

**An Analysis of Existing Complaint Mechanism  
According to CRC  
(for juveniles inside three Correctional Facilities  
of the Punjab Province)**

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**Abstract**

A research study was carried out with a group of 700 juveniles and parents (300 juveniles and 400 parents). The sample was selected from District jail Lahore, Borstal Institute Faisalabad and Central jail Sahiwal to analyze the existing complaint mechanism for the juveniles. Chi square was used for statistical analysis. The result of the study indicates that due to imposed fear of the prison authorities' children and their parents do not have a chance to make their complaints properly. As a formality and in order to give a good / positive picture to the outer world written applications are placed in complaints of personally submitted to Superintendent Jail on his visit. There is still an element of fear among the juveniles which may be removed properly to address the grievances of this vulnerable group.

**Keywords:** Convention on the Rights of the Child, thematic perception test, Borstal Institute, complaint mechanism, official visitors

**Introduction**

Child protection has been a matter of great concern of the United Nations since the adoption of its Human Charter (Universal Human Rights Declaration) in 1948. Child care is equally important for juveniles under detention as the entire future of an individual depends upon his/her social attitude / discipline in the family much to the contrast of the life spent in jail. The entire future of mankind lies in his /her best social discipline in the family or the time spent in detention. This makes him/her perfectly useful member of community according to the values of society. It is the primary obligation of parents and care takers to treat children with motherly and fatherly touch of sincerity. The preamble and Article 2 of United Nation's Convention on the Rights of the Child (CRC) specifically recognizes the family care by parental inculcation, motivation and education to the child as it is the basis of his/her survival, development and future role in society. It is also very necessary for his / her protection and survival in community. Sound social environment in the family getting parental love and guidance with no punishment and least admonition provide profound opportunity for personality development of the child. This is also stressed in CRC as most important factor of child psychology. "Effective the motherly care and careful the fatherly motivation to the children the effective will be their social

adjustment for adoption of expected social roles in assigned status leading to desired adjustment." This hypothesis is true to its core universally. (Khan.M.M 2006 Ethical issues and juvenile treatment pp 14)

Therefore, the principles laid down in the CRC for role of parents in family or care-takers to raise children according to the norms of community. It is very true for obligations, performed by a family in Pakistan society, to develop a child normally to adopt assigned roles and status to fulfill family duties. This is a part of social policy under the constitution of Pakistan to protect the child. The same principles may be generalized for children under detention.

### *1.1 The Ratification of CRC by Pakistan*

The United Nations General Assembly unanimously adopted the Convention on the Rights of the Child (CRC) on 12<sup>th</sup> November 1989. It came into force on 2<sup>nd</sup> September 1990 with ratification by 20 nations. Pakistan also ratified.

### *1.2 The Fundamental Principles of CRC are:*

1. ...."a child means every human being below the age of 18 years".

"State parties shall respect and ensure the rights..... to each child

.....without discrimination".

A child may not be exposed to any torture, inhuman and degrading treatment or punishment, capital punishment or sentence like life imprisonment be strictly avoided without real possibility of release.

A child must be given opportunity of legal liberty and may not in any case be arrested or detained without lawful authority. Detention may also be considered as a last resort and in no case should a case be unnecessarily protracted.

Every child deprived of liberty may be treated with humanity and respect for the inherent dignity of the human person. In particular, every child deprived of liberty shall be kept separated from adult offenders. However, a child may be allowed to maintain contact with his or her family through correspondence and visits.

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.

A child in jail may be provided facility of an interpreter to properly communicate in his/her language in the legitimate process. This may help to resolve his case on time. To have the free assistance of an interpreter if the child cannot understand or speak the language used:

“The Juvenile Justice System Ordinance 2000” which was made operative on 1<sup>st</sup> July 2000 through official notification of the Federal Government, is a kind of uniform legislation meaning thereby equally applicable in all the Provinces / areas of the country.

The legislation of 2000 provides protection not only for the children in conflict with law but also for those juveniles who are victim of juvenile delinquency and other crimes. The Pakistan Juvenile Justice System Ordinance, 2000 in conjunction with the Juvenile Justice Rules 2002 is not only a regulatory but also a procedural law establishing institutions for prevention, detention, prosecution, adjudication, correction and after care of delinquent children.

In order to effectively control recidivism and to work on proper rehabilitation of juveniles efforts have been made to improve living standards and to develop/provide a sound social environment in the family or in the institutions, getting paternal love and guidance with no punishment and gratification of grievances that provide profound opportunity for personality development. The lack of parental care and supervision may lead to social mal-adjustment or sometimes to a cause of crime.

Based on what official statistics are available, Pakistan has been experiencing alarming trends of juvenile criminality (see Table 1).

Table: I (Total number of juvenile prisoners under different sections of law)

S.No	NAME OF CIRME	UNDER SECTION	UNDERTRIAL		CONVICTE D		CONDEMNED		JUVENILE BELOW 18 YEARS	
			Juvenile below 18 years		Juvenile below 18 years		Juvenile below 18 years			
			M	F	M	F	M	F	M	F
1.	Murder	302 PPC	299	0	74	0	0	0	373	0
2.	Death by negligence	303/304/308/312/319/322 PPC	1	0	26	0	0	0	27	0
3.	Attempt to murder / Suicide	324/325 PPC	94	0	10	0	0	0	104	0
4.	Thug/ Exposure of Child / Concealment of Birth	327/328/329 PPC	0	0	0	0	0	0	0	0
5.	Itlaf-i-udw	34/336 PPC	7	0	1	0	0	0	8	0

	(incapacitation of limbs)									
6.	Causing hurt with/blunt/ sharp weapon	337 (A-C)PPC	76	0	1	0	0	0	77	0
7.	Isqat-i-hamal with consent / without consent/ janin(abortion)	338 (A-C)PPC	0	0	0	0	0	0	0	0
8.	Wrongful restraint/ confinement of person	341//342//343/345/346/347/348 PPC	1	0	0	0	0	0	1	0
9	Criminal Assault / violating modesty of women	352/358/354-A PPC	5	0	0	0	0	0	5	0
10.	Kidnapping & Abductions	363/364/365/365-A366/367/369 PPC	13	0	8	0	0	0	21	0
11.	Un-Natural offence	377 PPC12 Zina-Ord,79	81	0	21	0	0	0	102	0
12.	Rape & Zina-bil-Jabbar	375 PPC/10	71	0	14	0	0	0	85	0
13.	Theft	379/382/401/411 PPC	125	0	1	0	0	0	126	0
14.	Robbery / Decoity	392/394/395/396 PPC	110	0	3	0	0	0	113	0
15.	Criminal Assault / violence	427/448/452/453/506 PPC	14	0	0	0	0	0	14	0
16.	Cheating / Forgery/Fraud	406/409/417/420/430/477 PPC	13	0	0	0	0	0	13	0
17.	Lurking house Trespass	442/460 PC	1	0	0	0	0	0	1	0
18.	Wandering	55/109/CRPC	0	0	0	0	0	0	0	0
19.	Dishonestly received/ Stolen property	411/412/413/414 PPC	40	0	2	0	0	0	42	0
20.	Arms Ord/ 65 SIA Act. 1991	13/20/65/77/21/91	35	0	1	0	0	0	36	0
21.	Military Deserters	54/Cr.Pc.	0	0	0	0	0	0	0	0
22.	Bogus Bouncing of Cheque	489-F	0	0	0	0	0	0	0	0
23.	Emigration	17-22EO	4	0	0	0	0	0	4	0
24.	Gambling	4-GO 5/7/78 HO	1	0	0	0	0	0	1	0
25.	Maint.Pub. Ordinance1979	3/16 MPO	0	0	0	0	0	0	0	0
26.	Breach of Peace	107/151Cr. Pc	0	0	0	0	0	0	0	0
27	Railway Act	Railway Act	1	0	0	0	0	0	1	0
28.	Pakistan Army Act	59 PAA	0	0	0	0	0	0	0	0
29.	Foreigner Act, 1946	4/55/52 FA ii FA	0	0	0	0	0	0	0	0
30.	Anti Smuggling	Preven of Smug. Act.77	0	0	0	0	0	0	0	0
31.	Prohibition /Drug trafficking	3-4PEOH 9/c ANFA	118	0	17	0	0	0	135	0
32.	Prisoner Escape, Recapture & Sentence	221 PPC	0	0	0	0	0	0	0	0
33.	Custom Act.	Custom Act	0	0	0	0	0	0	0	0
34.	Lunatics	471 Us	0	0	0	0	0	0	0	0
35.	Miscellaneous	Miscellaneous	56	0	3	0	0	0	59	0
			<b>1166</b>	<b>0</b>	<b>182</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1348</b>	<b>0</b>

*Source: RD & WING NAPA Pakistan As on 10.4.2011*

The most common factors leading to juvenile crime in Punjab (according to a study conducted by R D & P wing of NAPA Lahore on causes of crime in 2005) are fragmentation of the family unit, the break down of traditional customs, lack of faith in future, peer pressures, experimentation, frustration, harsh attitude and lack of understanding towards child felt needs. Above table indicates that 299 children have committed murder and second highest crime type among juveniles is

drug trafficking. The above mentioned crime waves demand serious type of rehabilitation plan. Whatever may be the reason of crime a child who is under custody should be given due right to gratify basic Needs and prompt redresser of his grievances by listening their urgent felt needs.

The present study was an effort to examine whether a child under custody is being given the right to file a complaint to fulfill his or her basic needs.

## *2. The Need For Association Of Juveniles To Prison Staff To Put Up The Complaints Without Fear*

By far, the greatest amount of research has focused on liking, probably because it has always proved easier for investigation conducting short-term experiments to produce states of liking in strangers whom one has just met than to promote and observe loving relationship over long periods of time. Hence traditional studies have given us a good deal of knowledge about the factors that initially attract two people to each other (Berschied, 1985; Simpson & Harris, 1994). Caretaker's positive and non-threatening attitude is helpful to develop positive personality of a juvenile. Among the most important factor considered by social psychologists are the following:

i) Proximity. Wherever you live consider the friends you made when you first moved in. Chances are you became friendliest with those who lived geographically closest to you. In fact, this is one of the most firmly established findings in the interpersonal attraction literature: proximity leads to liking but the help of scientific inventions (e.g., chatting one can develop friendship while living far away).

ii) Mere exposure with unconditional positive regard to a person is often sufficient to produce attraction. Becoming familiar with a stimulus can evoke positive feelings; the positive feelings stemming from familiarity are then transferred to the stimulus itself. There are exceptions, though. In cases in which the initial interaction are strongly negative, repeated exposure is unlikely to cause us to like another person more; instead the more we are exposed to him or her, the more we may dislike such an individual (Zojonc, 1968; Bornstein & D' Agostino, 1992, 1994; Moreland & Beach, 1992; Kruglanski, Freud, & Bar Tal, 1996).

iii) We tend to like those who are similar to us. Discovering that others are similar in terms of attitudes, values, or traits promotes liking for them. Furthermore, the more similar others are the more we like them (Byrne, 1969; Lancaster, Royal, & Whiteside, 1995; McGaul et al. 1995; Glamman, Jones. & Rozelle, 1996). One reason similarity increase the likelihood of interpersonal attraction is that assumes that people with similar attitude will evaluate us positively (Condon & Crano, 1988). Because there is a strong reciprocity-of-liking effect (a tendency to like those who like us), knowing that someone evaluates us positively will promote attraction to that person. In addition, we assume that when we like someone else, that person likes us in return (Tagiuri, 1958; Metee & Aronson, 1974).

iv) Complementary Needs. We all know of exceptions to the rule that similarity is related to attraction. Some people seem totally mismatched in terms of personality, interests, and attitude, yet are clearly quite captivated with one another. Social psychologists have explained instances in which people are attracted to dissimilar others by considering the needs that their fellows fulfill. According to this reasoning, we may be attracted to people who fulfill the greatest number of need for us and who are similar to us. In case of juveniles care takers may not be in uniform so that rapport can easily be developed without the threat of uniforms.

The hypothesis that people are attracted to others who fulfill their needs – whatever may be the factors relating to liking, one must keep in mind that in case of juveniles, above mentioned factors also affect, but with more intensity.

A positive attitude can usually lead towards a long-term feeling of commitment to maintain the desired behavior. However, when a juvenile delinquent is placed in detention, he or she is usually in such a vicious spiral where few are ready to understand their unlawful behavior and only serve to perpetuate the negative consequences of being labeled as delinquent.

### *3. Legal Provision And Child Under Custody*

In Pakistan every person below 18 years in age is considered to still be a child. Any young person under the age of 18 cannot have any legal proceedings taken against them. A child is to be treated with special attention. Victim child must get attention and after police arrest a child

offender under new process as a rule of law with uniform approach is to be protected according to the Convention for the Rights of the Child primarily with parents' care. Article 5 of C.R.C opens with the sentence "States Parties shall respect the responsibilities, rights and duties of parents". As such new law recognizes it properly.

It is the right of a juvenile not to be stigmatized. His / her F.I.R. will be separated from adults relatives and co accused. Their challan (police report) will be submitted to Juveniles' Court separately for separate trial from adults. No news will be published about child's case. This was not the practice under Cr. P.C. 1898 as media covers every due process law case. The Dailies, Monthlies, Quarterlies will not publish any child offender's cases or their crime stories to save their status in society and to psychologically, maintain their mental health.

The CRC Article 40 [2-b] reads: "Child accused of offence shall have guarantee (vii) to have his / her privacy fully respected on all stages of the case". Only the juvenile justice law binds police and Juveniles' Court to adjudicate a child case in fixed time limits as an C.R.C. Article 40 [2-b (iii)] of C.R.C. reads, "Every accused child will have guarantee (iii) To have the matter determined without delay by a competent and impartial judicial body". This is the basic principle of the Juvenile Justice System Ordinance, 2000 promulgated in Pakistan.

Unfortunately, the police have not been following through with exercising alternative options to detention (one of the finding of a research study conducted by RD&P wing of NAPA Lahore in 2005). The 2005 study revealed that there was indiscriminate dismissal of 'under trials' (i.e., offenders who pending trial) because of the nature of the young persons' offence. The random release of 'under trials' persons from detention involving minor offences, especially for the children, is considered to represent a positive step in juvenile justice reform in Pakistan. Juveniles' Court should involve the police and also attempt to place the young person in the custody of their parent(s)/guardians' or to a Probation Officer, volunteer probation officer, who is qualified to assume responsibility for the young persons' care. All else failing, the child should be located in an institution where they can receive community treatment, rehabilitation and adjustment rather than incarcerate children in high cost prisons, also saving them from learning habitual criminality with new *modus operandi* there. These options are consistent with CRC Article 37(b), which reads: "The arrest, detention or imprisonment of a child shall be ..... as measure of last resort for

the shortest appropriate period of time". Such practices are also compliant with CRC Article 40(4-b) which reads: "A variety of dispositions, such as care guidance, supervision orders, counseling, probation, foster care, education and vocational training be alternates to institutionalization".

Based on these criteria, it can be seen that the juvenile justice legislation in Pakistan has similar provision to rehabilitate the child offenders to adjust them, as peaceful, useful and law abiding citizens. When a child is placed in custody it should be made possible to provide him all the due rights and privileges mentioned above. Another important issue which may be resolved properly is the right to file complaints to fulfill the young offenders' immediate needs.

#### *4. Right Of Child To File Complaints*

Filing a complaint can be an empowering experience for a young person as it provides them with a voice and offers them an opportunity to express their needs and/or concerns. The study undertaken for this article represents an attempt to understand the complaint system of prisons especially for juveniles. For this purpose 700 samples of parents and juveniles were selected with the help of purposive sampling technique. In the existing system there is already complaint mechanism which is in an operative condition functioning through *ex officio*, *non officio* visitors, through press and media and anonymous pseudonymous applications of the aggrieved. In order to understand the system some of the details are given below relating to the already prevailed system.

##### *4.1 Kinds of Visitors:*

i). Visitors of prisons shall be:-

- a). *ex-officio* officials and
- b). non-officials appointed by name

ii). The following officers and others, who the Government may from time to time so appoint, shall be *ex-officio* visitors of prisons situated within the areas under their charge, or within their jurisdiction:-

- (a) Commissioner of Division / Zila Nazim.
- (b) District & Sessions Judge.
- (c) (c). District Magistrate/DCO
- (d) (d). Deputy Inspector General of Police

- (e) Superintendent of Police
- (f) Director of Health Services/EDO (Health)
- (g) Director of Reclamation and Probation
- (h) Director of Agriculture/EDI (Agriculture)
- (i) Head of Department of Social Work, Psychology and Psychiatry of the University.
- (j) Administrator, Auqaf Department.
- (k) Director of industries.
- (l) Executive District Officer (Revenue)

#### *4.2 Visit by official visitors*

- i) Commissioners and Sessions Judges shall visit the prison at their headquarters at least once in three months.
- ii) District Magistrates shall visit the prisons situated in their jurisdictions at least once a month.

#### *4.3 Non-official visitors*

- i) A selection board under the chairmanship of the District Magistrate consisting of the local members of the National and Provincial Assemblies, Superintendent of Police, Superintendent of Prison and the Secretary of the Prisoners Aid Society shall be constituted for appointment of non-official visitors. Six months before the expiry of the term of non-official visitors, the Secretary will arrange for a meeting of the board and place before the members the proposed names. The selection board shall then make recommendations to the Provincial Government. Two names shall be sent for each vacancy of the non-official visitors.
- ii) The Minister for Prisons and the Home Secretary may also nominate any person, to be non-official visitor to any prison in the province on the basis of their personal information regarding his interest in the welfare of prisoners.
- iii) The most suitable persons to be appointed as non-official visitors are psychologists, social workers, doctors, men of letters, industrialists and philanthropists. Retired Government officials are also suitable for such appointment.

iv) For Women's Prison and at prisons where women prisoners are confined lady non-official visitors should be appointed from amongst prominent lady social workers and lady teachers of industrial homes.

## 5. DUTIES OF VISITORS

### 5.1 Official Visitors

i) Any official visitor may examine any book, paper and record in the prison, and may interview any prisoner confined therein.

ii) It shall be the duty of every official visitor to satisfy himself that the provisions of the Prisons Act 1894, and of all rules, regulations, orders and directions made or issued thereunder, are duly observed, and to hear and bring to notice any complaint or representation made by any prisoners.

### 5.2 General duties of all visitors

i) All visitors shall be afforded every facility for observing the state of the prison, and its management and shall be allowed access under proper regulations, to all parts of the prison, and to every prisoner.

(a) Inspect the barracks, cells, wards, workshop and other buildings of the prison generally and the food;

(b) Ascertain whether considerations of health, cleanliness, and security are attended to, whether proper management and discipline are maintained in every respect, and if any prisoner is illegally detained, or is detained for an undue length of time while awaiting trial;

(c) Hear, attend to all representations and petitions made by or on behalf of prisoners; and

(d) Direct if deemed advisable, that any such representation or petitions be forwarded to the Government.

### 5.3 Board of Visitors

Every four months not less than two ex-officio and one non-official visitor, of which one shall be the District Magistrate, shall constitute a Board and visit the prison. The District Magistrate shall be ex-officio

Chairman of the Board. The Board shall meet at the prison on a date to be fixed by the District Magistrate, and will inspect all buildings and prisoners, hear any complaint and petitions that may be preferred. Inspect the prisoners food and see that it is of food quality and properly cooked, inspect the punishment register and satisfy themselves that it is kept up-to-date.

#### *5.4 Punishing the prisoners for complaints made to visitors*

No prisoner shall be punished for any statement made by him to a visitor unless any enquiry made by a Magistrate results in a finding that it is false.

#### *5.5 Respect for visitors*

i) Due respect shall be paid to the official and non-official visitors and their requests for information shall be complied with readily.

ii) No visitor shall be allowed to go round the prison without the escort necessary for his personal safety, but on the demand of the visitor, the guard should withdraw out of hearing to permit private communication between the visitor and the prisoners.

#### *5.6 Copy of remarks to be sent to certain officers*

i) Every visitor shall, after he has completed his visit to the prison, record in the visitor's book the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make. There shall be only one visitor, book for both classes of visitors. This book shall on no account be removed from the prison premises.

ii) A copy of the remarks made by every visitor, together with the Superintendent's comments or the action taken by the Superintendent, shall be forwarded to the Inspector General and, in the case of remarks about the long detention of under trial prisoners, a copy of such remarks shall also be forwarded to the District Magistrate.

iii) Remarks by the visitors shall be treated as confidential and shall not be communicated to the prisoners or to anyone outside the prison. Visitors shall not give publicity to any remarks recorded by them in the visitor's book by publication in the press or otherwise.

iv) Every non-official visitor will, on the expiry of his term, submit to Government through the Inspector General a detailed report with suggestions for improvements in prison administration.

#### *5.7 Name of visitors to be displayed*

The Superintendent shall have a list hung up at the main gate giving the names of all prison visitors – official and non-official. Persons other than those authorized shall not be allowed to visit the prison.

#### *5.8 Existing Complaint Mechanism*

Any complaint which arises during custody, the inmate can make it to the:-

- i) Incharge Warder / Head Warder barrack/Cell/Ward
- ii) Chief Head Warder Incharge Chakkar
- iii) Assistant Superintendent Incharge barrack / cell / ward.
- iv) Deputy Superintendent at the time of evening lock-up.
- v) Superintendent Jail at the time of his weekly inspection.

or

In case of emergency, he can request to produce him before the Superintendent Jail in his office.

- vi) Visitor, at the time of visit.

#### *5.9 Disposal of complaints / Grievances*

Minor and petty issues which can be settled at lower level or mid Management are solved by concerned officials. For the more serious cases which can only be resolved at a higher management level, the case is referred to the Superintendent of the Jail for settlement. The official and non-official visitors, too, listen to the complaints but defer to the Superintendent to make the final decision on how best to resolve the issue at hand.

#### *5.10 Improvement Strategies*

The number of Board of Visitors has been changed to three officials and two Non-official visitor's who meet at the jail on a monthly basis to hear the grievances. The Board is comprised of the following:

- 1) District & Sessions Judge.

- 2) District Coordination Officer
- 3) Superintendent of Police
- 4) NOV' – i (non official visitor;1)
- 5) NOV' – ii (non official visitor 2)

### **Objectives Of The Study**

This study was carried out with the objective of analyzing the existing complaint mechanism for the juveniles confined in the jails in three jurisdictions. They included: DJ Lahore, B I Faisalabad, and CJ Sahiwal. The author wanted to examine to what extent juveniles are able to file complaints freely and without fear of repercussions.

### **Sample Population**

#### **Universe**

The study included a sample of 700 juveniles and their parents /guardians. Total number of juveniles was 300 whereas 400 parents were selected from District and Central Jails of the Province of Punjab Pakistan through purposive sampling technique. Sample was representative and adequate (Goode & Halt, 1978).

#### *Type of Sample*

In this present study a non-probability sampling was used as there was no way of estimating the probability that each element has of being included in the sample and no assurance that every element has of being included in the sample. The major advantages of non-probability sampling are “Convenience and economy”.

In non-probability sampling purposive sampling was used. The basic assumption behind this is that with good judgment and an appropriate strategy one can selectively pick the cases to be included in the sample and thus develop samples that are satisfactory in relation to one's need (Selltiz Wright Sman and Cook, 1974).

#### *Measures - Questionnaire*

In this research an open-ended questionnaire was constructed in such a manner that the language used was easy and simple to read and understand as the literacy rate in Pakistan is not as high as in many other

parts of the world. The questionnaire was in Urdu and information was limited to the written responses.

The questionnaire was initially pre-tested over a group of fifty respondents on the basis of which the questionnaire was pre-tested.

### Results

Analysis of the questionnaire data was done with the assistance of SPSS. In order to analyze the existing system of complaints inside the closed institution like prisons and keeping in mind the vulnerability of juvenile prisoners questionnaire was constructed in such away that true picture can be seen. Analysis of the data indicated that due to imposed fear of authorities inside the prisons 93 juveniles 225 parents indicated that their complaints are not attended whereas 144 juveniles and 102 parents did not have any knowledge how to file a complaint, let alone know that it was a legal option available to them (see Tables II and III).

Table – II (Visitors attended the problems. Not attended. Parents / Juveniles knowledge about the procedure).

	Visitors attended problem	Not attended	No knowledge	
Juvenile	63	93	144	300
Parents	73	225	102	400

Table – III Chi square analysis

Frequency	Columns	Rows
63.00	1.00	1.00
93.00	2.00	1.00
144.00	3.00	1.00
73.00	1.00	2.00
225.00	2.00	2.00
102.00	2.00	2.00

## Discussion

The Pakistan Prison Rules 1978 is applicable throughout the country for Superintendence and the management of the prisons. It obliges every Jail Superintendent to visit inside the jail on a daily basis. Since the premises of most jails constitute fairly large areas, every head of the institution has its own arrangements of daily visits to one sector adding thereby other portions of the jail. For example, the Superintendent of the jail is required to visit and inspect the entire institution. Similarly if inspection of convicted prisoners is in the schedule of the visit on a particular day, the condemned prisoners are also being visited as an additional arrangement. There is no restriction of the Superintendent to visit or not to visit any place inside the jail. They can visit and inspect any location within the institution without any advance notice. Similarly on any day, Superintendent can visit prison industry along with enclosures of females and juveniles or most probably the enclosures of the drug addicts. The Superintendent Jail has the responsibility to supervise and monitor the activities related to interview of the prisoners, their legal aspects and production mechanism in the courts. Finally, the Superintendent is also responsible to send patients to the hospital on the advice of medical officer or from any legal authority.

As is the case in most countries, the protocols for the supervision and operation of prisons in Pakistan are proscribed by formal legislation. During such visit normally every inmate of the jail is asked to make a question/Sawal either orally or through a written application. The Superintendent has the authority to address all the grievances at the spot or forward the same to the quarter concerned for early settlement of their grievances. The question before them or application submitted to them directly is one way of timely resolving the issues of the inmates while the other way is receiving applications from the courts asking for addressing the complaints of the inmates which are addressed through normal official procedures under Assistant Superintendents, Deputy and the Superintendent of Jail.

In spite of the formal protocols that are in place to ensure the protection and rights of juvenile offenders being held in prisons, the result of the study indicated that due to imposed fear of authorities most of them are unable to put up their complaints and are having very little chances to put up their complaints before the authorities.

Although there are formal opportunities such as the availability of complaint boxes, the Superintendent's visit, another representative who sits down in interviews shed to listen complaints on behalf of Superintendent the findings reveals that these options were either not known to the juvenile offender and/or they fearer punitive reactions should they file a complaint. This is represents a clear violation of their basic rights and is a grave violation of the national legislation and international agreements to which Pakistan is a signatory member. However, at times these transgressions are reported in the media and can/and do serve to raise public awareness as well as the courts which have been actively trying to enforce compliance of the laws and ensure the rights of juveniles are respected.

### **Recommendations:**

The juvenile justice system in Pakistan has been criticized by various international NGO's for violating various international agreements on the treatment of young offenders. However, as discussed, Pakistan has introduced a range of legislation and is a signatory of the CRC. However, one of the concerns that was examined in this article the fact that certain fundamental juvenile offenders rights are not supported or adhered too. In particular, the study showed that many juveniles And their parents/guardians do not have the access to filing any complaints they might.

Therefore, based on the review of current legislation and the survey following recommendations for reforms of administration and management of juvenile justice in Pakistan are given.

1. Certain complaints are registered in the existing system but it has also been found that the majority of the complaints have been found fallacious and served little purpose other than to disrupt the general operation and management of the institution. Hence, the current complaint system is in need of a complete overhaul through the replacement and reintroduction of more transparent complaint mechanism. The application directly addressed to Superintendent Jail must be addressed through concerned executive of jail who get scrutinized the application through their own sources and submit to the seniors, the factual position after going through sorts of transparency.

2. The results showed that children who are held in detention have developed unknown fear among themselves to register their complaints, which is required to be removed at first priority with positive

attitude of the prisoners. Therefore, it is recommended that to ensure that young offenders become aware of their rights it is necessary to provide educational information that is readily accessible to children being held in detention. In addition, individual counseling and confidence building sessions by the prison officers / officials should also be introduced to help minimize any stress resulting from their incarceration. The Superintendent must focus on this aspect to ensure the safety and freedom of the juveniles so that they can file complaints without fear of being subjected to negative consequences. Therefore, the Superintendent should ensure that their subordinates comply with enforcing the legislation and follow the proscribed rules and rights of juveniles. This can, for example, be done through the use of more unannounced visits to the institution.

4) In regards to the mandatory supervisory visits of ex-officio visitors / non-official visitors their observations should be officially recorded and highlighted when it pertains to a complaint filed by the youth. This practice should become part of the regular complaints mechanism.

5) Obtaining an honest confession from juvenile inmates is always a daunting task. Therefore, a safe environment should be provided to every juvenile inmate so that they can share their story and help to ensure that their needs are properly addressed. Once the juvenile's testimony is officially recorded the report should be addressed by the Superintendent of the jail within a timely manner.

6) It has been noted that visitors usually write positive remarks in the 'Visitors Book' to appease the local administration for their own interest. Effort need to be made to enable and allow visitors to enter their remarks in confidence and these remarks should be monitored by the head of department, and the heads of their Home Department and NAPA.

Finally, Pakistan is a country whose juvenile justice system is in transition and is confronted with a number of social, economic, ideological, and political challenges.

However, as reflected in this article and based on the recommendations, there is

hope that the country can and will move towards a more humane juvenile justice system.

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