hope development practitioners, particularly those working in socio-cultural environments similar to Pakistan, will find this document a useful reference to develop initiatives for protecting the rights of children in conflict with the law.

**Syed Mehmood Asgher**

Country Manager  
Save the Children Sweden  
Pakistan Programme



Juvenile Justice is a system of law that aims at promoting the well-being of children below the age of 18 who come into conflict with the law, and diverting them from the criminal justice system.

It provides for an approach to justice which takes into full consideration the circumstances of the child and the offence. It is committed to the protection and rehabilitation of these children, and setting up mechanisms which promote the best interests of the child.



# INTRODUCTION

## Purpose and scope of this report

The purpose of this report is to document and publish the experiences learned by Save the Children Sweden and its partner organisations, in their interventions to improve the Juvenile Justice system in Pakistan. Its aim is to understand the process it has supported, how this has improved the overall situation for girls and boys in conflict with the law, and what should be the next steps for its juvenile justice programme. It seeks to promote the good work and share the lessons learned over the last decade. Such documentation has the scope to inform and inspire other organisations in the South and Central Asia Region, and elsewhere in the world depending on their situation, and to initiate similar programmes in their respective countries. Documenting this project, especially its good practices, will be a useful contribution by Save the Children Sweden toward the UN Global Study on Violence against Children.

## Outline of Save the Children Sweden's support for Juvenile Justice

Save the Children Sweden has been working with child rights in Pakistan since 1990. Juvenile justice has been one of the most violated areas of child rights in the country, with abuses and disregard for fundamental human rights at every stage of criminal procedure. Save the Children Sweden was the first international organisation to respond to the needs of girls and boys in conflict with the law in Pakistan.

Initially the purpose was to reach girls and boys in prison and improve the quality of their lives. Since 1994 Save the Children Sweden has worked with local partners who were actively committed to the protection of child rights. Over the next ten years these partnerships have changed and evolved, making it possible to develop educational programmes, computer centres and libraries for the children in jail. These initiatives opened the way to sensitising and training the jail staff. The increased interaction with juvenile prisoners and jail authorities identified a need to sensitise the police force on child rights and human rights. Training of police officers then became part of the programme development. This training led to identifying other major duty-bearers, in particular the police training college and the probation & parole officers in NWFP. Thus, by progressively identifying and training key duty-bearers, the programme has steadily strengthened and expanded.

There have been two recent developments that have been of particular significance. The first is an initiative by the Regional Directorate of the Ministry of Law, Justice and Human Rights (MoLJHR) to improve the overall situation of juvenile prisoners in the NWFP jails. The other is the establishment of a Juvenile Justice Network (JJN), an advocacy network of six governmental and non-governmental organisations working on juvenile justice in the NWFP.

## Method of investigation

This programme has evolved over time, and continues to do so. There is therefore no original overall plan. Committed individuals and their organisations were constantly seeking to identify duty-bearers and build their capacity so that positive changes could be made in the juvenile justice system. The tool for investigation therefore needs to trace the steps which have led to an expansion and strengthening of the programme.

There have been three investigative approaches in assembling the material for this documentation. The first was to review project documents, to look for emerging initiatives and what prompted them. One particularly rich source of documentation has been the reports on training workshops. These were meticulously written up by the Save the Children Sweden principal trainer and provided some of the quotes used in this report. A second approach was to have open-ended interviews and focus group discussions with representatives from the different duty-bearers and with juvenile prisoners. These took place in October 2004, and offered an opportunity to review programme development, and to explore further developments and models of protection. A third approach was to convene a reference group of individuals from partner organisations, to reflect on the development of the documentation and to guide its progress.

This is a qualitative research investigation where insights into processes are of great importance. Such research is ongoing, with deeper levels of understanding becoming available as it progresses. This is therefore a document which belongs within an evolving process, it is not a finite statement, but is offered as another window into our understanding of the plight of girls and boys in conflict with the law, and the changes that are happening to improve their situation.

## The layout of this report

There are five parts to this report.

**Part 1** confronts the reader with the realities of life in jail for juvenile prisoners. It tells the stories of four juveniles, and the circumstances that put them behind bars. All the material for this section was collected directly from juvenile prisoners, during visits to prisons and at workshops for released juvenile prisoners.

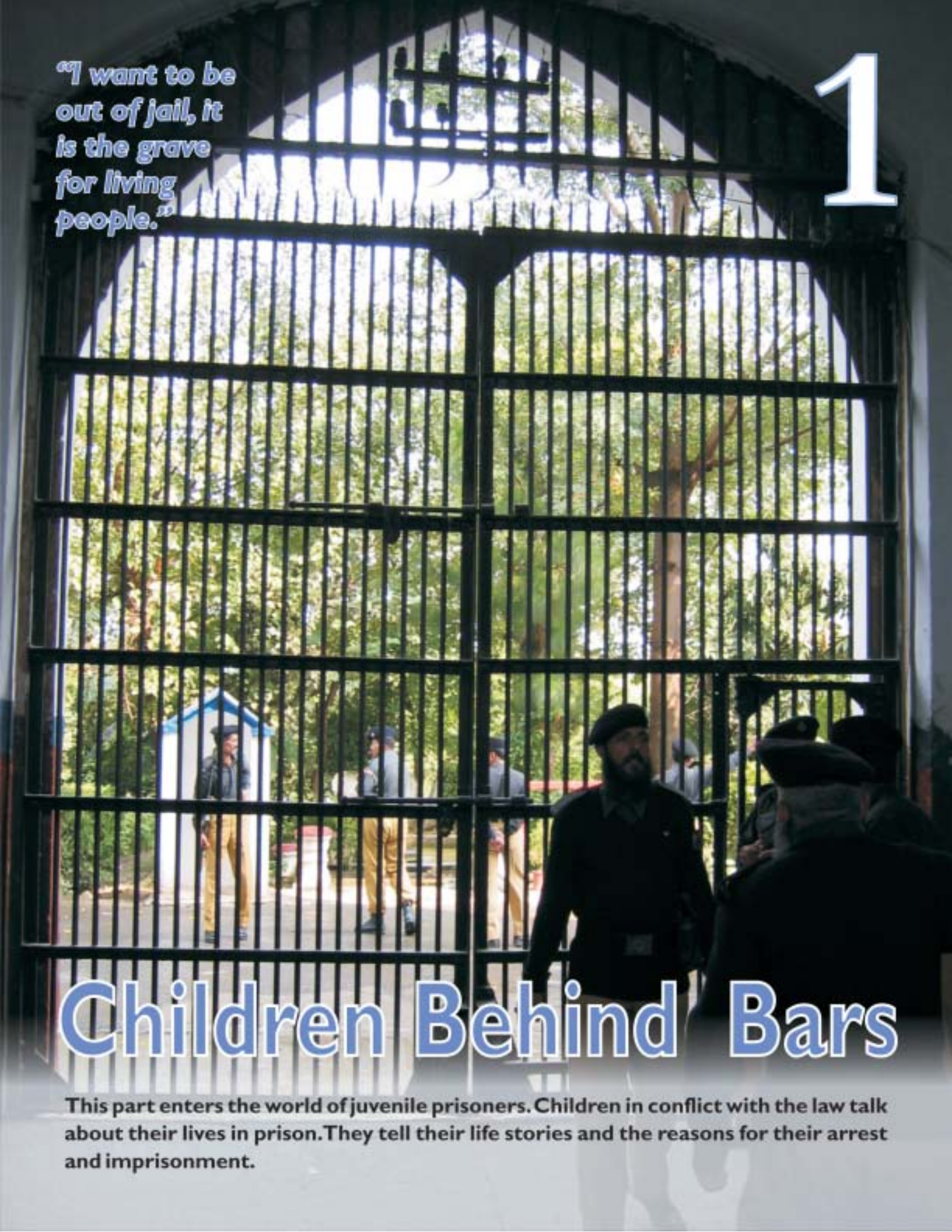
**Part 2** gives the background to juvenile justice in Pakistan, the situation for children and the significance of different laws. It draws on a variety of specified documented sources.

**Part 3** tells the story of the interventions which have taken place in the history of this programme. It looks at how and why each new intervention was started and what impact it then had on the evolving programme. It has been put together through a long process of discussion within the reference group and among programme staff.

**Part 4** explores the strengths and challenges in this programme, and the key learning that has resulted. It has drawn its data from the interviews, focus group discussions and training workshop reports, and has been further shaped by the reference group.

**Part 5** offers recommendations for developing this programme further, and suggests guidelines for replication. It has drawn on the suggestions made by duty-bearers and juvenile prisoners during the interviews and discussions, and on the discussions with the reference group.





"I want to be out of jail, it is the grave for living people."

1

# Children Behind Bars

This part enters the world of juvenile prisoners. Children in conflict with the law talk about their lives in prison. They tell their life stories and the reasons for their arrest and imprisonment.

## LIFE IN JAIL

Separated from their families, their homes and their communities young prisoners in jail are unprotected and locked into a violent world. This separation is deeply traumatic, “We feel loneliness like a bird put in a cage.” Shut in with adult prisoners and prison guards, they can be harmed and abused in numerous ways. “My tongue was there but I could not speak, my eyes were open but I could not see anything, and my ears were only to hear orders”.

Physical and psychological punishment is routine, and meted out by both the jail staff and *shin posh*. The *shin posh* are adult prisoners entrusted with administrative responsibilities in the jail. They are usually hardened criminals serving long jail sentences and chosen for their powerful physique. They are more feared than jail staff. “My legs were always shivering from the beatings and from fear,” recalled a former prisoner. Witnessing such routine punishment added further distress, “always we were hearing the hue and cry in the jail, the beatings, pushing and kicking.”

Their first days in prison can be the loneliest and most distressing. “When we first arrive in jail it is the most difficult. We are afraid of sharing our thoughts with the other inmates. But gradually we can make friends. We become a family. We share our sorrows and joys, we support and care for each other. But still we miss our families and friends outside. We always wait for someone from our family to visit us.” If they are jailed near their homes they might receive a visitor once a week, but those far from home may have to wait a month or more.

There are few facilities in jail. Medical units are often short of medical staff and medicine. There are also health hazards with reported cases of TB and overcrowding. “The room we are in is too small, there are 65 of us and the room can only hold 30. It is suffocating. We can only stand, there is no room to sit or to sleep at night,” Summer months are particularly tough for these children. “When the electricity breaks down it is like a death sentence for us, as there is only one fan and if that stops we cannot even breathe in this crowd.”

Children are also expected to carry out hard manual work in the jail industrial units and jail compound, yet their food is often inadequate. They describe a diet of mostly ‘tasteless *daal*’ - cooked lentil seeds, which is served with *roti* - bread. “If visitors bring some food for one of us, jail staff or other adults in jail snatch it from him”, said a child. This generates a constant state of anxiety in the children. “I was so stressed and tense I could not sleep, and if I slept I had awful dreams. I was always wanting to run away,” said a former juvenile prisoner.

When children were eventually released, the sense of liberation was overwhelming. They felt “like a bird coming out of its cage and sent out to the big green fields where it can live happily with its own species.” But returning to their communities can be problematic. They can face rejection from those who were once their friends. “When I came out of jail initially I felt no problems. But gradually I realize parents would not let their children come near me. My friends from pre-jail days did not want to have anything more to do with me.”



*"We feel loneliness like a bird put in a cage"*



*"My legs were always shivering from the beatings and from fear"*



### **“I wanted to change the destiny of my family.”**

I dreamed of becoming rich. I was 16 years old, living in the summer resort of Abbottabad in NWFP. My family is very poor, but I was no good in my studies and I could not see any way out of poverty. My father had died when I was very young. My mother sewed clothes, but could not earn enough to support the family. We were always short of money. I was so unhappy with this situation. I thought I must do something to change the destiny of my family. I was desperate. I thought about my heroes in action movies and what they would do. I decided to kidnap someone rich and extort money.

I kidnapped an 8-year-old boy from my neighbourhood and hid him in a deserted building. I then contacted the boy's parents and told them to pay me Rs. 500,000 as ransom. The family agreed and arranged a meeting place, but they were luring me into a trap. They did not turn up and when I tried to contact them again, they said they had recognised me and would not be paying me any money, instead they would be informing the police. Suddenly everything had changed. I had to think quickly. I decided to put pressure on the family. I threatened I was going to hurt the boy. I took up a brick and hit the child, but the blow was much stronger than I had meant it to be and the child died instantly. Two days later the police arrested me and charged me with murder.

My case was tried in a speedy trial court set up for terrorist cases. After a week's trial I was awarded the death penalty for kidnapping and murder. However, I was able to challenge this decision in a sessions court, under the JJSO 2000 which prohibits the death sentence to anyone under 18, and my sentence was converted from the death penalty to 45 years imprisonment. I am now 19 and have served three years of my sentence. I had no feelings at that time. I was just doing what I thought was best for my family. Now I know I should never have hit the boy. He was innocent.

### **“I killed the boy”**

I am from Swat. I was sent to jail for murder, but it was an accident. I was just looking at a pig as he was being taken to the hospital. The police took me into custody and held me for three months. I would visit the courts but in all that time I was never presented to the magistrate. I was sentenced to five years imprisonment and a fine of Rs. 300,000.

I was moved from Swat to Haripur Jail and there I was able to file an appeal to the high court who had been bribed behaved well, but no-one from my family ever came to see me because I became the school monitor and member of the counselling group. This helped me get over my life is in danger. My family has had to sell their ancestral home and move to another place all this way to be at this consultation with released juveniles. The opposition party is searching

### “I had to find a way to save her”

I was in love with a girl from my town. I was 15 years old and lived in Mardan in NWFP. It was a happy, easy-going relationship. But then the girl's family came to know about it. Such a relationship is not acceptable in our conservative Pukhtoon society. Her family beat her severely and then hastily made arrangements for her to marry someone else. She insisted she would only marry me, but her family would not hear of it and continued with their plans for a marriage of their choice. She was not allowed to see me or to leave the house. We were desperate. She eventually managed to contact me through a friend, and we decided to elope.

I borrowed a friend's car and reached her home late at night when everyone was fast asleep. She was waiting for me. She heard the sound of the car's engine and secretly slipped out of the house. We set out on a journey we thought would bring joy and happiness. We drove to a hotel in Rawalpindi in Punjab and stayed there for three days. We then returned to a house in Mardan, which had been arranged for us by my friend. We were planning to marry, but fate had other things in store. Just a day before our marriage, the girl's family came to know where we were and arranged a police raid to arrest us. When I realised we would be caught, I could see how much danger we were in, for under Hudood law it is forbidden to have such relationships between girls and boys. To save her life I begged her to say that I had kidnapped her. She eventually agreed and I was arrested and charged with kidnapping.

My trial took three years. Finally the court awarded me a 33 years term in jail. Meanwhile she went free and accepted the marriage arranged by her family. I have now served five years of my sentence. During these years I have become a computer operator and I do have hopes for the future. My ambition is to become an inventor, designing machines which can run without fuel!

### “Killed a boy by accident”

stol. I did not know how to use it. Suddenly it went off and the bullet hit a boy. The boy died days. They punished me so harshly and tried to make me say I killed the boy on purpose. For te. None of my family ever came to the court and I could never find out what was happening.

and was released under section 319 because I killed the boy accidentally. In Swat jail the staff they were scared of the opposition party who are very strong and powerful. In Haripur Jail I ny worries and started me thinking about my life in a positive way. I was released last year but e. For me to just come out of my house is a big risk but I have done this today and have come ng for me and I am sure one day they will find me. Now I am all the time on the run.



### **“My choice of company failed me.”**

I am now 23 years old and come from a poor family. My father is a watchman at a doctor's residence in Dargai Kharkai town of Malakand Agency, northeast of Peshawar. I was not very good in studies. I failed to pass the promotion exam for grade 3. I lost heart and dropped out of school. After a few months my father got me readmitted, but I dropped out again.

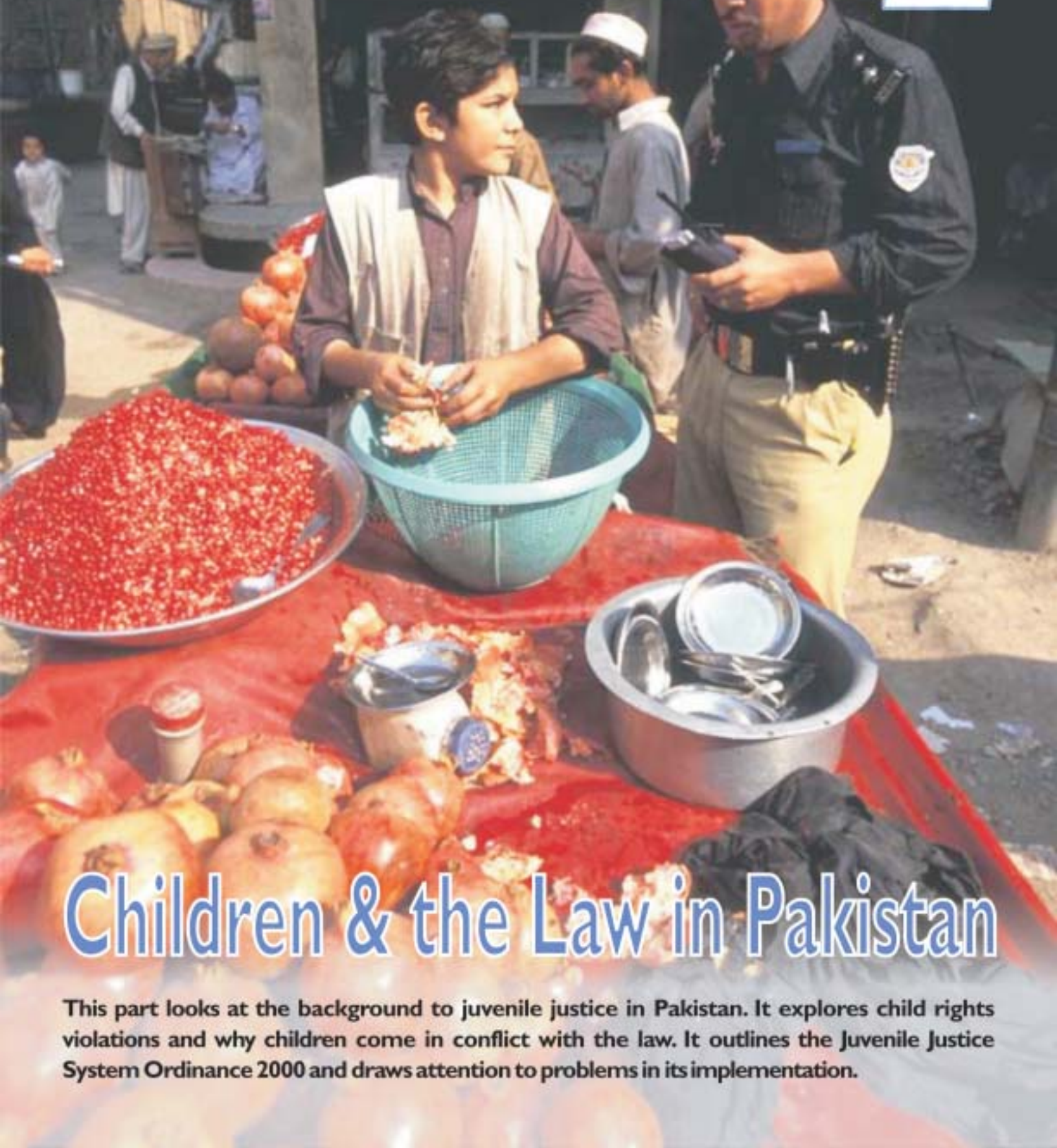
In 1994, when I was 12 years old, I started as a construction labourer. I had been working for 5 years when I joined construction work at the house of a local drug dealer. I got friendly with my employer and started supporting him in his underground business. One morning in July 1999 I accompanied my employer to Mardan to return a substandard consignment of 10 kg charas (hashish). When we were travelling through the Malakand Pass, our vehicle was intercepted by levies and the contraband was seized. We were arrested and handed over to Mardan police. My employer was a resourceful person. He bribed the officials to get his name removed from the case. My trial continued for nine months and then in April 2000 I was declared guilty, sentenced for 10 years imprisonment and Rs. 50,000 fine.

After my conviction I was transferred to Haripur Jail. I was disturbed and angry. My employer had gone free because he had the resources to give a bribe, I could not pay so was convicted. But sessions with psychologist in the jail calmed me. I coped with the situation and started taking skill classes and learning the Quran. I also learnt book binding, and can now use these skills to create works of arts.

I was released in December 2004 on completion of my sentence. Now I am out of jail and again working as a construction labourer. I have lost five precious years of my life. Had I not been in jail, I would have used my skills to start my own construction business. My brother is now a successful contractor. He had been a labourer with me. Though it was easy for me to find work again, I am facing problems in my community. My friends don't want to renew their friendship and I feel isolated. Jail is a notorious place. Once you have been there, people no longer accept you as a normal person. The families of all my friends have said they must have nothing to do with me. Friends and relations have a lasting impact on our personalities and our lives. Parents must watch what company their children are keeping. My choice of company failed me.

***"We cannot earn enough to live, but we  
all have responsibilities for our families."***

2



# Children & the Law in Pakistan

**This part looks at the background to juvenile justice in Pakistan. It explores child rights violations and why children come in conflict with the law. It outlines the Juvenile Justice System Ordinance 2000 and draws attention to problems in its implementation.**



## CHILD RIGHTS VIOLATIONS

Pakistan is a poor country. On the UNDP's *Human Development Index 2004* it is rated 142<sup>nd</sup> among the 177 countries listed, and 71<sup>st</sup> amongst the 95 developing countries on the Poverty Index. According to Pakistan's *National Human Development Report 2003* (latest published), 34 per cent of the population of 150 million is living below the poverty line. About half of the population is under 18 years old. It is the economic poverty that places so many of these children at risk.

Basic needs such as education, health, clean drinking water and proper sanitation have been increasingly difficult for the poor to access. This has limited their options for employment and drawn them deeper into poverty and social exclusion.

The World Bank's *Poverty Assessment Report* for Pakistan currently gives the poverty ratio in rural areas at 36 per cent. This is double the poverty ratio in the late 1980s when it was recorded at 18 per cent. Over the past two decades Pakistan has had a rising debt service burden coupled with substantial defence expenditure and stagnant revenues. This has left little fiscal capacity for basic social services, and has led to a sharp rise in poverty, with competition for public funds squeezing out social spending. Basic needs such as education, health, clean drinking water and proper sanitation have been increasingly difficult for the poor to access. This has limited their options for employment and drawn them deeper into poverty and social exclusion.

There is an increasing gap between the rich and poor segments of the society. This is clearly reflected in the social indicators recorded by the *Poverty Assessment Report*. This gap is a direct result of much lower health and educational provision for the poor. Indicators for the rich are almost at a par with those of developed countries. For example, primary gross enrolment rates in primary education among the rich are around 90 per cent, whereas among the poor it is around 50 per cent. These outcomes reflect a failure of public service delivery. The poor cannot afford to substitute private for public services, so they are disproportionately affected. As the rich no longer use public services, they exert little pressure on the public service to improve the quality or amount of spending.

Pakistan's progress in the social sector is therefore very poor. According to UNDP *Human Development Report 2004* there is a high population growth of 2.8 per cent, with a low life expectancy of 60.8 years. The mortality rate is high with 83 per 1000 infant and 107 per 1000 under-five. According to the National Institute of Child Health, easily preventable diseases like diarrhoea and malnutrition cause more than 70





per cent of under-five deaths. Children from these poorer sections of society are therefore increasingly at risk.

Pakistan's net primary school enrolment rate as recorded in the *Economic Survey of Pakistan 2003*, is well below its neighbours in South Asia. It is just 65 per cent in Pakistan, compared to 75 per cent in Bangladesh, 77 per cent in India and close to 100 per cent in Sri Lanka. The literacy rate in Pakistan is reported to be 30 per cent in rural areas and 70 per cent in urban areas. With a net enrolment rate of 65 per cent, a sizeable proportion of children between the ages of five and eighteen are not attending school.

Girls and boys who are not in school are either potential child labour or already working. An ILO-sponsored survey conducted by Pakistan's Federal Bureau of Statistics in 1996 reported that there were 3.3 million child workers in the age group of five to fourteen at that time. Some other reports put the figure much higher. The US State Department, in its report on human rights in Pakistan in 2003, stated that approximately 10-15 million children are economically active. The child work takes a variety of forms, from girls and boys working in farms and family business to the worst forms of labour, prostitution or other illicit activity. Among its worst forms are children given in bonded labour by the family in exchange for money. This is a common phenomenon in rural areas. All these working girls and boys experience child rights violations and are at risk of abuse and exploitation. Their survival strategies will often bring them into conflict with the law.

There are many other violations of child rights. Boys are being trafficked from Pakistan to the Gulf to be used as camel jockeys.<sup>1</sup> Children are kidnapped and used as forced labour, for ransom or to seek revenge against an enemy. Another violation is child sexual abuse and commercial sexual exploitation of children. Child prostitution involving boys and girls is known to exist but rarely discussed.<sup>2</sup> There is also child neglect, physical and emotional abuse and corporal punishment. Violence against girls and boys is a major problem. Corporal punishment in schools, at the work place, and in their homes, continues unabated.<sup>3</sup>

All these working girls and boys experience child rights violations and are at risk of abuse and exploitation. Their survival strategies will often bring them into conflict with the law.

<sup>1</sup> S.M. Asghar, *Camel Jockeys of Rahimyar Khan: Findings of a participatory research on the life and situation of child camel jockeys*, Save the Children Sweden, 2005

<sup>2</sup> *Commercial Sexual Exploitation of Children: A situational Analysis of Pakistan*, Save the Children Sweden, 2005

<sup>3</sup> *Disciplining the Child: Practices & Impacts; A study on the causes and forms of corporal punishment and its impact on children in schools and homes in Peshawar, D.I. Khan and the Hangu Districts of NWFP, Pakistan*, Save the Children Sweden, 2005

## CHILDREN IN CONFLICT WITH THE LAW



*“Not all of us are criminals, and nearly always we have been forced into these things. Often we are punished for things we have not done.”*

Juvenile prisoner in Timergara Jail

Almost all the children in conflict with the law come from the poorest segments of society.

Many do not have access to education and are required to contribute to the family income.

*The State of Pakistan's Children, 2004* gives a figure of 2539 children in jail at the end of that year, of which 2530 were boys and nine were girls. The province of Punjab had the most with 1,501. Next came Sindh with 677, the NWFP with 256 and Balochistan with 105. The majority of them were under trial, there were 2093 children under trial in 2004, which is 82.43 per cent of all detained children.

Almost all the children in conflict with the law come from the poorest segments of society. Many do not have access to education and are required to contribute to the family income. The street environment exposes child workers to a situation where they are in contact with people who exploit them for criminal activity. The tradition of revenge taking and the use of violence to protect 'family honour' also bring children into conflict with the law. Most children are arrested for honour or revenge killing, drug running, minor thefts and pick pocketing.

Girls and boys living in federally and provincially administered tribal areas have the added disadvantage of being arrested for the crimes committed by adults in the family or tribe. The collective responsibility clause (40 FCR) of the Frontier Crimes Regulation (FCR) is a special law governing tribal areas. It empowers the political administration to arrest family members of crime suspects, in order to secure their surrender. Normally, people booked under the 40 FCR are jailed for a three-year term, which can be repeated many times on the discretion of the political administration. The judiciary in Pakistan do not have jurisdiction to review sentences awarded under FCR.

There are many complex problems confronting juvenile justice in Pakistan and all are important from a child rights standpoint. International child rights instruments postulate that the treatment of a child in conflict with the law should primarily attempt the child's reintegration into society and encourage him or her to play a constructive role in that environment. This approach has been missing in Pakistan's criminal and juvenile justice system.

## AN ANALYSIS OF LAWS IN PAKISTAN

Existing laws in Pakistan have conflicting definitions about the age of criminal responsibility. Section 82 of the Pakistan Penal Code sets the minimum age for criminal responsibility at seven years. Section 83 of the same law gives discretionary powers to the court to increase the minimum age up to 12 years, if the court is satisfied that the child has not attained “sufficient maturity of understanding”. This means that children aged seven and above could be eligible for the full range of penalties provided for in the Code, including death and life imprisonment.

In 1979 President General Ziaul Haq introduced a set of Hudood Laws in a bid to Islamise national law. The Hudood Laws substituted sections of the Pakistan Penal Code with Islamic provisions. These related to offences of armed robbery, theft, rape, fornication, false accusation of fornication, drug and alcohol taking. Under the Hudood laws these offences are punished with *hadd* – fixed punishment, if adequate evidence is obtained. Punishment included stoning to death for fornication, judicial amputation for theft and armed robbery, flogging for consumption of intoxicants and death for murder.

Among the Hudood laws was the Zina Ordinance. This specifically dealt with fornication, and established separate ages of majority for male and female offenders. It defines the age of majority as 16 for females and 18 for males, or the attainment of puberty for either. It meant that a child who attains puberty at the age of 12 can have *hadd* applied on him or her for offences dealt under Hudood laws.

Section 399 of the Criminal Procedures Code provides for the confinement of any person sentenced to imprisonment under the age of fifteen, in any reformatory, established by the provincial government concerned. This provision relates to the Reformatory Schools Act of 1897. This is a federal legislation that has never been used. It is therefore dormant for all practical purposes and no such reformatories exist in any of the four provinces. In the Punjab and Sindh provinces, the Borstal Schools Act 1955 covered convictions below the age of 21 years, but this also lacked appropriate implementation.<sup>3</sup>

The Pakistan Prison Rules 1978 provides children under-trial should be accommodated separately in different jails. Once convicted, they should be placed in a specialized jail. Rules No. 80 – 304 cover all the important matters on juveniles and place strong emphasis on separate treatment, employment, industrial training, education and sport. This provision would protect children from being exploited and abused by adults and put in contact with hardened criminals. However, jail realities have made the object of this law untenable: Under-trial and convicted boys are jailed together in *munda khana* - children’s cells - within adult prisons. They work in jail factories in the company of adult prisoners. Girls do not even have separate cells. They are put in women’s sections of jails where they live under the influence of adult women prisoners throughout their tenure in jail.

Another federal law which could have provided relief to children in conflict with the law is the Probation of Offenders Ordinance 1960, but this too has suffered poor implementation. The law provides for diverting young offenders away from criminal law procedures and for their release on probation.

...children aged seven and above could be eligible for the full range of penalties provided for in the Code, including death and life imprisonment.

<sup>3</sup> Mashhood Mirza, Alternatives to Imprisonment for the Juveniles: A case study of Pakistan, Research Essay for LLM, 2003-2004.

Poor implementation of these laws was due to a lack of awareness within the judicial community. They did not know of the laws or a child's right to special safeguards and care. The UN Convention on the Rights of the child gave a new impetus to juvenile justice when it was ratified by Pakistan in 1990.

## THE UN CONVENTION ON THE RIGHTS OF THE CHILD

*No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.*

Article 37b. United Nations Convention on the Rights of the Child.

The UN Convention on the Rights of the Child, Article 37, lays down clear standards for the treatment of girls and boys who come in conflict with the law. This Article reads:

“States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.”



## THE JUVENILE JUSTICE SYSTEM ORDINANCE 2000 (JJSO 2000)

*“Jails are a nursery for crimes, it is where crime flourishes.”*

Police officer

Pakistan was among the first 20 states to sign the UNCRC. In so doing, it made a commitment to “respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination ...” Since then, the Government of Pakistan has taken several significant steps toward ensuring protection of the rights of the child. The most significant was to promulgate the Juvenile Justice System Ordinance (JJSO) 2000. This meets most of the international standards for juvenile justice: it fixed the age of the child at 18, abolished the death sentence for juvenile offenders, provided for separate juvenile courts and Borstal institutes and reinforced the provision for release on probation for children in conflict with the law.

The JJSO 2000 was promulgated to protect girls and boys involved in criminal litigation. The law provided for protection measures throughout the arrest, trial and imprisonment of children in conflict with the law. For the first time in Pakistan, the law defines the age of a child as being 18 years or less. No child can be awarded the death penalty or ordered to labour during the time spent in any Borstal or other institution. No child can be put in fetters or given any corporal punishment at any time while in custody.

To give protection during arrest and bail, the officer in charge of the police station must immediately inform the guardian about the arrest, and give the time, date and name of the juvenile court the child will attend. He must also inform the probation officer, so that a Social Investigation Report can be prepared for the juvenile court, this gives information about the child and his or her material circumstances. When a child is arrested for a non-bailable offence, the police must produce the child before the juvenile court within 24 hours of arrest. For bailable offences, the law provides for release on bail. This can be immediately after arrest, or by the juvenile court if the child is not already released. However, if this might expose the child to any danger, he or she will then be placed under the custody of a probation officer or a suitable person or institution dealing with the welfare of the child. In no circumstances should the child be kept in a police station or jail.

To give protection during trial and imprisonment, the law states that the Provincial Government must establish juvenile courts. These should be set up in consultation with the Chief Justice of the High Court and will have exclusive jurisdiction to try cases in which a child is accused of an offence. The court must decide cases within four months. Every child is entitled to legal assistance at the State's expense. No child can be charged or tried with an adult and all girls and boys should be tried separately by the juvenile court. If a child is convicted of an offence, the juvenile court may direct the child offender to be released on probation for good conduct by placing the child under the care of a guardian who might have to execute a bond with or without surety. The court may also make an order directing the child offender to a Borstal institution. The Ordinance defines a Borstal institution as a place where child offenders may be detained and given education and training for their mental, moral and psychological development.

The law provided for protection measures throughout the arrest, trial and imprisonment of children in conflict with the law.

## FAILURE TO IMPLEMENT THE JJSO 2000

“... welcomes the promulgation of the Juvenile Justice System Ordinance (JJSO, 2000), but is concerned at the poor implementation of this Ordinance and that many of the authorities in charge of its implementation, particularly within provincial governments and tribal areas, are unaware of its existence.”

The Committee on the Rights of the Child, second Periodical Report ( 2003)

A study by Amnesty International in 2003 identified wide-scale failure of the provincial governments to implement the JJSO 2000 at each stage of arrest, trial and imprisonment of boys and girls. The Committee on the Rights of the Child, in its concluding observations on Pakistan's second report on 3<sup>rd</sup> October 2003, expressed concern at the 'poor implementation of the JJSO and that many of the authorities in charge of its implementation are unaware of its existence'. There are no national procedures in place for registering births and there is therefore no official record that a child has reached the age of eighteen. Coordination within government departments is poor, and involves cumbersome procedures. There is inadequate allocation of funds and a lack of commitment to create the necessary awareness of the Ordinance

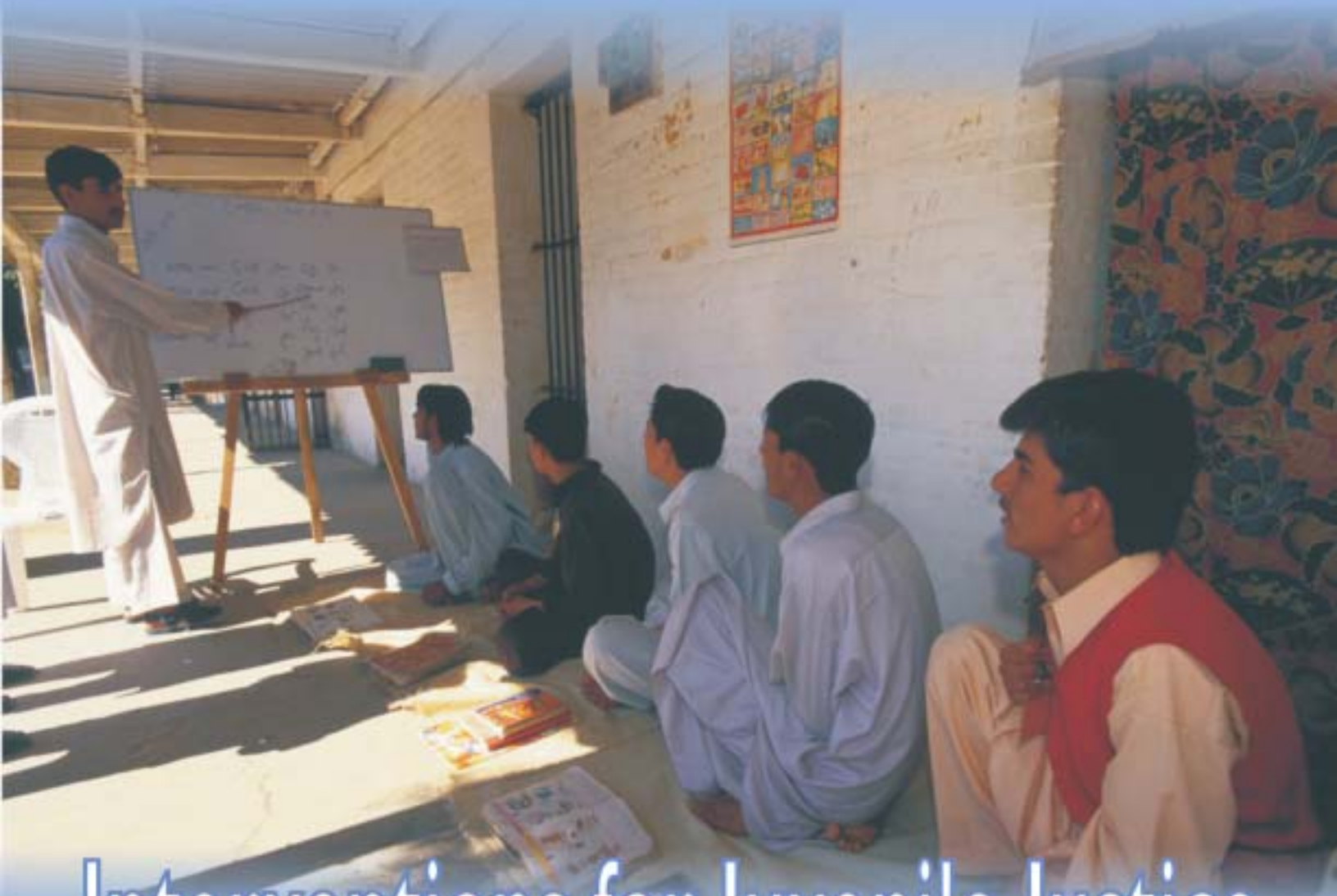
The Committee on the Rights of the Child expressed deep concern at the number of boys and girls in prison who were detained in poor conditions. It called on Pakistan to ensure that it should 'consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time' in line with the provisions of the UNCRC. Children accused of petty crimes are often held for several months without trial. They have no real access to bail and are not provided with the legal representation they are entitled to. Children accused of more serious offences such as murder may spend several years in prison awaiting the conclusion of their trial. Eighty-two per cent of jailed boys and girls are under trial. During detention, boys and girls are frequently held with adults and transported in chains. They are not allowed bail by the courts even if they are legally entitled to it. When it is offered, surety may be set as high as Rs 50,000 for even minor offences, and many families are unable to pay, due to their absolute poverty.

There is, however, recent evidence that implementation is beginning to take place. In October 2004 the Government extended the law to tribal areas called PATA (Provincially Administered Tribal Areas) and FATA (Federal Administrative Tribal Areas). This followed an extensive campaign by the civil society and is one of the components of the juvenile justice programme. On 6 December 2004, the Lahore High Court struck down the JJSO 2000 and held that "through providing protection for the benefit of one relatively small section of the society, the impugned legislation has rendered the other and larger section of the society unprotected." However, on 11 February 2005, the Supreme Court of Pakistan issued a stay against the Lahore High Court decision, on an appeal from the Society for Protection of the Rights of the Child (SPARC), a member and coordinator of the Juvenile Justice Network, and the Federation of Pakistan also appealed against the decision. These are examples that change is possible when civil society works with the government to implement the Ordinance. Section 3 of this report explores each of the interventions taken by the juvenile justice programme and what impact they have had.

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and girls.

*“We are here because of getting into bad company, we did not have guidance from our parents.”*

3



## Interventions for Juvenile Justice

**This part traces the interventions to improve juvenile justice throughout the history of the programme. It gives the background to these interventions and how the juvenile prisoners were first reached. It traces the steps that were taken to promote juvenile justice in line with the JJSO 2000, and the support mechanisms that have been developed. It explores what has been done to make the juvenile justice system more child-friendly and divert children from jail.**



## MAP SHOWING DISTRIBUTION OF INTERVENTIONS IN THE JUVELINE JUSTICE PROGRAMME



## STARTING POINT FOR THIS PROGRAMME

*State parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*

Article 40. United Nations Convention on the Rights of the Child.

The United Nations Convention on the Rights of the Child (UNCRC) was ratified by Pakistan in November 1990. It provided a wide-ranging framework for protecting children's rights. Article 40 deals specifically with juvenile justice. The UNCRC is of particular importance as an international standard because state parties, by ratifying it, accept they must conform all national laws to the provisions of the convention. Juvenile justice, as understood by the Committee on the Rights of the Child, refers to a separate justice system for juveniles, which can provide special protection for them when they come into conflict with the law. Whereas the main purpose of adult justice systems is to punish the guilty, juvenile justice is focused on protection and rehabilitation. The UNCRC places the emphasis on children's rehabilitation and early reintegration back into their communities. In this way it protects the child's fundamental rights, promotes their self worth and takes account of their age.

The UNCRC gives the impetus for organisations working on protection issues for girls and boys, to implement rights-based programmes. Save the Children Sweden had been working for child rights in Pakistan since 1983. It seeks to influence public opinion and support girls and boys at risk. It works with local organisations, to sensitise institutions and government authorities about child rights. It has been using the UNCRC to develop rights-based programming since 1990. Another rights-based organisation working in Pakistan is the Pakistan Paediatric Associations (PPA). In 1990 the PPA set up the Child Rights and Abuse Committee as a special interest group working on child protection issues. In 1994 Save the Children Sweden and PPA formed a partnership to reach children living with mothers in jail. A year earlier, in 1993, Aurat Foundation extended its programme to NWFP. Aurat Foundation is an advocacy organisation for women's rights. A priority thematic area for them in NWFP has been legal aid to women and girls in conflict with the law. The linkages between Save the Children Sweden, PPA and Aurat Foundation were the starting point for this programme. All three organisations are rights-based and committed to protecting girls and boys in prisons.

...a separate justice system for juveniles, which can provide special protection for them when they come into conflict with the law.

## REACHING CHILDREN IN JAIL

The first formal intervention with children in prisons took place in 1994 in the Central Jail Peshawar. A new PPA doctor began working in the female section of the jail hospital where young girls and boys were living with their imprisoned mothers, and she was horrified by what she saw. She immediately asked the authorities for essential food and medicine for them. Once this had been supplied she urged them to provide a programme of non-formal education and stimulation for the children. The programme made a huge difference in the lives of these children and put the outside world in touch with the realities of prison life. Stories of the girls and boys could be used in newspapers and for advocacy seminars to lobby against such imprisonment. The programme included recreational activities and occasional visits outside jail for picnics. The media picked up on one particular story about a nine-year-old girl who had been taken out on such a visit. She had come into prison as a baby and this was her first view of the outside world. While being driven through the town she saw a sheep for the first time. “What a big cat!” she exclaimed. The newspaper readers were shocked with the revelation that she had never seen a sheep before, and how much this child had missed during her years in prison.

This intervention in the Central Jail in Peshawar paved the way for similar interventions in other prisons, and it was replicated in Central Prison Karachi the following year. Peshawar jail authorities had forbidden any contact with the juvenile prisoners themselves, but in Karachi it was possible to get to know the jail staff. Confidence and trust was built up and jail staff could talk about the problems they faced in their work. Over time, this made it possible to have direct contact with the juvenile prisoners themselves, and opened the way to programmes for them.

The first programme for jailed children was in 1996, when PPA appointed a social worker to develop and maintain a database of all the under-trial



“Our working approach convinced the jail a

We were invited to extend se

Dr. Tufan



authorities that we are no threat to jail order.  
services to juvenile prisoners,”  
il of PPA.

juvenile prisoners in the Karachi jail. This made it possible to ensure that juvenile prisoners could appear before the court on their date of hearing. It led to 300 juveniles being freed from the judicial custody in the jail over a six months period. In the following year a psychologist was appointed who could offer psychotherapy to juvenile prisoners and support their reintegration into society when they were released. This work led to documenting the case studies of individual juvenile prisoners and these could then be used to advocate for change in the juvenile justice system. The contact with jail staff made it possible to offer them training in child rights and sensitise them to the needs of the children in their prisons. At a training workshop in 1998, the deputy superintendents from the jails in Peshawar and Haripur, put forward the suggestion that computer centres could be set up for their juvenile prisoners.

This suggestion led to a centre opening in Peshawar jail in March 1999 as a joint project between Aurat Foundation and PPA, and supported by Save the Children Sweden. Aurat Foundation had been making regular visits to the female section of this jail to give legal advice and run skill development projects. They were therefore in a good position to monitor the way the facility worked. PPA could offer the necessary links with jail authorities. In February 2000, Aurat Foundation opened the computer centre in Haripur jail, with support from Save the Children Sweden and some local philanthropists. Each computer center also had a library.

Unfortunately the computer centre and library in Peshawar jail did not survive long. The authorities resented such facilities being made available for “criminals” and there were tensions and unrest. People opposed to the facilities set them on fire during jail riots in October 2000, and everything was destroyed. However the computer centre at Haripur continues to provide soft-ware training courses, and juveniles are now qualified as computer trainers. The local Taxation Department has been able to give the task of data entry to juvenile prisoners for some financial benefits.



## RAISING AWARENESS OUTSIDE JAIL

*“There are many loopholes in the law. There are loopholes in implementing the laws, enforcing the laws, and in the unawareness among children and adults.”*

Joint conclusion by police officers, and working girls and boys, during training

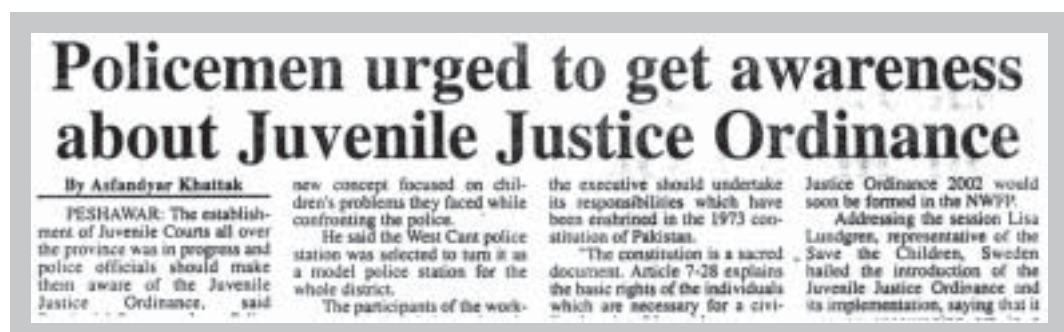
These interventions initiated by Save the Children Sweden and PPA in Peshawar and Karachi jails, and by Save the Children Sweden and Aurat Foundation in Peshawar and Haripur jails, had led to an understanding of the problems faced by both juvenile prisoners and jail staff. With this understanding, it was possible for these organisations to develop an effective advocacy strategy which was based on their experiences of child-friendly changes among the jail staff.

Part of this advocacy strategy was to hold high profile seminars in Peshawar and Karachi, where senior officials from the government and the judiciary could be present. The seminars included the case studies collected from children in jail which gave such vivid insights into the harshness of jail life and had a profound impact on those present. The role of the media had also been recognised and they were encouraged to take up the issues raised in such seminars and spread awareness to the public. This gave a broader platform to put pressure on the authorities to improve the juvenile justice system.

In 1998, Save the Children Sweden in partnership with Aurat Foundation launched a project to raise awareness. Its aim was to sensitise the media, judiciary, police, jail staff, lawyers, teachers and the community on child rights. These advocacy seminars and workshops paved the way for a support mechanism for girls and boys who had come into conflict with the law, and in 1999 a group of lawyers decided to set up a Help Line to provide free legal aid to children and women.

The advocacy seminars and workshops had raised awareness of the need for a legal instrument to protect children in conflict with the law. The media were strategically involved and played an effective role in highlighting the importance of a separate law for juvenile offenders. These different initiatives were all putting pressure on the government to recognise the need for a law focusing on juveniles, and in 2000 the Government of Pakistan promulgated The Juvenile Justice System Ordinance (JJSO 2000).

The media were strategically involved and played an effective role in highlighting the importance of a separate law for juvenile offenders.



## CAPACITY BUILDING INSIDE JAIL

*“These workshops are so important, they show us the realities all around us. We are not giving a chance to the children who are sent to jail. We can feel our attitudes changing here.”*

Jail officer

While important steps were being taken outside the prisons through advocacy seminars and workshops, the work inside continued to develop. In 1999, an official from the Peshawar-based Regional Directorate of Human Rights (RDHR) of the Federal Ministry for Law, Justice & Human Rights (MoLJHR) attended a workshop on human rights, organised by the International Labour Organisation (ILO). His action plan at the workshop proposed a pilot project called The Rehabilitation of Juvenile Prisoners Project (RJPP) to offer psychotherapy, education and skill development services to juvenile prisoners, and capacity building to key stake holders. The RJPP was eventually set up at the Adolescent Training Centre (ATC) in Haripur Jail in 2000, with a small grant from ILO. In 2002, when ILO funding ended, the project was taken over by Save the Children Sweden.

The Save the Children Sweden - MoLJHR partnership gave the RJPP a new impetus and it developed rapidly. It was a pioneer project, which gave training in child rights and JJSO 2000 to both jail staff and juvenile prisoners, and employed two teachers and a psychologist. All the juvenile prisoners were given a formal education and there were good results from Board examinations. As a released prisoner remarked, “When I came to jail I was illiterate. I got education in jail. I think it was good for me to go to jail because I got education!”

Initially the RJPP met with a lot of resistance, but with time, perseverance and regular interaction with jail authorities, it led to significant changes in the attitudes and facilities in the jail. It paved the way for further interventions, and the project has continued to evolve and expand. In addition to the two teachers and a psychologist, educated jail inmates are now employed as teachers for the juvenile school, and the skills and recreational programmes have continued.

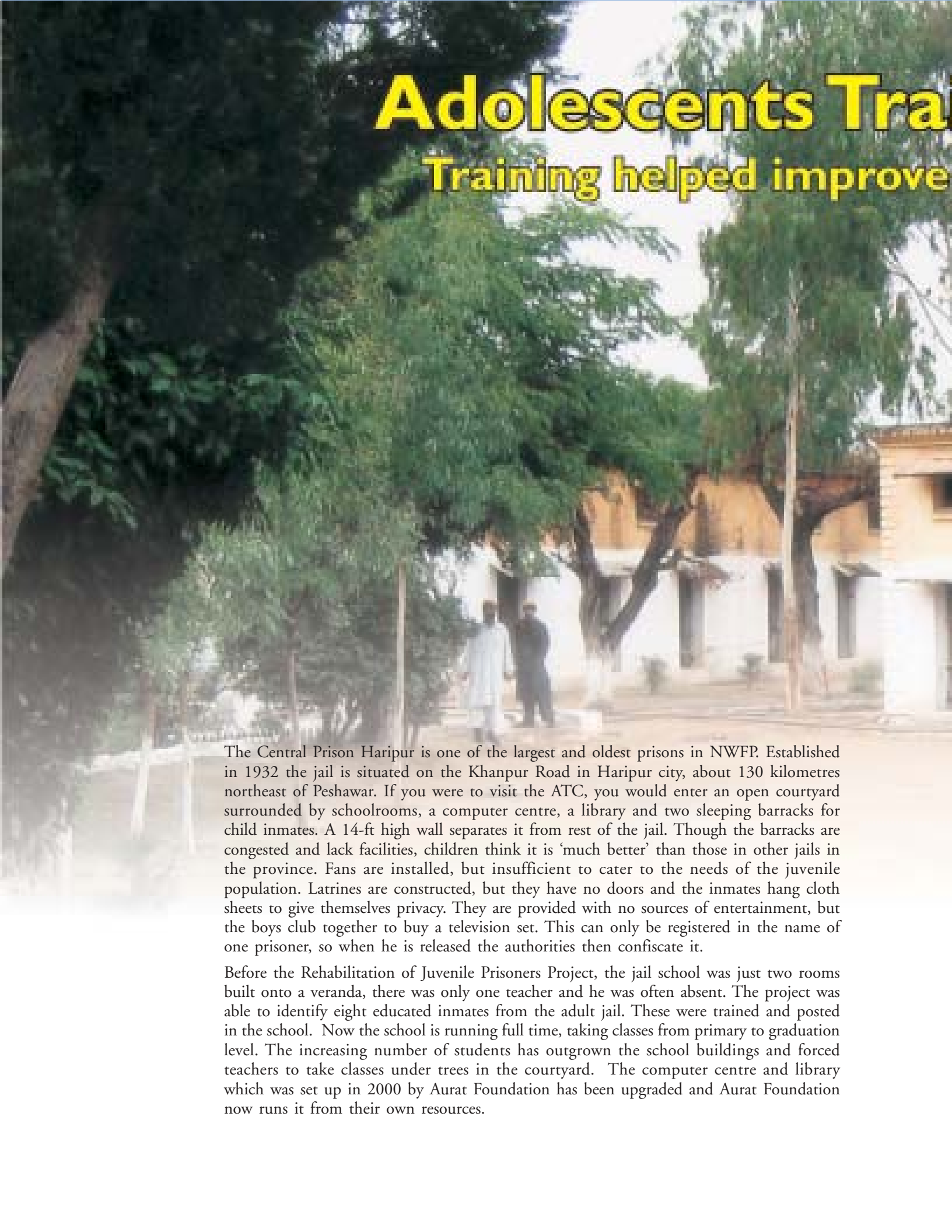


This partnership between MoLJHR and Save the Children Sweden built the capacity of jail staff and juvenile prisoners in the prison and identified other significant duty-bearers. The training workshops were designed so that jail staff and juvenile prisoners participated together. This encouraged positive interaction between them, and led to improvements in the jail environment for children.

This partnership between MoLJHR and Save the Children Sweden built the capacity of jail staff and juvenile prisoners in the prison and identified other significant duty-bearers

# Adolescents Tra

## Training helped improve



The Central Prison Haripur is one of the largest and oldest prisons in NWFP. Established in 1932 the jail is situated on the Khanpur Road in Haripur city, about 130 kilometres northeast of Peshawar. If you were to visit the ATC, you would enter an open courtyard surrounded by schoolrooms, a computer centre, a library and two sleeping barracks for child inmates. A 14-ft high wall separates it from rest of the jail. Though the barracks are congested and lack facilities, children think it is 'much better' than those in other jails in the province. Fans are installed, but insufficient to cater to the needs of the juvenile population. Latrines are constructed, but they have no doors and the inmates hang cloth sheets to give themselves privacy. They are provided with no sources of entertainment, but the boys club together to buy a television set. This can only be registered in the name of one prisoner, so when he is released the authorities then confiscate it.

Before the Rehabilitation of Juvenile Prisoners Project, the jail school was just two rooms built onto a veranda, there was only one teacher and he was often absent. The project was able to identify eight educated inmates from the adult jail. These were trained and posted in the school. Now the school is running full time, taking classes from primary to graduation level. The increasing number of students has outgrown the school buildings and forced teachers to take classes under trees in the courtyard. The computer centre and library which was set up in 2000 by Aurat Foundation has been upgraded and Aurat Foundation now runs it from their own resources.

# Training Centre (ATC)

## the environment for juveniles



The juveniles are very aware of the change that the project has made to their lives, “It was like hell before! We were treated like animals. Jail staff, *Shin Posh*, adult prisoners . . . all of them spared no chance to beat us and verbally abuse us. But things started to change when that lady (referring to Save the Children Principal Trainer, Shereen Niaz) came to jail. She taught them to love children and give them respect,” said the child participants at a consultation in October 2004, “We now can go to school and the computer centre, and have time for play in the playground.”

A big open sports ground faces the school and barracks. The juveniles had never been allowed to step onto this ground, but this all changed when it became the venue for a maiden inter-jail sports meet in June 2004. The 16-day event was organised by the RJPP team from the MoLJHR. Children from all central jails in NWFP participated. “Organising a sports meet in the jail was unimaginable,” said Mashhood Mirza, Deputy Director at the Ministry and Project Coordinator for RJPP. “Children are usually not even allowed to step onto the sports ground. Under the RJPP, Save the Children Sweden trainers worked intensively with the jail staff and inmates with supervisory roles in Haripur and other jails in the province. They were trained in child right. This helped change the jail staff attitude toward children. Even now, when we tell people about the inter-jail sports meet, they do not believe us!”

## DIVERTING CHILDREN AWAY FROM JAIL

*“Children need love and affection, they also need to be consulted on issues that relate to them, because they are our future, and by taking care of them, we are also taking care of our own future.”*

Police officer

It is reckoned that about 82% of girls and boys detained in jail are under-trial. Interventions therefore which could prevent children being arrested are very important. The role of the police is critical as they are responsible for making the initial arrest. Contacts were established with senior police officials in NWFP and they were convinced that the police force needed training in rights protection and new rights-based laws. These training programmes identified areas for improvement and made recommendations on how to make the juvenile justice system more child-friendly.

The initial plan had been to develop a model police station, but this was dropped after training sessions with police who could see that it would have limited impact. The need was for a much more comprehensive training component for the whole of Peshawar Capital City Police, and this was the intervention selected in 2002. Training was designed that sensitised the police on human rights and on the rights of women and children. It included details of the JJSO 2000 and Police Order 2002. With support from the higher police officials, officers from 23 police stations in Peshawar district were involved and all ranks of the service were included. 177 police officers were trained. It brought about a change in police attitudes towards boys and girls in conflict with the law.



It is reckoned that about 82% of girls and boys detained in jail are under-trial. Interventions therefore which could prevent children being arrested are very important.



JJSO 2000 provides for the release of juvenile offenders on probation. The law nominates parole and probation officers to support judiciary, in coordination with police, to release children on probation. At a training session the police officers identified a lack of coordination with parole and probation officers and suggested these officers should be included in the training programme. This led to joint training of the police with the parole and probation officers in 2003. Sixteen parole and probation officers were trained from all over NWFP, promoting coordination and understanding between these departments. Since then the probation services have documented 217 children who have been released on probation.

As the police have become aware of children's rights, and the threats to child protection when in custody, they see the need to exercise discretion when a child is suspected of a petty crime. They can choose whether to release the child on the spot, or after getting personal sureties from the family or guardians. They also saw the need for a shelter home where children arrested for petty crimes could be placed if their families and guardians could not be found. This would provide protection for children in police custody. It led to Dar-ul-atfaal a shelter home for children being set up in Peshawar during 2002. An arrangement was made with the local police station so that when children were arrested for petty crimes, they could be placed in Dar-ul-atfaal while surities were arranged with their families or guardians.

As the police have become aware of children's rights, and the threats to child protection when in custody, they see the need to exercise discretion when a child is suspected of a petty crime.



## Dar-ul-atfaal a shelter home for children

Dar-ul-atfaal, literally means 'home for children'. It was set up by the Ministry of Law, Justice and Human Rights (MoLJHR), as part of the Save the Children Sweden's Juvenile Justice Programme, to give a temporary safe place for children diverted from the criminal justice system. It used a part of the existing premises of Dar-ul-amaan, a home for destitute women, which had been built by a local philanthropist in the late fifties and is now managed by the All Pakistan Women Association (APWA), a local NGO.



Dar-ul-atfaal can also offer shelter to orphans and children in need of protection. This young girl in the photo is 12 years old. She is drawing a sketch of her house on the computer, and labelling it 'my sweet home'. This was the home she had to flee with her three younger siblings when her father tried to kill them and their mother. They managed to

escape and came to Dar-ul-atfaal for protection.

In October 2004, when this research was carried out, 44 children were living in Dar-ul-atfaal. None of them had been in conflict with the law. However, the facility had provided temporary shelter to 136 children in conflict with the law, since it had opened in 2002. These children had been able to live at Dar-ul-atfaal while the MOLJHR made arrangement for them to return to their families, and legal formalities were completed to provide surety etc. The MOLJHR provides for all the basic needs of girls and boys in Dar-ul-atfaal, and Save the Children Sweden and some local philanthropists give financial support.

A school has been set up inside the building which teaches classes from nursery up to grade 5, and English as the medium of instruction. A psychologist has been appointed to provide psychosocial counselling support. Many of the children suffer from depression because of the trauma they have experienced before coming to the shelter. The psychologist also works with the staff and schoolteachers to create a child-friendly environment. "These children need love, care and attention," she says. "They have suffered greatly and are depressed. We are working to provide them a loving and caring atmosphere."







Most of the staff for Dar-ul-atfaal is selected from amongst the women living in the women's shelter on the same premises. Only the psychologist and school supervisor are appointed from outside. "These women have passed through difficult situations which have had a negative impact on their behaviour. Initially we had problems with their attitude towards children. But with regular counselling they have improved their behaviour and now they treat children with care", says Saadia the psychologist.

Health, education, nutrition and special protection are all important at Dar-ul-atfaal, but there is also an emphasise of the recreational needs of these children. Regular activities are arranged for them in the home and they are also taken out on visits and picnics. For these children, Dar-ul-atfaal is a home away from home.

## EXTENDING THROUGH LINKAGES AND NETWORKS

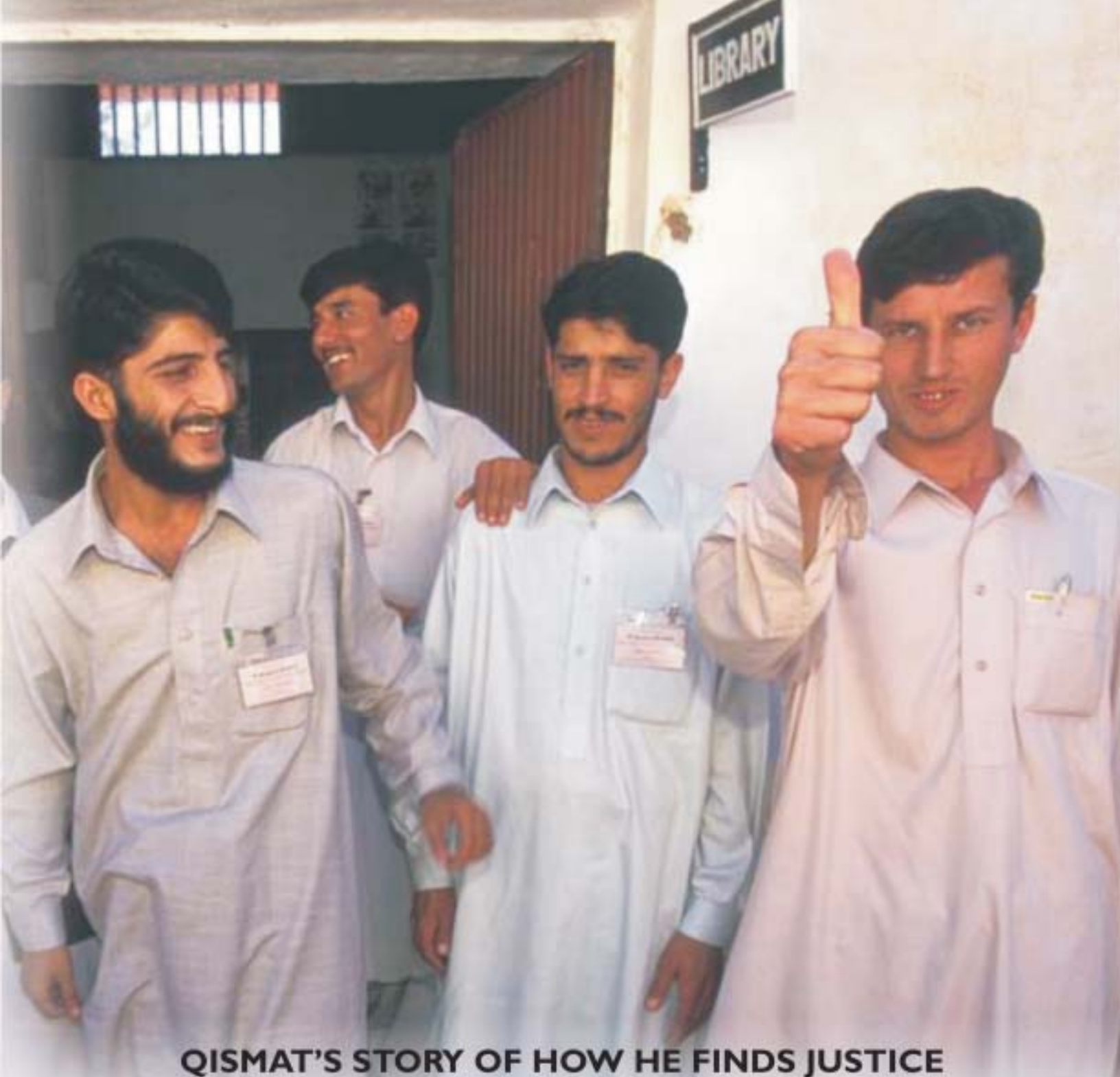
The programme has continued to grow through its linkages and network. Police had suggested extending the training programme to the Police Training College (PTC) in Hangu. This PTC is the only police training facility in NWFP where all ranks of a police force in the province have regular interaction. Instructors often used corporal punishment and verbal abuse on trainee officers. “Police training is only concerned with discipline. The emphasis is on hardening police officers.” Training started in Police Training College, Hangu NWFP, in 2004. The training programme was based on human rights, JJSO 2000 and Police Order 2002. It has given the opportunity to sensitise the emerging new police force from all over the province on human rights and the JJSO. It is building the capacity of PTC instructors and under-training officers.

Meanwhile, there was need to extend the training workshops for jail staff to other jails. All the training had taken place in just two of the prisons in NWFP: Haripur and Peshawar, so in 2002 the training component was extended to all the jails in NWFP. Over 200 staff from nine jails were trained in child rights and JJSO 2000. There were now six leading agencies in the NWFP actively promoting juvenile justice. As well as Save the Children Sweden, PPA, Aurat Foundation and the MoLJHR, there was also SPARC, which advocated for child rights and Dost Welfare Foundation, which worked with drug addicts and juvenile prisoners in Peshawar jail. This number of organisations meant that projects were in danger of being duplicated, so in 2002 the six organisations formed a network so that they could coordinate their work in all prisons in the NWFP. This was called the Juvenile Justice Network (JJN). SPARC was selected as convener and secretariat of the network. Save the Children Sweden provides technical and financial support.

The JJN makes it possible to coordinate activities. It launches joint advocacy initiatives to improve juvenile justice, it raises awareness about JJSO 2000 among the legal community, monitors the situation in jails, and improves the physical environment in the juvenile sections of the jails in NWFP. The network has been successful in getting the rules for JJSO 2000 notified in NWFP. This has been achieved through strategically designed and sustained advocacy initiatives, which put pressure on the government by mobilising national and international forums. Through joint advocacy, the network has also obtained the release of juveniles who have been arrested under collective responsibility clause of the Frontier Crimes Regulation, and has got the JJSO 2000 extended to both the Federal and Provincially Administered Tribal Areas (FATA and PATA).

The most recent initiative for juvenile justice is to arrange follow-up workshops with released juvenile prisoners. This has greatly benefited both the released juveniles and the programme. The juveniles can continue to receive support and encouragement, they can also give accounts of their life in jail and the problems they face on their release. This is very informative for the programme’s further development. Two workshops were held in 2004 when 15 boys participated and a further one was held in May 2005. They said how the education facilities and psychotherapy had helped their reintegration in society as law-abiding citizens, while the training of jail staff had had a positive impact on the jail environment. They identified the need for close monitoring and more extensive follow up with jail authorities, so that there continues to be trained staff in the juvenile section.

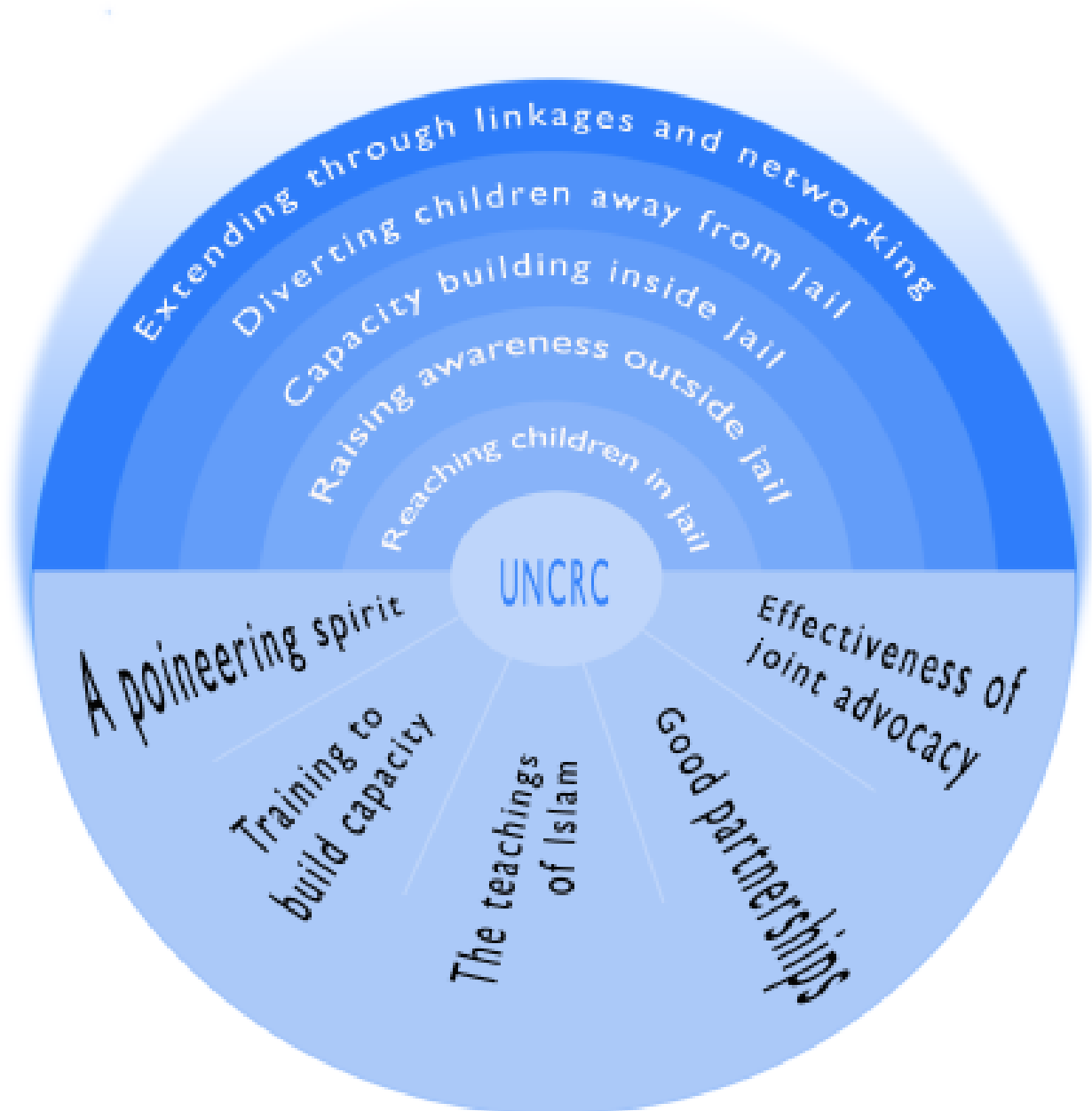
Training started in Police Training College Hangu NWFP in 2004. ... It has given the opportunity to sensitise the emerging new police force from all over the province on human rights and the JJSO. It is building the capacity of PTC instructors and under-training officers.



## QISMAT'S STORY OF HOW HE FINDS JUSTICE

Qismat Khan, (second from the right in this photograph) was 15 years old when he was arrested. He was being held under article 40 of the FCR for his brother's political activities. His arrest and detention - for a crime he did not commit - was out of line with UNCRC and against the principles of natural justice. At the time of his arrest there was no juvenile justice system in Pakistan to protect him from such injustice and misery. When the Rehabilitation of Juvenile Prisoners Project (RJPP) was started in the ATC at Haripur Jail, forty juveniles were invited to take part. Qismat Khan eagerly put himself forward. He attended the formal school in jail, completed his O Levels and continued studying to gain his Bachelor Degree. He then became a teacher in the prison school. He also learnt book binding in the RJPP skills programme and went on to become a master trainer. Now he has been freed from prison through media pressure and advocacy by the JJN. He can look back at his imprisonment with gratitude because the RJPP gave him his education and skills training during the most formative period of his life. The RJPP had protected his rights and rehabilitated him during detention. The JJN had prepared the ground for his release.

## Summary of Interventions & Programme Learning

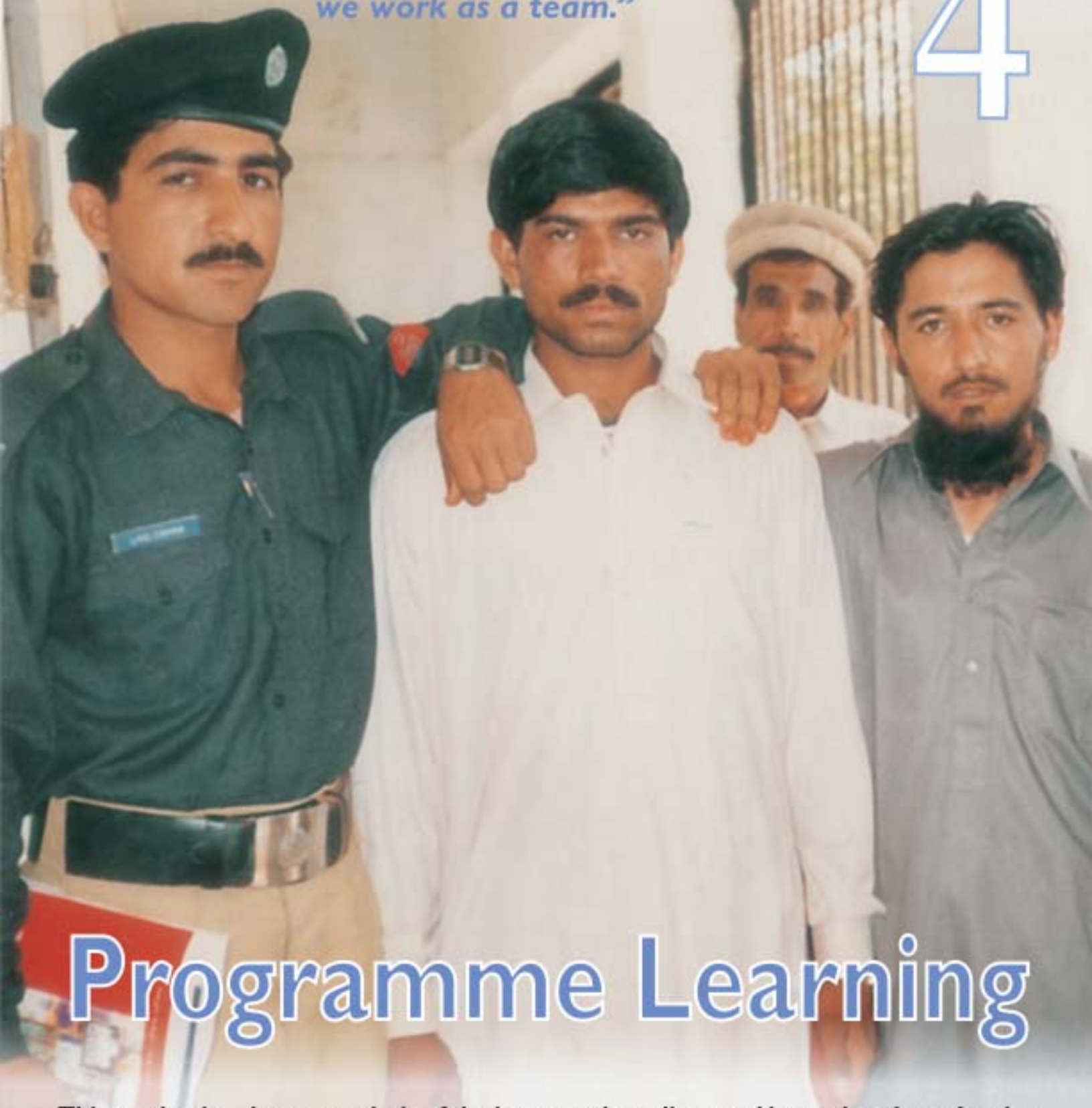


This chart sums up the progressive cycle of interventions for juvenile justice that have taken place in Pakistan between 1994 and 2004. Each cycle has built on the preceding ones and has prepared the ground for what has followed. The key strengths of the programme, summed up in Part 4 'Programme Learning' have sustained this process and will continue to feed the programme.



*"We learn from one another and  
we work as a team."*

4



# Programme Learning

**This section is a deeper analysis of the interventions discussed in section three. Its aim is to understand what have been the key strengths of the programme and to identify weaknesses and challenges. This learning will direct the future of the programme and offer guidelines for replication.**

## A PIONEERING SPIRIT

A pioneering spirit has been needed with every new intervention. The most difficult step was to gain access to the children inside the jails. Traditionally, the jails have kept non-prisoners out as forcefully as they have held prisoners inside. A pioneering momentum was needed to break through the prison defences and reach the juveniles. This was achieved through the efforts of committed individuals and organisations working for juvenile justice.

One strategy used was to look for ways to improve the conditions for the children in jail. PPA linked up with health projects already working inside jails to reach the children of imprisoned mothers. JJN offered practical assistance by improving the latrines and water. There have also been goodwill gestures like giving a computer for the use of the jail staff. Once access to the prisoners had been achieved, this pioneering spirit focused on identifying the duty-bearers and sensitizing the whole system.

At each stage of programme development, from the first contact with children in jail to the present time, this pioneering spirit has opened the way. It has expanded the programme and generated energy and momentum that have carried the work forward. It has been a source of motivation for all involved. “The change I have seen has always motivated me,” said the Save the Children principal trainer, “This is my reward!” The effectiveness of the different initiatives and the confidence it gave, has fostered commitment and is significant for future sustainability.

**Challenge:** This pioneering approach has constantly explored new openings and responded to emerging opportunities. Its weakness is that it lacks an overall plan. This could limit the programme in the long term because there may not be strategies for phasing out or sustainability. Sometimes, essential linkages have not developed, such as with the judiciary. At other times the linkages and capacity building with duty-bearers has not kept pace with an intervention for the juveniles, such as when the new computer center for the juvenile prisoners in Peshawar jail led to resentment among the jail staff.

“Any opening,  
like visiting,  
can lead on  
to a lot  
of improvements.  
Insiders respond  
when outsiders  
take an interest.  
We gave  
them fans and  
coolers and  
helped improve  
the toilets,  
this made  
the prison  
authorities  
very happy!”  
Dr. Tufail, PPA

### Key learnings

Each pioneering step of every intervention should involve the key duty-bearers and rights-holders. Where linkages with key duty-bearers are difficult to establish, as with the judiciary, arrange high-level, high profile advocacy seminars and meetings to engage them.

## TRAINING TO BUILD CAPACITY

Training to build capacity is at the heart of this programme. The training is essentially practical. Case histories and real-life situations are analysed, and there are role-plays which actively engage everyone. Jail authorities can see how juvenile prisoners have been helped by psychosocial support, educational and vocational opportunities and recreation. “These are realities which are happening around us. We have not given a chance to the children who are in jail. We can feel our attitudes changing here,” commented a jail staff during training.

Participants speak with admiration of the determination, passion and sincerity of the trainers. They recognise the effectiveness of the training, and the change it has brought to their own lives. “When I see a child on the street now, I no longer hit him and demand what he is doing, but ask him respectfully why he is not at home,” remarked one police officer.

During training, participants are encouraged to share problems openly. They can put forward their own ideas and get immediate and active feedback. They can suggest changes and improvements within their own situation, and identify possible next steps for juvenile justice. Participation by juvenile prisoners is very important. This has been a challenge for jail staff. “It is against our culture for children to participate,” said a jail officer in Chitral jail. When they heard the suggestions the boys made, they changed their minds. “Children give good suggestions if they are consulted and involved in decision-making,” observed a policeman during training in Peshawar. Suggestions from these trainings have led to training interventions for the police, probation and parole officers.

This training approach has built up good rapport with duty-bearers, and earned respect and recognition for the programme. It has led to interventions which can address many related issues, such as health needs, education, shelter homes and infrastructure. There is a sense of ownership, making it possible to arrange follow-up sessions and continued capacity building. These factors all bode well for further interventions and the sustainability and cost-effectiveness of the programme.

**Challenge:** All capacity training takes time; it is ongoing and uneven in its impact. It is affected by the amount of training that has been given and by staff transfers. There is a lag between becoming aware of a problem and being able to make changes in line with JJSO 2000. The sense of ownership among some duty-bearers is not always high, and authorities can have unrealistic expectations of an NGO and misperceptions about their role. For example, if a fan is not working the authorities can expect the NGO to get it mended. It is an example of dependency which can undermine sustainability and presents a constant challenge to capacity building.

“This workshop has changed our attitude to our own children. It has definitely changed our behaviour with the children we come across in our routine work. This will be very different now. We had never thought of all this before.”  
Police officer in Peshawar

### Key learnings

All duty-bearers have their own training curriculum. Aim to integrate child rights and juvenile justice into their own training. NGOs can demonstrate good practice, but it is the responsibility of Government to ensure duty-bearers are appropriately trained.

## THE TEACHINGS OF ISLAM

*“Those who are not merciful, are denied mercy and those who are unforgiving are denied forgiveness and those who do not repent are denied repentance, and those who do not protect themselves, are denied protection.”*

Prophet Muhammad (peace be upon him)

The teachings of Islam are an essential part of training. The Quran offers a complete code for living. It speaks about the need to treat children with love and care, and is against any form of physical abuse. This can ‘touch the hearts’ of the law enforcement officers. By looking at child rights issues in this way, the UNCRC can uphold the teachings of Islam, and this can bring legitimacy to the training.

Juvenile prisoners and different duty-bearers are often trained together in the same session and encouraged to interact as equals. This was initially very difficult inside the jails. “When we first went to the jail to give training” recounts the principal trainer, “jail staff refused to sit with child prisoners saying ‘we cannot sit with these criminals, it would be insulting for us’. But we believed that bringing the children and jail staff together in the training would have a greater impact. So it was agreed that jail staff would have chairs and the children would sit on the floor. But after about an hour into the training - during which I quoted from the Quran and Hadith about equality and treating children with love and care - the jail staff stood up and offered their chairs to the children,”

The principal trainer also draws attention to the importance the Quran gives to naming a child, “Children in jail complained that the jail staff never called them by their names. This made children feel bad. ‘We have forgotten our names,’ they said. So in the next training for jail staff I included quotes from the Quran, saying that giving a name to the child is the child’s first right. I quoted from the saying of Prophet Muhammad (peace be upon him) in which the Prophet advised his followers to give a child a very meaningful small name, because a name has great impact on a child’s personality. This helped jail staff to realise this, and reminded them to call children by their names.”

**Challenge:** Deep rooted traditions and attitudes are resistant to change and may not recognize the rights of children. The UNCRC needs to be interpreted within the beliefs and practices of each society, and ways must be found to foster a common understanding and shared purpose.

“The need is to see the jail staff as normal human beings, as fathers, brothers, husbands. Then, if you reach them in this way, they start to think, ‘Why has a child done this?’”

Shireen Niaz,  
Principal Trainer,  
SC-S

### Key learnings

There is great benefit from the comprehensiveness of Islam. Staff has been able to relate child rights issues to the teachings of Islam, while advocating for change in attitude towards children and the need to act for child protection.



## GOOD PARTNERSHIP

Good partnership is a key strength of successful programming. Save the Children Sweden's approach and role is particularly significant in this. It has been the driving force behind the juvenile justice programme, providing essential funding, training and supportive partnership to allow an organic development of the work. It has been careful to select partner organisations that are sincere, and committed to juvenile justice. By remaining flexible it has encouraged partners to be creative and courageous in their work and these partners have felt strongly empowered and supported by Save the Children Sweden.

Save the Children Sweden is a learning organisation, and sees partnership as a two-way process where each has essential knowledge and resources for the other. To enhance this process it allows plenty of time in the early stages of a partnership, for a project to be prepared and discussed. It aims to build strong working relationships with individual people in the partner organisation, and maintain close ties and good understanding. 'Our work with Save the Children Sweden has been very productive. They always went into it as equal partners, this is the beauty of the relationship. They do not act as donors or patriarchs, this is very facilitating. There are not rigid work plans and there is lots of room for flexibility, and Save the Children Sweden is open to this,' said Dr. Tufail of PPA

It has entrusted its trainers with responsibility for developing and managing the training. This has given them the scope and setting they have needed to be most effective. They have been able to put their heart into everything they have done and find ways to 'touch other hearts' through the training. They have been empowered by this approach to partnership.

Partnership with the government has been very important. The MoLJHR is committed to human rights. It launched its 'Rehabilitation of Juvenile Prisoners' project in 2000, initially with support from the ILO and then from Save the Children Sweden. This project became a role model for Pakistan and the first of its kind to work in juvenile justice. Their partnership with Save the Children Sweden has been mutually beneficial. It was the MoLJHR that initially supported the principal trainer on her first visit to Haripur Jail, and the MoLJHR continues to give the official stamp to new initiatives to promote the JJSO 2000. Save the Children Sweden provides the necessary funding for the project, and builds capacity within the MoLJHR so that they can increasingly carry out their own training.

**Challenge:** Good partnerships and linkages with government departments are always difficult. They can be hard to establish because many government officials have different and sometimes difficult attitudes and behaviours. Building and maintaining them is constantly being eroded by staff transfers and changes in government bureaucracy, this results in a loss of capacity and weakened relationships. The process of rebuilding rapport has to then start all over again.

### Key learnings

It is essential to maintain linkages with relevant departments at every level of the government and to re-establish relationships when staff change. The programme needs to be explained repeatedly so that key officials understand its purpose and importance.

"The trust Save the Children Sweden had placed in a government agency is a rare phenomenon in Pakistan. It was a major success. I was trained and I learnt how to interact."  
Mr. Kattak,  
former MoLJHR

## EFFECTIVENESS OF JOINT ADVOCACY

The effectiveness of joint advocacy has constantly carried the programme forward. The Juvenile Justice Network (JJN) has given the structure to promote the JJSO 2000. It has linked together six organisations actively working for juvenile justice, and been a platform from which to plan and execute issue-based initiatives. This network makes it possible for organizations to learn from each other and work as a team, while also building trust and sharing information. By including the MoLJHR in the network, it has provided a link between civil society and the government. This is vital, as any lasting improvements in juvenile justice depend on the cooperation of concerned government departments.

As the capacity of the network has increased, it has been possible to launch joint action and targeted advocacy to bring about changes in the law. It has campaigned effectively against child imprisonment and influenced the allocation of funds for Borstal institutions in Bannu and Peshawar. It campaigned for the extension of the JJSO 2000 to tribal areas and this ordinance has now been extended to PATA and FATA.

Joint advocacy has taken the programme forward toward the targets set by the JJSO 2000. Law enforcement officers speak of the numbers of children they have been able to release and the overall effectiveness of this instrument for taking action.

“There are so many achievements since the JJN. We have made an issue of juvenile justice, and all the newspapers will carry stories. We have concentrated on the media and have no hesitation in sharing information.”  
Arshad Mehmood,  
coordinator JJN



**Challenge:** An enormous amount of advocacy is still needed to strengthen the juvenile justice system and follow up on initiatives to implement the rules. The focus can be too wide and efforts can get dispersed. Key people to be targeted keep changing and the government will only respond to issues that belong to their list of priorities.

### Key learnings

Identify what is on the government priority list. Decide on the issue that has most potential for success. Gain maximum clarity on it and have a clear vision of what is the intended outcome. Activate full potential of the network to consolidate and target the campaign.



# Recommendations

This part explores the next steps which are needed to take the programme forward, and the possible steps for replication. It draws on the interviews with duty-bearers and juvenile prisoners, on discussions with the reference group, and on all the learning which this documentation has prompted. During a meeting with the reference group in July 2005 to finalise the document, the following vision statement was agreed on:

*"A juvenile justice system where the duty-bearers are performing their duties and a child's right to juvenile justice is ensured."*

## NEXT STEPS FOR THIS PROGRAMME

To build further on all that has been achieved, the following important steps have been identified. These will continue to strengthen and expand the programme.

### PREVENTION

*“The information about children in different difficult circumstances was very helpful. When we get out of jail we will pass this knowledge on to other children and adults in the community.”*

Juvenile prisoner in Kohat Jail

The reasons why children come into conflict with the law have been broadly linked to poverty, illiteracy, lack of parental responsibility, the trafficking of drugs, and a lack of awareness about their rights. Wherever the programme addresses any of these issues, it can help prevent children coming into conflict with the law. Raising awareness about child rights and juvenile justice among all duty-bearers needs to be an on-going activity. Much can be done to promote responsible behaviour among girls and boys. This is an area where families, law enforcement officers and educational institutions can work together, and valuable suggestions can come from them as to how this can be done. Among those interviewed, the following recommendations were made:

**Interventions for released juvenile offenders**, so that they do not get drawn back into criminal activity. They need income generating projects, industrial and skills training and psychosocial support to rebuild their lives within their communities.

**Support for juveniles placed on probation.** The role of the probation service is the keystone to this. The juveniles should be committed to schools or vocational training units in the jurisdiction of the probation officer, to ensure the programme is appropriate for them. There needs to be co-ordination between the Departments of Labour, Education and Prisons, to develop systems for probationers, so that they can receive education and vocational training.

**Working in the community:** Community police could be trained to go into schools and colleges to explain about the justice system, the duties of a police officer and the need for responsible behaviour. Juvenile justice needs to become part of the school curriculum so as to raise awareness in schools and colleges. There could be pamphlets, picture books and cartoons for girls and boys, to show that crime does not pay.

Probation officers could be linked with the community police to form a stronger community structure. To raise the profile of juvenile justice on the street, special emblems with appropriate logo could be designed and distributed to those police who have been trained. This would be a source of pride to them; it would also spread awareness of child-friendly officers and remind everyone in the community about juvenile justice. A large decorative emblem could also be designed to hang in police stations. This will be a talking point and will again draw attention to juvenile justice issues.



## PROTECTION

*“When someone does not perform their duty well, then others are denied their rights. We have lots of problems because we are not heard by our families, community or even by the police when they catch us and take us to the police station or jail. Everybody feels we are lying, but if they would listen to us we could prove we were not guilty, but adults always take decisions and our lives are destroyed.”*

Juvenile prisoner in Swat jail

The Committee on the Rights of the Child has called on Pakistan to ensure that the imprisonment of juveniles is the very last resort and for the shortest possible length of time. At each stage of arrest, sentencing and imprisonment, the task of the duty-bearer is therefore to choose alternatives which direct the child back into society, and provide appropriate rehabilitation. Protection issues that now need to be addressed by this programme are:

- Interventions by law enforcement officials need to be very practical and swift. When a child is arrested, the police need to inform the guardian and probation officer as quickly as possible. Bail, with or without sureties, needs to be arranged wherever possible and the family need to be made aware of their responsibilities.
- Under-trial children need practical assistance. Even though the government should provide free legal aid this is not yet in place and needs to be offered by appropriate NGOs.
- There needs to be increased coordination between the police, the courts and prison departments.
- Borstal schools for sentenced juveniles need to be an option in all areas. Staff should be specially trained and there should be a rehabilitation programme which offer education, psychotherapy, skills training, and recreation. As an interim measure, juvenile sections of jails need similar rehabilitation programmes. There also needs to be close monitoring and more extensive follow up with jail authorities, so that trained staff continue to be assigned to the juvenile section.
- Shelter homes should be available for those whose guardians cannot be traced.

## CAPACITY BUILDING

*“This needs to go into the training in the Police Training School in Hangu, we need to learn about human rights there because whatever we are getting there, we give back to the public.”*

Police officer

Capacity building continues to be essential for all duty-bearers. Follow-ups on their training and regular contact with them are equally important so that the impact of training can be monitored, and duty-bearers can become increasingly child-centred. Training and sensitisation is now needed for:

- **All the law enforcement officers.** They need to know their responsibilities for juveniles and the contents of the JJSO 2000. A review is needed into the steps taken under the different laws for the institutional treatment of juvenile offenders. This will give caution and careful guidelines for implementing the JJSO 2000 and the Juvenile Justice Rules. Prosecuting inspectors, public prosecutors and the panel of advocates for the juvenile courts now all need to be included in this capacity building, as do the police training colleges in other provinces. As personnel are continually changing, the training needs to be ongoing.
- **Magistrates and the judiciary.** They need to know about the Federal Reformatory Schools Act and the Punjab Borstal Act 1926, as these are very comprehensive reformatory laws. Magistrates have avoided using the Reformatory Schools Act because they considered the minimum three-year detention it stipulated was too long. But rehabilitation needs time, a shorter sentences means that the objectives of the reformatory school cannot be met, and this therefore needs to be kept as an option if it is considered to be in the best interests of the child.
- **Services offering options to institutional treatment.** These include the probation and parole services and remand or certified schools. Probation is particularly useful where young offenders are not yet committed to a life of crime. It separates them from hardened criminals and provides the environment and treatment that can rehabilitate them. Parole is a form of conditional pre-release from a penal and corrective institution after prisoners have served part of their sentence. It is an incentive for self-correction so that they can re-socialise themselves within the community. Remand homes or certified children's homes can provide the educational and technical guidance to young people to reintegrate them into society.

The staff of both government and private welfare homes in NWFP need to have admission policies for children who have come in conflict with the law, and review their policies on child protection and rehabilitation.

## LINKAGES AND PARTNERSHIPS

*“The success of this project is that we had partners who really wanted to change things and were sincere”*

Mehmood Asghar, SCS

A key strength of this programme has been its linkages and partnerships. These have encouraged the programme to keep growing. They have led to a close co-operation with government, and establishing the Juvenile Justice Network. Further and stronger links now need to be developed with:

- **Government departments**, they tend to be suspicious about activities of non-government organisations, and can withhold work opportunities in favour of a government agency. However, government agencies give legitimacy to projects with law enforcement officials. It also means that any child rights violations can be followed up through official channels. The RDHR of the MoLJHR is a recommending body and has little power; finances are held by central government and there are no guidelines. Therefore the partnerships with NGOs continue to be important, allowing the government to implement and build its own capacity.
- **NGOs** that can extend the outreach of the programme. This will need to be rights-based NGOs developing interventions on child protection issues; projects aimed at preventing children coming into conflict with the law; and those focusing on advocacy and information dissemination.
- **All law enforcement departments**, including the police, prison, social welfare, parole and probation. Linkages have yet to be made with the judiciary, and the bar counsels at provincial and district level.
- **Human Rights Dedicated Advocates** who could then be engaged to enhance the juvenile justice system.
- **The Social Welfare Department** who can play an effective role in rehabilitating and protecting juveniles.

## ADVOCACY

*“Unawareness about our rights has destroyed our lives”*

Juvenile prisoner in Abbatobad Jail

The linkages and partnerships have made advocacy increasingly effective and the advocacy campaigns launched already by the JJN have achieved significant results. Key issues now needing further advocacy are:

- Building political commitment to the JJSO 2000, in order to implement the existing rules and establish a juvenile justice system;
- Extending the JJSO 2000 into the tribal areas. It now needs to be implemented in PATA, and the necessary legal amendments made in FATA for its implementation there;
- Establishing juvenile courts;
- Establishing Borstal institutions;
- Strengthening the probation and parole system;
- Translating relevant documents and information into Urdu;
- Activating the Provincial Commission on Child Welfare and Development (PCCWD).

## SUGGESTED STEPS FOR REPLICATION

The initiatives that have been taken in the programme have evolved through time. They have been a response to particular child protection issues and have been identified by duty-bearers and juvenile prisoners as the programme developed. The lessons learned have come about through problem-solving and identifying weaknesses in the programme.

This document is intended not just for the present programme, but also as a resource for others in different settings, concerned for children in contact with the law. It has therefore wanted to look at replication, and the steps it would recommend as guidelines for others. Every situation is unique, and the effectiveness of replication depends on adaptation as much as on the overall planning and implementation. The jail system is notoriously difficult to influence. It is ‘a separate kingdom’ and great sensitivity is needed to make any improvements to the existing situation for juveniles in prison. Change in the juvenile justice system is an enormous and long-term task. It needs extensive linkages and partnerships, and a network of organisations working for juvenile justice who have the specialist knowledge to advocate effectively.

During the reference group’s discussions on this documentation, the following steps were identified and are offered to those who want to replicate.



## STEP 1

Carry out a situational analysis and identify all your duty-bearers and potential partners. Look for all possible entry points to reach children in prison. Where possible include discussions with juvenile prisoners to assess their situation inside jails. Research all existing laws, as well as the knowledge of them among duty-bearers, and the degree they have been implemented.

## STEP 2

Make a strategic plan. Identify the particular strengths of your duty-bearers and potential partners, and how children can participate

## STEP 3

Create a formal network of partners to advocate at policy level. Agree on regular meetings when gaps in programming can be identified, and you can evaluate the programme and revise your plans. Ensure children's voices are included in advocacy material.

## STEP 4

Plan an implementation strategy. Build in an operational research structure and a system of follow-up. Include child-led monitoring and evaluation tools to evaluate the programme and put up benchmarks.

## STEP 5

Implement your plan, with activities supplementing each other, ensuring you have active child participation where possible.

## STEP 6

Maintain the agreed system of follow-up, reflective monitoring and evaluation, and the built-in operational research system. Make sure that children's voices are heard throughout. This will allow the programme to identify its own next steps and encourage it to take root and develop. It will also build the capacity of all involved, and in so doing, it increases the sustainability of your programme.

## Acronyms

APWA	-	All Pakistan Women Association
ATC	-	Adolescents Training Centre
CBO	-	Community Based Organisation
CCWL	-	Children in Conflict with the Law
DIG	-	Deputy Inspector General
FATA	-	Federally Administered Tribal Areas
FCR	-	Frontier Crimes Regulations
IG	-	Inspector General
ILO	-	International Labour Organisation
JJN	-	Juvenile Justice Network
JJSO 2000	-	Juvenile Justice System Ordinance 2000
MoLJHR	-	Ministry of Law Justice and Human Rights
NGO	-	Non-Government Organisation
NWFP	-	North West Frontier Province
PATA	-	Provincially Administered Tribal Area
PCCWD	-	Provincial Commission for Child Welfare and Development
PPA	-	Pakistan Pediatric Association
PTC	-	Police Training College
RDHR	-	Regional Directorate of Human Rights
RJPP	-	Rehabilitation of Juvenile Prisoners Project
SPARC	-	Society for the Protection of Rights of the Child
UN	-	United Nations
UNCRC	-	United Nations Convention on the Rights of the Child
UNDP	-	United Nations Development Programme

## Contact Addresses of the JJN member organisations

### **Aurat Foundation**

T-229/230,  
Khyber Colony No. 2, Tehkal Payan,  
Peshawar, Pakistan  
Tel: +92 91 570 4581-3

### **Dost Foundation**

H. No. 8, Sector B/2,  
Phase V, Hayatabad,  
Peshawar, Pakistan  
Tel: +92 91 581 2218

### **Ministry of Law, Justice and Human Rights**

#### **Regional Directorate of Human Rights**

H. No. 65, E/2 Chinar Road,  
Opp: British Council, University Town,  
Peshawar, Pakistan  
Tel: +92 91 921 8088-9

### **Pakistan Pediatric Association**

H. No. 16, Street 13, K-3,  
Phase III, Hayatabad  
Peshawar, Pakistan  
Tel: +92 91 581 4176

### **Save the Children Sweden**

60-C/5, University Road, University Town,  
Peshawar, Pakistan  
Tel: +92 91 570 0987, 570 4784

### **SPARC**

Flat No. 5, 5<sup>th</sup> Floor,  
Bilour Plaza, Saddar Road,  
Peshawar, Pakistan  
Tel: +92 91 527 3265

## Postscript

This juvenile justice programme was researched in October 2004. Since then the following significant achievements have been made:

- The Rehabilitation of Juvenile Prisoners Project (RJPP) facility at the central jail Haripur is going to be converted into the first Borstal Institution for which funds have been earmarked by the Provincial Government.
- The RDHR with the financial assistance of Save the Children Sweden installed security cameras in the ATC of Central Jail Haripur in the second week of January 2006. The objective of the initiative was to protect children from bullying, abuse and sexual exploitation. This is the first initiative of its kind in South Asia.
- By virtue of the RJPP and the continuous efforts by the RDHR in the field of juvenile justice, NWFP Prison Department has made the RDHR and Secretary Law members of the Jail Visiting Committees, through a formal amendment in the Rule 917 of the Pakistan Prison Rules.
- The very derogatory name of the juvenile section in the jails of NWFP '*Munda Khana*' has been changed through a notification, to '*Bacho ka Ahata*' - children's quarters - by the NWFP Prisons Department.
- An Information and Resource Center is being set up in the office of the RDHR for providing all child related data, information on issues affecting children and training needs of the CBOs and NGOs.
- On 10<sup>th</sup> December 2005, the RDHR arranged the first celebration of International Human Rights Day in the ATC of the Central Jail, Haripur.
- The RJPP is now being replicated as a model project in Quetta and Machh Jails, in Balochistan.





***“State parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”***

Article 40. United Nations Convention on the Rights of the Child.

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Tel: (+92-91) 6876 617

Fax: (+92-91) 6872 407

E-mail: [khybermail@yahoo.com](mailto:khybermail@yahoo.com)

<http://www.khybermail.org>