
Human Rights-Friendly Policing—A Paradigm Shift in Pakistan, A Case of KPK Police

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Abstract

Policing and human rights is a relatively new subject of interest for sociologists, criminologists, criminal justice practitioners and human rights activists. To many, human rights and policing seem to be completely different fields of interest, with the former being a hindrance in administering the later. However, to writers, like Crawshaw¹ (2010) and others, these two are related and regulate each other in many ways. Even though the debate over human rights and policing started several decades ago, the idea has gained growing attention in Pakistan within the second half of the first decade of 21st century. The term ‘human rights—friendly policing’ is being used for the first time in this paper in order to describe this newly emerging trend in Pakistan. The traditional function of the police like arrest and detention of the bad guys is gradually shifting or tilting to that of protection of human rights throughout the world. This paper describes the prospects of a paradigm shift from traditional policing towards human rights—friendly policing in Pakistan.

Keywords: Policing, Human Rights, Human Rights-Friendly Policing, Paradigm Shift, Crime Control, Khyber Pakhtunkhwa (KPK), Pakistan

Introduction

Pakistan, the front line state in the war on terror, has been a source, transit and destination of many serious and organized criminal events. The crime rate has been on a steady rise since the new police reforms were introduced in 2002. The reforms replace the old colonial Police Act of 1861. Despite the deplorable law and order situation, and the unhappy, precarious and un-predictable security environment in Pakistan, the police have not yet devised any commendable effective strategy for crime prevention based on indigenous research. In addition to this functional weakness and performance constraints, the Pakistani police have been facing serious allegations of accounts of human rights violations, especially police torture, illegal detention, non-registration of cases, tampering of investigations and an utter disregard for the rights of children, women, elderly and minority in particular. Human rights issues are becoming alarming for all law-enforcement and security agencies, especially in the wake of the military operations in terrorism-ridden areas like Swat and D. I. Khan, including international concern and criticism.² The US Human Rights Report of 2011 identified some major human

rights issues in Pakistan: some of them were; extrajudicial killings, disappearances, torture, poor prison conditions, instances of arbitrary detention, lengthy pretrial detention, a weak criminal justice system, infringement on citizen's privacy, rape, domestic violence, sexual harassment, honour crimes, child abuse, exploitative child labour, and human trafficking.³ The similar criticism and observations are expressed in the UK Human Rights Report of 2010.⁴

What is Human Rights-Friendly Policing?

The concept of human rights-friendly policing (hereinafter HRFP) is still in its infancy stage of development. It is used interchangeably with human friendly and public friendly policing (Fasihuddin, 2009). The meaning of this concept in this paper refers to a form of policing that is responsive, protective and preserver of human rights. HRFP is such a policing practice which is delivered through well-resourced police agencies and by deploying well trained personnel who behave lawfully and humanely with all those who come in contact with the police. This includes starting with the victims, as well as to offenders and witnesses to general visitors and community members. The police in this model are seen as protectors of human rights of all citizens in general and of children, women, the elderly, and those of minority and/or deprived of their liberty. This definitional framework is further explained in this paper.

Relationship between Human Rights and Police

Protection of the life, liberty and security of the person are the fundamental human rights proscribed by the Universal Declaration of Human Rights (1948)⁵ and reaffirmed in the International Covenant on Civil and Political Rights (1966). The fundamental police functions include prevention of crime, investigation of crime, and preservation of public order (Police Act 1861; Police Rules 1934; Police Order 2002). It follows that maintaining public order, or more appropriately social order, is a fundamental police function. Similarly, the principal function of human rights is also to protect, promote [and maintain] certain essential human interests [public order]. The fact that maintaining social order is fundamental to both police and human rights, implies that protection of human rights itself is a police function. The states ensure the protection of human rights to its citizens through their police forces. If the police fail to protect the life, liberty and security of the persons, the entire social system itself will be considered a failure.⁶

On the other hand, the police function and service are also regulated by the human rights principles. For example, the power to use force is regulated by the right to security of a person (as expressed in Article 9 of the Constitution of Pakistan, 1973); the power to deprive people of their liberty is regulated by the right of safeguard to arrest and detention (Article 10 of the Constitution of Pakistan, 1973); and, the power to carry out search and surveillance activities is regulated by the rights to inviolability of man, etc. (Article 14 (1) of the Constitution of Pakistan, 1973). Furthermore, the protection against double treatment and retrospection (Article 12 of the Constitution of Pakistan, 1973) is intended to protect people from brutality at the hands of police officials whatever powers they may be exercising or whatever functions they may be performing. This mutual interaction, interdependence and co-relation of human rights protection and police activities is the essence of human-rights friendly policing as envisioned in this paper (Crawshaw, 2010; Yasin, 2011; and Imran, 2011).⁷

Identifying the Paradigm Shift and HRF Model

There are many policing models ranging from the strict military policing model to the modern models of intelligence-led policing and community policing. All have certain characteristics and are applied at various places with a variety of experiences and results. Until now, like a universal theory of criminality, we don't have a unanimous or one-size fits all type of policing model. Research evidence has failed to approve one single model in the claims it makes and the results it gives after a reasonable implementation and cautious utilization. Bowling and Foster (2002) have discussed these models in detail and have emphasized the need to minimize the distance between the police and the policed.⁸ Though the research has not shown any universal model and almost all of these models have limited effects and results in different situation, a comparison of these models is a subject of general interest in the common literature of criminology and policing.

The traditional police image is that of a crime fighter. This image is too often presented and promoted in the movies. However, to writers, such as Birzer and Roberson (2007), it is one of the many myths associated with the police. Research has shown that only about twenty percent (20%) of a police officer's time and energy is devoted to crime fighting (Skolnick and Bayley, 1986).⁹ It implies that the rest of the time a police officer is engaged in other forms of public dealing. Acknowledging this fact, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that law-enforcement is a social service of great importance to a society.¹⁰ This change from

effective law implementation and procedural obligations to service-orientation and valuational-ventures is often a question of debate and research, but the modern tilt in favour of the latter speaks of the importance of this new approach.

One of the most visible indicators of a paradigm shift in policing in Pakistan is the replacement of the old Police Act of 1861 with a new police law, known as Police Order 2002. The Police Act of 1861 provided only a single purpose for the establishment of police. It started with a preamble which states that it is expedient to re-organize the police and to make it a more efficient instrument for the prevention and detection of crime (Preamble of Police Act 1861). However, the preamble of the Police Order 2002 justifies the existence of the police force by providing three (3) key grounds:

- i. An obligation and duty of the police to function according to the Constitution, law, and democratic aspirations of the people;
- ii. Professional, service-oriented, and accountable policing to the people; and
- iii. Reconstruction of the police for efficient prevention and detection of crime, and maintenance of public order.

The differences in the role of the police in Pakistan shows a radical shift in policing approach, at least in theory. Furthermore, various initiatives taken by the provincial police forces in Pakistan reflect this radical change in policing concept, if not truly in practice.¹¹

Table I: Traditional vs. HRFP Model of Policing

INDICATORS	TRADITIONAL MODEL	HRFP MODEL
Perpetrator's Outlook	An accused is a criminal whether a child, a woman or an adult. He/she seems to cease his/her rights.	An accused is a human being with certain inalienable rights as a citizen of a country and as a member of international community. Enjoys certain rights in detention
Responsibility	The individual himself/herself is solely responsible for his/her acts.	An individual's liberty is limited by social and environmental factors. Extraneous circumstances are considered as well.

Concept of Weak/Special Segments	None	Children, Women, Elderly, Minorities, Prisoners, etc.
Detention Facility	Juveniles, adults and women are put in the same detention facility.	Juveniles and women are kept in protection centers, or separate sections of prison/police station.
Basic Police Functions	Police are there to arrest and detain the offenders.	Police are there to protect the rights of the people.
Police Torture	Use of inhumane and brutal methods is normal for extracting evidence from the perpetrator. Third degree force allowed.	No such practice is allowed and is seen as a crime in itself.
Public Oversight and Complaint Mechanism	Complaint mechanism and public oversight is generally ignored.	Community satisfaction, open, fair and accountable.
Police Training and Education	Police training and education is mostly focused on law-enforcement.	Police training and education mostly focused on scientific methods and upholding human rights.
Purpose of Police/Judicial Actions	Punishment, Retribution, and Revenge.	Rehabilitation, Reformation, and Reintegration.

Table I describes some basic indicators of HRFP which put it in sharp contrast to the colonial and traditional policing style. The HRFP is mostly focused on community satisfaction, preservation of human dignity and restoring the respect of all human beings which is their inherent right to be dealt respectfully, humanly, sympathetically, humanely and legally. An offender is not dealt with strictly in legal terms and procedural rigidity is not used as an excuse for his/her treatment below dignity. The society as a whole is made a partner to the overall processes of detention, investigation and prosecution, through any locally and legally approved mechanisms. An offender is not left at the sole mercy of law-enforcement officials. Third degree methods of police torture for extraction of evidence and confession which are though illegal yet otherwise very common in the under-developed countries, are absolutely abhorred, forbidden and have no place in HRFP. This model has special and separate arrangements for the weak and depressed

segments of the society like juveniles, women and elderly in particular. HRFP emphasizes on reforming the offender instead of only retribution. Instruments of complaints and special services are provided to all those who have grievances, complaints of discrimination and difficulty in expression and communications. The police are well-versed in the subject of human rights and act as proficient knowledge-workers.

Duality of Police Roles in Pakistan

Traditional Role—Loyalty to Duty

Pakistan has still the colonial style uniforms and practices of the traditional policing which were inherited from the Colonial British India. The overriding consideration before the makers of the police organization in 1861 was to create an instrument in the hands of the colonial government for keeping the natives on a tight leash, not a politically neutral outfit for fair and just enforcement of law. Instead of a public-friendly, it was designed to be a public-frightening organization. Service of protection of life and limbs of the people was not an objective. Maintenance of law and order and riot control was the only objective before them (Suddle, 2002).¹² Though some may not agree with this generalized version in totality, yet the outcome and apparent reality remained the same. The training courses in traditional policing were (and are) designed to infuse the sense of duty (*farz-shanasi*) and loyalty to the authorities in a new officer during the training.

The public in this perspective was and is seen as hostile towards the authorities, and if given the chance, are ready to create law and order situation at any time. It was all about “protectors” and “breakers” of law and order situation. The police image is marked by mindless brutality, torture and thuggish behaviour. The protection of human rights was not a concern of the police. Rather, violation of the rights was (and is) an everyday practice of police. The image of the police is often very compromised (Fasihuddin, 2008).¹³ About the duty of a police officer, Article 23 of the Police Act, 1861 states as following:

“23. Duties of Police Officers: It shall be the duty of every police-officer promptly to : obey and execute all order[s] and warrants lawfully issued to him by any competent authority , to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice and to apprehend all persons who he is legally authorized to apprehend, and for whose apprehension

sufficient ground exists: and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.”¹⁴

Inheriting such objectives, purpose, training and attitude from the British Colonial period, the police role was expected very little to change and serve the community. Therefore, the Pakistani police have been facing serious allegations, both from national and international stakeholders, on various accounts of human rights violations, especially police torture, illegal detention, non-registration of cases, tampering of investigations and an utter disregard for the rights of children, women, elderly and minority in particular.¹⁵ The police in this way grew harder and harsher and thus acquired certain unbending attitudes which became inherent and institutional, hence a police culture of un-friendliness, torture, indifference, insensitivity and irresponsiveness.

The Emerging Role –Protectors of Human Rights

Since the emergence of the concept of human rights and enacting of Universal Declaration on Human Rights (1948), scholars have been engaged in a great deal of theoretical debate about the purpose and function of human rights. Researchers in the field of human rights agree that the basic function of human rights is to guarantee the enjoyment of a minimally good life (see Fagan, 2005)¹⁶ to every human being, thereby, maintaining social order. Guarantee to the minimal good life to the people is granted for the preservation of social order.

Since gaining independence in 1947, the police role in Pakistan have remained mostly the same as in colonial times until they recently started changing their role from that of a “controller” to being a “protector”. For example, enactment of Juvenile Justice System Ordinance, 2000 (JJSO) and the subsequent JJSO Rules in almost all of the provinces, Police Order, 2002, Protection against Harassment of Women at the Workplace Act, 2009, and Protection of Women (Criminal Laws Amendment) Act, 2006 are a few examples. Here, we shouldn’t ignore that Pakistan is a signatory to many international and bilateral conventions and laws (e.g., Convention on the Rights of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination against Woman (CEDAW)). The effects and implications of all these efforts are somewhat reflected in the new Police Order, 2002 which states in Chapter II, Article 4.c that one of the roles and responsibilities of the police is to “ensure that the rights and privileges, under the law, of

a person taken in custody, are protected.” Therefore, it can be said that protection and promotion of human rights, today, is the fundamental responsibility of the police. It is this role of the police which is termed in this paper as “human rights-friendly policing” (*Insan-Dost*). The framers of the Police Order 2002 have rightly identified some vulnerable groups whose rights are to be jealously guarded by the police. Relevant sections (called Articles) are hereby reproduced:

“Article 3: Attitude and responsibilities of police towards the public. - It shall be the duty of every police officer to – (a) behave with the members of the public with due decorum and courtesy; (b) promote amity; (c) guide and assist members of the public particularly the poor, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places; and (d) aid individuals who are in danger of physical harm particularly women and children.

Article 4: Duties of police. (2) Police officer shall make every effort to -(a) afford relief to people in distress situations, particularly in respect of women and children; (b) provide assistance to victims of road accidents; (c) assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate their compensation claims; and (d) cause awareness among the victims of road accidents of their rights and privileges.”¹⁷

The law has shifted the duties of the police officers from controlling and apprehension to guiding, protecting and affording. This surely is a crystal clear indicator of the paradigm shift in policing in Pakistan, at least in theory, if not fully materialized and visibly functional. This new concept and idea is rightly agitated in the newly proposed bill of the National Commission for Human Rights. The bill for the establishment of a National Commission for Human Rights will be a land mark achievement in Pakistan as soon as it is properly legislated. The Bill was presented by the Chairman, National Assembly Standing Committee on Human Rights, Riaz Fatiana, on Thursday January 27th, 2011. Among other functions of the Commission includes the authority to visit any jail or place of detention where persons are lodged for purpose of treatment, reformation, protection or investigation to examine

the living conditions of inmates (Imran, 2011).¹⁸ Subsection c, d, l and m of Article 11 and Article 23 of draft Bill National Commission for Human Rights (NCHR) 2008 are somewhat linked to regulate police functions with regard to human rights. *The News* reported on April 07, 2011 that the Bill will spread human rights literacy among various sections of society and will also provide training to the members of the law enforcement agencies regarding protection of human rights. The NCHR is also an indicator of this paradigm shift in policing in Pakistan.

The critics of the Bill have, however, highlighted various issues including selection and appointment of chairman and members, independence of operation, non-representation of all stakeholders, and financial autonomy. However, there has been no criticism on the functions of the commission (Asia Pacific Forum, 2010). The composition of the Commission is also not based on proportional, or equal, representation from each province except for women and minority. Though the draft Bill doesn't contain a comprehensive roadmap of protection of human rights and data-collection and policy-making on human rights issues, yet such items will definitely emerge after an institution is legally established for this purpose.

Human Rights-Friendly Policing: Initiatives in KPK Province

Khyber Pakhtunkhwa, the smallest of all the four provinces of Pakistan, is the land of Pakhtuns, also spelled as Pukhtoos or Pashtoos. It has twenty-four (24) police districts. At the west-end, KPK is bordered with Federally Administered Tribal Area (FATA) which is a buffer zone between Afghanistan and Pakistan. It is a poor province with an estimated population of 23.313 million and a literacy rate of 53% (Government of Khyber Pakhtunkhwa, 2008).¹⁹ Its *per capita* income is 30% lower from other parts of the country (World Bank, 2007).²⁰ The province is divided into seven (7) police ranges namely Peshawar, Mardan, Swat, Hazara, D.I. Khan, Bannu, and Kohat. Within the past five years, the number of police officers in KPK increased from 47,000 to more than 70, 000 person. Owing to the terrorist incidents in the province, a new police branch/squad was established within the existing structure, namely Anti-Terrorist Squad/Elite Police Force.

This Province is seriously affected by militancy in most of its districts, especially Swat, Dir, Buner, Peshawar, Bannu, Hangu, Kohat, Tank, and D.I. Khan. The security situation, military operations and strict police preventive methods often create public dissatisfaction and human rights violations. Serious criticism is seen on the harsh attitude of police in these districts. It was, therefore, imperative to train, educate,

normalize and humanize the street police. A strategic and systematic programme was thus initiated in KPK in 2008-11.

Speaking of human rights initiatives by the KPK Police department, it has seen many positive developments. The KPK police department is the only police department in all the four provinces which is performing a leading role within the context of human rights. It is pertinent to note that the KPK police is the only department which has a separate directorate of human rights within the police.

Establishment of the Directorate of Human Rights, Conflict Resolution and Peace-Making by KPK Police

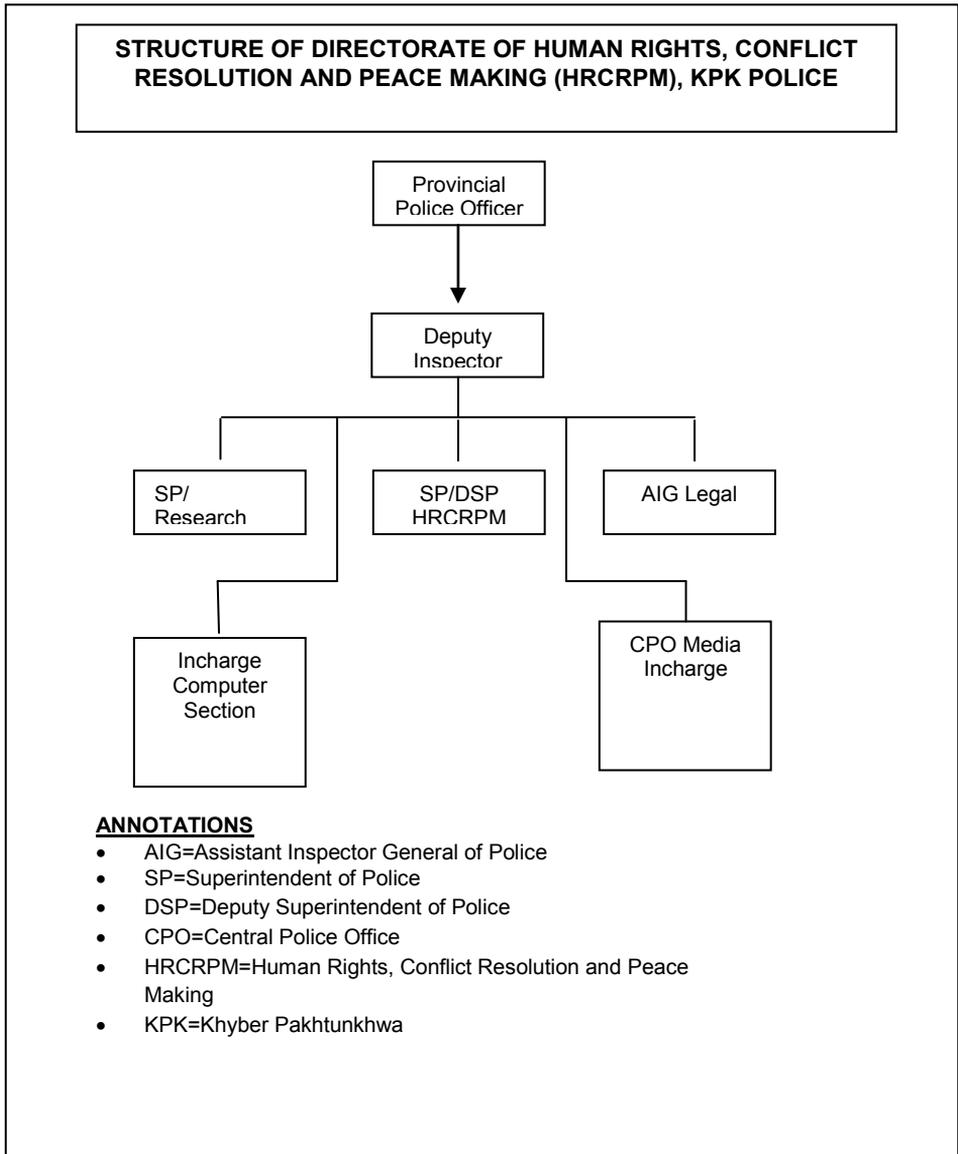
The Directorate of Human Rights, Conflict Resolution and Peace-Making in the Khyber Pakhtunkhwa Police was established in 2009 by the Provincial Police Officer's Standing Order No. 13/2009. The purpose of the Directorate was to ensure that the rights of the persons in contact with law, particularly those of women and children, are protected from violation. As mentioned in the Standing Order, the purpose of the Directorate was to help the local police in: promoting human rights; raising police image; developing good working relationship with the civil society, NGOs, international organizations and media; and bringing peace and harmony in the society through a number of measurable, visible and effective interventions.²¹ Due importance was given to the Directorate which is evident from the head of the Directorate who was at least to be the officer not below the rank of the Senior Superintendent of Police (SSP), preferably a Deputy Inspector General of Police (DIG). The proposed Directorate envisioned a structure and organization of its own, which is summarized in Figure-I.

This structure was initially envisioned at the Central Police Office (CPO) at the provincial headquarters, but due to non-commitment of some senior officers and resistance of a few to change for the best hampered its real manifestation. As a result, its downward trickling and replication at divisional and district levels didn't see the dawn of the day. Allocation of resources and support from international community which was promised in so many meetings was never materialized. Despite these hindrances, some good work was done and the idea in itself was highly appreciated by the general public, media and civil society.

The main functions of the Directorate include:

- a) Promoting and securing the human rights, especially of children, women, minority, elderly and people in need of help (No. ii);
- b) Bring peace, tranquility and harmony in society through various restorative justice practices like mediation, conciliation, arbitration, etc. (No. iii);

Figure – 1: Structure of Directorate of Human Rights, Conflict Resolution and Peace Making (HRCRPM), KPK Police



- c) Impart training and skills to the local police and members of Alternative Dispute Resolution (ADR) Committee on all matters related to human rights protection, peace-building, social cohesion, communication skills, media handling, and social reconstruction (No. iv); and
- d) Develop a database of human rights abuses, crimes against children and cases of violence against women and minorities (No. v).

It is a tradition in Pakistan that the majority of the legal bodies came into existence with much praised list of functions. However, those functions remained just on papers. The case of the Directorate of HRCRPM was somewhat non-traditional in Pakistan. For the first two years, under the command of the principal author of this paper himself, not only were these functions carried out with visible expression, but also those practical measures were highly praised by various stakeholders. Realizing the human rights initiative of KPK police, it was appreciated at the national level. Resultantly, it was decided in a meeting of the National Assembly Standing Committee on Human Rights (NASCHR)²² held on May 5, 2010 to establish a Human Rights Cell in each of the Provincial Police Offices (Central Police Offices). The Committee decided that the Human Rights Cell may be comprised of the following:

- a. at Provincial level:-
 - i. Additional Inspector General/Deputy Inspector General level officer
 - ii. Regional Director of Human Rights, under the Ministry of Human Rights of Pakistan
 - iii. Representative of Civil Society Organizations
- b. at District level:-
 - i. Superintendent of Police (SP) level officer
 - ii. Representative of Ministry of Human Rights
 - iii. Two Civil Society Representatives

Unfortunately, this apparently good idea never materialized as it was vague in its legality, structure, and functions. None of the provincial police departments in Pakistan implemented this idea as it was a kind of suggestion rather than a complete unit with legitimate authority behind it. During its inception, the KPK Directorate of HRCRPM was comparatively ineffective and practical in its structure and operational mandate. Before the establishment of the Directorate of HRCRPM, the “Police Child and Women Protection Committee” had already been established in the KPK Police, under the command of the principle

author of this paper. These directives and good ideas remained short of their desired goals due to some reasons as explained earlier.

Establishment of Police Child and Women Protection Committee

Children and women are the most vulnerable sections of the society whose rights are violated at a vast scale in all the societies. Giving due consideration to the rights of children and women, the KPK Police established a Police Child and Women Protection Committee (PCWPC) in 2009. The Committee was basically an up-gradation of the existing Police Child Protection Committee (PCPC) of 2008, consisting of only seven members of KPK Police. The PCWPC now consists of twelve members including the chairman, secretary and the coordinator. The purpose of the committee was to streamline, focus and continuously contribute to the cause of child and women protection, promotion of children and women rights, and to fight against violence and abuse of children and women. Similarly, providing all kinds of legal and social help to the children and women in conflict with law and their rehabilitation and reintegration in the society was the aim and purpose of the Committee.

As far as the cause of children rights is concerned, the Committee remained quite successful. The Committee established a Police Child Protection Center, chaired the Juvenile Justice Working Group (JJWG) of KPK, and established a computerized database for the collection and analysis of data regarding child abuse and juvenile offenders. However, attention to the rights of women was not attended to due to the lack of resources and indifference of the international and local stakeholders.

Establishment of the Police Child Protection Centre (PCPC)

Since the ratification of the Convention on the Rights of the Child by Pakistan, and the enactment of Juvenile Justice System Ordinance in 2000, Pakistan has been criticized at national and international forums for not taking measures for the protection of the rights of the child in contact with law, particularly children in detention. Section 10, Sub-Section (3) of JJSO 2000 states that, "*A child accused of a bail-able offence..... shall not under any circumstances be kept in a police station or jail.*" However, there was no such facility available with the police in the entire KPK.

Taking a lead for the protection of the rights of the child in conflict with law, KPK Police, in collaboration with the Ministry of Human Rights, and Save the Children Sweden, established a Police Child Protection Centre (PCPC) at Peshawar, which is a unique establishment

in the entire country. At PCPC, the financial support is provided by Save the Children Sweden, the security is provided by the KPK Police, while the human resources, including psychologist, lawyer, and other staff, are provided by the Ministry of Human Rights. Pakistan Society of Criminology (PSC) provided technical support in collection and compilation of data on juvenile justice indicators.²³

The PCPC offers psychological counselling to the children in conflict with law along with legal support and an alternative shelter with a child friendly environment. After its establishment, all the police stations in Peshawar district were directed to contact PCPC immediately in case a child comes in contact with the police. The PCPC has its own police mobile van which carries children from the police station to the Centre.

Table II: Output of PCPC for the year 2010

	Cases of Child Victims		Cases of Child Offenders		Cases of Lost & Found		Children Staying Overnight		Counseling Sessions		Referred to Shelter Homes	
	M	F	M	F	M	F	M	F	Children	Parents	M	F
	24	35	46	1	103	35	109	36	153	70	26	19
Grand Total	59		47		138		145				45	

Source: Police Child Protection Centre (PCPC), Peshawar, Khyber Pakhtunkhwa, Pakistan

Table II shows a brief performance of the PCPC for the year 2010. According to the Table, PCPC provides overnight stay facility to the children (both children in contact with law and lost and found children). More than one hundred children (109 male and 36 female) were provided overnight stays in the last year. Further, the Centre also provides psychological counselling to the children and parents as well. Counselling sessions were conducted with more than 150 children and 70 parents. Furthermore, those who were in need of more protection or shelter, they were referred to various shelter homes in KPK. However, the data failed to inform whether those children were referred to public sector shelter homes or shelter homes run by various philanthropic or civil society organizations.

The efforts of the PCPC were also recognized by the judiciary during various juvenile cases. The PCPC also has accommodated the Police Missing Children Centre and women police are deputed in PCPC for tracing, receiving and re-integrating the missing children. It is not out of place that the local judiciary has praised the services and concept of

this Police Child Protection Centre. For example, on July 18, 2010 the Judicial Magistrate IC-VII/MOD Peshawar, Mr. Tariq Abbas, in a case hearing of a juvenile named Naseer (17 years-of-age) and arrested by Police Station Town, Peshawar, ruled through a Court Order that:

“In view of.....[the] law, and after establishment of Police Child Protection [Centre], Peshawar, the juvenile accused is required to be sent/remanded to the said Cell/Centre, Peshawar and be given in the custody of incharge of the said [Centre]....”²⁴

While at subsequent hearing of the same case, Mr. Ahtesham Alam Khan, Judicial Magistrate, Peshawar, ruled against a police station’s request for the custody of Mr. Naseer (the accused juvenile) that:

“...the request made for the grant of custody is turned down and the accused is remanded back to police child protection cell/centre under section 6 & 7 of juvenile justice rules 2001 instead of sending the said juvenile accused to jail...”²⁵

These court rulings are a major shift towards the formal recognition of PCPC and emphasize the need of more such centres at other places as well.

Designing the New Data Collection System on Juvenile Justice Indicators

The first problem a researcher experiences in Pakistan is the lack of proper data on the subject matter. Proper and valid data on juvenile offenses and child abuse is no exception. Keeping in view the need for a comprehensive data collection system on juvenile justice indicators, the KPK Police undertook to introduce a new data collection system based on the juvenile justice indicators as proposed by UNICEF, UNODC and UN General Comment No. 10.²⁶

There were twenty-five (25) registers in every police station in Pakistan for criminal record and crime statistics. No doubt, this system is very comprehensive but it is based on the old colonial Police Rules of 1934 and it is maintained manually. However, the mechanism through which the data moves from the police stations to the District Police Officer (DPO) and CPO is very complex and time consuming. The information in the criminal record system is collated tediously at the police station level from the manual registers, from where it flows to the Superintendent of Police (SP) and aggregated at the district level under the heads of *body offences, property offences and recoveries made*. In the

next step, the information is passed onto the Central Police Office (CPO), where it is aggregated at the provincial level for comparison with previous year statistics. Similarly in the next step, the information is passed onto the National Police Bureau (NPB) which acts as a repository of crime statistics at the national level. From a distance, it might appear to reflect an easy flow and a smooth mechanism of data collection and compilation, however in reality it is too cumbersome and potentially full of mistakes, human errors, and logistical challenges. The NPB collects the data only in aggregate crime figures with no disaggregation and analysis.

The KPK Police introduced a new register in the existing data collection system. The register was named as Register No. 26-A. This register is kept in each and every police station in KPK. It contains only the data regarding child abuse and juvenile offenses. Nonetheless, the mechanism for the collection of information is very smooth under this new register. Every police station reports its monthly figures regarding children in contact with law to the CPO on the proformae especially designed for this purpose. There are two separate forms for monthly submission: a) blue proforma for indicators on juvenile offenders, and b) pink proforma for indicators on child abuses reported to the police station. At the CPO the information is entered into a database which is designed for computerization of the Register No. 26-A. The report of these efforts is available at the PSC website.²⁷ It is pertinent to mention that the new Register 27-A was introduced for data on violence against women but due to constraints of resources, time and workload on PCWPC, only the said registers were distributed to the police stations but training and collection of data remained unsuccessful.

Police Training on Human Rights: Particularly Child Rights and Juvenile Justice

Training brings change in behavior and attitude. To bring a change in the attitude and behaviour of police, from traditional approach towards HRF approach, some NGOs, including PSC, arranged training programmes for the KPK police on human rights, particularly children and women rights. Numerous workshops, seminars and conferences were arranged during 2008-10. During the years' 2009 and 2010, more than five thousand police officials of various ranks were trained on making entries into the new register No.26-A, children rights, child abuse, CRC, JJSO and methods on handling of juvenile cases. Such trainings are envisioned to be made a compulsory part of the police curriculum at the Police Training Colleges.

The principle author produced a booklet on Police Role and Children Rights in Pakistan's national language, Urdu. Also, two separate training manuals in Urdu were produced in Urdu by the principle author, one for participants and the other for the trainees. These manual are now being taught to the under-training constables and officers of the Police Training College, Hangu, KPK. This was funded by Save the Children.

Police in Collaboration with other NGOs and Stakeholders

The importance of public-private partnership in matters of human rights is recognized throughout the world. KPK police also took initiatives of public-private partnership by taking a leading role in the Juvenile Justice Working Group (JJWG) in KPK, which was established under the Juvenile Justice Reform Project of the UNICEF in 2008-09 and later on supported by Save the Children Sweden in 2009-10. The JJWG remained a think-tank and policy forum for the protection of the rights of the children in contact with law. The Supreme Court of Pakistan also ordered the establishment of a similar working group at the national level, with the Registrar Supreme Court as its patron-in-chief. Though, initially the JJWG in KPK remained very active and worked a lot on so many fronts, yet as it happens to such groups, the enthusiasm of the members gradually declined and at one point of time, the group remains nowhere except on papers.²⁸

Replication of KPK Initiatives in Other Provinces

A meeting was called by the National Police Bureau of Pakistan at Islamabad on October 22, 2009. The meeting was chaired by the then Commandant, NPB and attended by senior representatives from all four provincial police departments and the two major stakeholders, the UNICEF and Save the Children, Sweden. The principle author of this paper presented to the meeting all the above initiatives, their justification, legality, practicability, need and working at KPK. After a long discussion and scrutiny, the same best practices of KPK police for children-rights protection were recommended for other provinces as a role model. The first of the other provinces which took the lead was the Province of Baluchistan, again a poorly developed and highly disturbed province in Pakistan. Save the Children, Sweden offered financial support for the same and today all these initiatives at KPK police are being successfully replicated in Baluchistan. Moreover, the UNICEF too entertained the idea with little modifications and in collaboration with other wings of the criminal justice system. If this continued commitment is not lost, we will

have more of such kinds of initiatives for protecting human rights in Pakistan.

Future Vision of the New PPO, KPK

As it is well known to the world that KPK is a province which is a direct victim of global terrorism, the police are the key agency to fight terrorism in the settled districts of the province. Therefore, all the police planning since 2001 was geared towards fighting terrorism. The provincial police were provided with much material resources. Yet, the menace of terrorism remained unabated. However, the new PPO of the KPK, Mr. Fiaz Toru, realized that in order to maintain a balance in protection of human rights and fighting against terrorism, the police require the ability to engage in capacity building not only in terms of quantity but also in terms of quality—human resource development. Resultantly, Mr. Toru devised a project in 2012 with the concept of POLICING BEYOND TERRORISM. This project is directed towards making:

- the police officer as a role model of young people;
- the police as the most visible part of governance;
- gender mainstreaming at operational level; and
- the police as a custodian of rights of the people.

Although it is considered to be an exceptional idea for the police, it seems impractical, however.²⁹ The maximum training duration proposed in the project is only three days. Such short term training cannot bring a long and relatively permanent change in the attitude and behaviour of a police whose behaviour has been shaped by centuries of experience of military model of policing (Bowling, 2002). The basic idea of this Policing Beyond Terrorism is a reversal to the usual police work but now based on modern concepts and approaches, which is undoubtedly a commendable initiative. However, to translate this idea into practice, there is a need of committed officers of unflinching endurance, vision, knowledge, resources and authority. The lessons learnt from the failure and shortcomings of previous projects and concepts shall be kept in mind. There are certainly constraints and challenges to this new approach, the police are still overburdened with the severe and serious terrorist incidents on daily basis. The police training and education are not revamped to accommodate new subjects of human-rights, intelligence collection, data collection, data analysis and human rights. The criminal record of the police is still based on the old Police Rules of 1934 which needs a bit of change to include human rights abuses and some other useful indicators for a research-based policies. This last factor requires a brain-storming session of all the key stakeholders to

decide what indicators of human rights violations should be collected and compiled in a composite whole which will give an idea of the overall situation of human rights abuses in Pakistan. This might possibly include child abuses (i.e., physical and sexual), violence against women (e.g., honour killing, acid throwing, physical torture, domestic violence, sexual harassment, etc.), discrimination against minority (e.g., desecration of their religious emblems, killing and hurt, etc.), murder (of children and women), police torture (e.g., illegal detention, beating, hurt, extra-judicial killing, etc.) and disappearance (e.g., missing persons) to name a few.

Lastly, we shouldn't ignore the importance of an institutionalized mechanism for complaint against non-registration of cases by the police, tempering or delaying the investigation processes, wrong implications of innocent people into criminal cases and incidents of police high-handedness and rude and brutal behaviour towards complainants, offenders/suspected, witnesses and civilians. Fair, transparent and timely redress of such untoward happenings are a pre-requisite for improvement of police image, and enhancing their professional competence, and hence a human-rights friendly policing.

Conclusion

HRRFP is a new idea and will need more input and feedback from experts of policing sciences, field practitioners and criminologists. To develop its theme into a fully blown concept with clear-cut contours will definitely require more work and field-testing. A committed police leadership and a cooperative team of human rights workers can really make it a success. The best practices at the KPK Province, which is otherwise a terrorism-stricken place and its police became the worst target of terrorist attacks since 2005, have been of keen interest to donors and other stakeholders and partners of the criminal justice system. This spirit needs to be continued by the coming police generation.

END NOTES

¹ Ralph Crawshaw. (2010). Human Rights and Policing. In *The Journal of Turkish Weekly*. Retrieved 21 Jan 2011 from <http://www.turkishweekly.net/article/82/human-rights-and-policing.html>

² For a detailed account on the human rights violations in Pakistan, see reports of Human Rights Commission of Pakistan on the website <http://www.hrcp-web.org/Publications/AR2010.pdf>

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⁴ Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report. Retrieved June 27, 2011 from <http://s3-eu-west-1.amazonaws.com/htcdn/Human-Rights-and-Democracy-The-2010-Foreign-Commonwealth-Report.pdf>

⁵ Article (3) of UDHR, 1948

⁶ Ibid

⁷ Asim Yasin. (Jan 28, 2011). Govt set to establish National Commission on Human Rights. In *Daily The News International*, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=28145&Cat=2&dt=1/28/2011>
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⁹ Jerome H. Skolnick and David H. Bayley. (1986). *The New Blue Line: Police Innovation in Six American Cities*. New York: The Free Press. P. 4. C.f. Michael L. Birzer and Cliff Roberson. (2007). *Policing Today and Tomorrow*. Ne Jersey: Pearson Prentice Hall. Pp.22-23.

¹⁰ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

¹¹ For more detail on Police reforms and Policing in Pakistan, see:

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¹² Shoib Suddle (2002). Reforming Pakistan Police: An Overview. 120th International Senior Seminar Visiting experts' papers. Resource Material Series No. 60.UNAFEL. Retrieved Dec 22, 2010 from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.126.8111&rep=rep1&type=pdf>

¹³ Fasihuddin (2008). Criminology and Policing in the Context of India and Pakistan. In *Expanding Criminology to Pakistan*. Available online at www.pakistansocietyofcriminology.com

¹⁴ Article 23 of the Police Act, 1861

¹⁵ See BBC Story. (2005). *Pakistan police brutality claim*. Retrieved March 5, 2011 from http://news.bbc.co.uk/2/hi/south_asia/4548885.stm

¹⁶ Andrew Fagan (2005). Human Rights. In *Internet Encyclopedia of Philosophy*. Retrieved on Feb 12, 2011 from <http://www.iep.utm.edu/hum-rts/>

¹⁷ Chapter II, Responsibilities and Duties of the Police. *Police Order, 2002*

¹⁸ Mayra Imran (April 07, 2011). Plan to table Bill in NA on National Commission for Human Rights. In *Daily The News International*.

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¹⁹ Govt of NWFP (2008). *Directory of the Industrial Establishments in NWFP*, 8th Ed: Peshawar. Directorate of Industries, Commerce, Labour, Mineral Dev. P-iii.

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²¹ Standing Order No. 13/2009.

²² Minutes of Meeting of the Standing Committee on Human Rights held on 5th May 2010 in Committee Room No. 07 of National Assembly, Islamabad

²³ The link to the official website of Pakistan Society of Criminology is www.pakistansocietyofcriminology.com/publications

²⁴ Court Order, 18/07/2010, Tariq Abbas, Judicial Magistrate IC-VII/MOD, Peshawar. Judicial Magistrate No. VII, Peshawar.

²⁵ Court Order, 20/07/2010, Mr. Ahtesham Alam Khan, Judicial Magistrate, Peshawar.

²⁶ *Report on New Data Collection System for Child Victims and Juvenile Offenders in Khyber Pakhtunkhwa*. (2009). Peshawar: Pakistan Society of Criminology. pp.5-7.

²⁷ Visit the following URL for the Data Collection Report on Child Abuse and Juvenile Offenders (2009).

http://www.pakistansocietyofcriminology.com/Admin/uploads/Report_Final_4_PDFbb.pdf

²⁸ Visit the official website of Juvenile Justice Working Group at www.jjwg.org

²⁹ For details of the project, visit Special Development Support Program (SDSP) for Khyber Pakhtunkhwa Police. Website, www.sdsp.gkp.gov

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